
SCOTTISH STATUTORY INSTRUMENTS

2010 No. 419

The Sheep Scab (Scotland) Order 2010

PART 3

CLEARANCE OF SHEEP FROM COMMON LAND

Clearance notices

8.—(1) If an inspector knows or suspects that there are on common land sheep which have sheep scab, the inspector may publish a notice requiring all persons keeping sheep on the land specified in the notice to move those sheep off that land before the date specified in the notice.

(2) A notice under this article—

- (a) must be publicised in such way as the inspector considers appropriate in order to draw it to the attention of persons affected by it;
- (b) may require that the sheep be treated; and
- (c) may provide that, at least 48 hours before any treatment for sheep scab is carried out, the owner or (if different) the keeper of the sheep must notify the inspector of the time and place that the treatment will be carried out.

Movement of sheep after date specified in the notice

9.—(1) A person must not move sheep onto land specified in a clearance notice for 3 days from the date specified in the notice.

(2) A person must not move sheep onto land specified in a clearance notice after the expiry of 3 days but before the expiry of 3 months from the date specified in the notice unless—

- (a) the sheep have been treated;
- (b) the person moving the sheep onto the land has given the following information to the local authority in writing—
 - (i) confirmation that the sheep have been treated;
 - (ii) the number of sheep that have been treated;
 - (iii) the date or dates of the treatment; and
 - (iv) the product used; and
- (c) the local authority has authorised in writing the movement of those sheep onto the land.

(3) A local authority must not authorise the movement of sheep in accordance with this article unless—

- (a) it has received the information detailed in paragraph (2)(b); and
- (b) if the movement is within 16 days of the date on which the land was cleared, it is satisfied that the sheep have been treated in such a way that they will not be infested or reinfested with psoroptic or sarcoptic mites remaining on the land.

Seizure of sheep by local authority

- 10.**—(1) A local authority may seize and detain—
- (a) any sheep which are found on land specified in a clearance notice while that notice is in force and which have not been authorised to go onto that land by the local authority; and
 - (b) any affected sheep living in the local authority area where the owner cannot immediately be identified.
- (2) Where sheep are seized and detained under paragraph (1), the owner of the sheep may take possession of the sheep if, within 7 days following seizure, that person—
- (a) establishes his or her right of ownership of the sheep; and
 - (b) pays to the local authority the expenses incurred in seizing and detaining the sheep.
- (3) In the event that no person has claimed possession of the sheep within 7 days of seizure, the local authority may—
- (a) treat and sell the sheep; or
 - (b) cause the sheep to be slaughtered and sell the carcase.
- (4) Where a local authority exercises an option under paragraph (3), it must—
- (a) deduct expenses incurred from the proceeds of sale; and
 - (b) retain any sums remaining for payment to any person who can establish that the sheep belonged to him or her.