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SCOTTISH STATUTORY INSTRUMENTS

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**2010 No. 419**

**The Sheep Scab (Scotland) Order 2010**

**PART 4**

**GENERAL**

**Slaughter of affected sheep**

- 11.** When affected sheep are to be slaughtered—
- (a) the person transporting them must transport them—
    - (i) directly to a slaughterhouse; and
    - (ii) separately from other sheep; and
  - (b) the occupier of the slaughterhouse must ensure that the sheep are slaughtered as soon as possible (and in any event no later than 72 hours) after their arrival at the slaughterhouse.

**Marking of sheep**

- 12.—**(1) An inspector may, for the purposes of identification, mark any sheep or carcase when exercising powers under this Order.
- (2) If so required in writing by an inspector, the owner or (if different) the keeper of sheep kept on any premises must mark such sheep in the manner required by the inspector.
- (3) A person must not alter, remove, obliterate, deface or otherwise interfere with any mark or identification applied in accordance with paragraph (1) or (2).

**Cleansing of premises**

**13.** Where within the previous 16 days there have been on premises any affected sheep or affected carcasses, an inspector may serve a notice on the owner or (if different) the occupier of the premises requiring that person to cleanse—

- (a) those parts of the premises as may be specified in the notice; and
- (b) any machine, equipment, pen, hurdle, sack, or any other thing used for, or in connection with, the affected sheep or affected carcase,

by such date as may be specified in the notice.

**Inspectors' powers**

**14.—**(1) An inspector may, on producing a duly authenticated authorisation if required to do so, enter any premises (excluding any premises used only as a private dwellinghouse) at any reasonable hour for the purpose of ensuring that the provisions of this Order are being complied with.

- (2) The inspector may—
- (a) be accompanied by such other persons as the inspector considers necessary;

- (b) inspect the premises and any plant, machinery or equipment;
- (c) inspect or examine any animal or thing;
- (d) take samples;
- (e) seize and destroy anything that may spread sheep scab;
- (f) detain or isolate any animal or thing; and
- (g) carry out any enquiry, examinations and tests.

(3) An inspector may issue, amend, suspend and revoke licences and notices in the execution of this Order.

### **Inspectors' powers in cases of default**

**15.**—(1) Where a person fails to comply with a requirement of this Order, a licence issued or notice given under it, an inspector may take any steps which the inspector considers necessary—

- (a) to ensure the requirement is met; or
- (b) to rectify the situation so as to prevent the spread of sheep scab.

(2) The person in default must reimburse any reasonable expenses incurred by the local authority or the Scottish Ministers in taking such steps.

### **Offences by bodies corporate**

**16.**—(1) Where an offence under the Animal Health Act 1981(1) is committed—

- (a) by a body corporate or a Scottish partnership or other unincorporated association;
- (b) it is proved that the offence was committed with the consent or connivance of, or was attributable to any neglect on the part of—
  - (i) a relevant individual; or
  - (ii) an individual purporting to act in the capacity of a relevant individual,

the individual as well as the offender is guilty of the offence and is liable to be proceeded against and punished accordingly.

(2) In paragraph (1), “relevant individual” means—

- (a) in relation to a body corporate—
  - (i) a director, manager, secretary or other similar officer of the body;
  - (ii) where the affairs of the body are managed by its members, the members;
- (b) in relation to a Scottish partnership, a partner; or
- (c) in relation to an unincorporated association other than a Scottish partnership, a person who is concerned in the management or control of the association.

### **Enforcement**

**17.**—(1) Subject to paragraph (2), this Order is enforced by the local authority.

(2) The Scottish Ministers may, in relation to particular cases or cases of a particular description, as they may direct, enforce this Order in place of the local authority.

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(1) 1981 c.22.

### **Reasonable assistance**

18. Any person required to give reasonable assistance or information to a person acting in the execution of this Order for the performance of the latter person's functions under it, must do so without delay.

### **False information**

19. A person must not furnish information which that person knows to be false or misleading to a person acting in the execution of this Order.

### **Revocation**

20. The Sheep Scab Order 1997(2) is revoked.

### **Transitional provisions**

21. Notwithstanding article 20 (revocation), the Sheep Scab Order 1997 continues to have effect in relation to—

- (a) notices published under article 3 of that Order;
- (b) authorisations granted under article 4 of that Order;
- (c) sheep seized and detained under article 5 of that Order; and
- (d) notices served or licences granted by an inspector under that Order,

where the relevant act or omission occurred prior to the coming into force of this Order.