
SCOTTISH STATUTORY INSTRUMENTS

2012 No. 178

The African Horse Sickness (Scotland) Order 2012

PART 3

Suspicion and confirmation of African horse sickness

Scope of Part 3

6. This Part does not apply in relation to slaughterhouses or non-captive horses.

Initial controls following notification

7.—(1) This article applies where—

- (a) the authorised veterinary inspector receives a notification under article 5; and
- (b) a veterinary inspector considers that further investigation relating to the possible presence of African horse sickness virus is necessary.

(2) The veterinary inspector must inform (orally or otherwise) the person who gave the notification and, if different, the main occupier of the premises where the notified horse or carcase (as the case may be) is located, that further investigation is necessary.

(3) Where that person has, or those persons have, been so informed, the controls in paragraph (7) apply in relation to the premises where the notified horse or carcase (as the case may be) is located.

(4) Where those premises are not the premises where the notified horse is normally kept or, in the case of a notified carcase, the horse before it died was normally kept, the veterinary inspector may also inform (orally or otherwise) the main occupier of those other premises that further investigation is necessary.

(5) Where that main occupier has been so informed, the controls in paragraph (7), other than in sub-paragraph (a)(i), apply in relation to those other premises.

(6) The veterinary inspector—

- (a) must go to the premises where the notified horse or carcase is located and examine that horse or carcase and may examine any other horse or carcase there; and
- (b) where paragraph (4) applies, may go to those other premises and examine any horse or carcase there.

(7) The controls are that—

- (a) no person may move—
 - (i) the notified horse or carcase from the premises where it is located;
 - (ii) any equipment or genetic material from the premises; or
 - (iii) any other horse or carcase from or to the premises, except that any horse normally kept at the premises may return there; and
- (b) if required by the veterinary inspector and to the extent that it is practicable to do so, the main occupier must ensure that—

- (i) all horses are moved away from any part of the premises where vectors are likely to be present; and
 - (ii) areas which may be breeding grounds for vectors are identified and any available vector control measures directed by the veterinary inspector are implemented.
- (8) The controls imposed under this article continue to apply until—
- (a) the veterinary inspector confirms (orally or otherwise) to any occupier of the premises that the presence of African horse sickness virus on the premises is not suspected; or
 - (b) the premises become suspect premises⁽¹⁾.

Imposing measures on suspicion of disease

8.—(1) This article applies where the veterinary inspector suspects that a horse or carcase that is or has been infected with African horse sickness virus is or has been on any premises (whether following a notification under article 5 or otherwise).

(2) The veterinary inspector must serve a notice on the main occupier designating those premises as suspect premises, at which point the measures in the Schedule have effect⁽²⁾.

(3) Such a notice served in relation to contact premises must specify that the premises are contact premises.

(4) A notice served under paragraph (2) may require the main occupier to erect and maintain such signs on the premises as may be required by the veterinary inspector.

(5) Where a notice has been served under paragraph (2), the veterinary inspector must—

- (a) as far as is reasonably practicable, assess places on the premises likely to facilitate the survival of the vectors, or to accommodate them, and the practicality of using appropriate vector control measures in such places; and
- (b) begin an epidemiological inquiry to try to establish at least—
 - (i) the length of time that African horse sickness virus may have existed in horses on the premises;
 - (ii) the origin of that virus;
 - (iii) the identification of other premises on which there are horses which may have become infected;
 - (iv) the presence and distribution of vectors;
 - (v) the movement of any horse to or from the premises or any carcasses removed from them; and
 - (vi) the possibility that non-captive horses may be involved in the spread of the virus,
 and continue the inquiry until these matters have been established so far as is practicable or the possible presence of African horse sickness virus has been discounted.

Measures following suspicion – premises other than contact premises

9.—(1) This article applies where premises, other than contact premises, are designated as suspect premises.

(2) The veterinary inspector must take all reasonable steps to establish whether or not African horse sickness virus is present.

(1) At which point other measures have effect: see article 8(2).

(2) See also the power of the Scottish Ministers under article 17 to declare a temporary control zone.

(3) For the purposes of paragraph (2), the veterinary inspector may, if the Chief Veterinary Officer considers it necessary, take and have tested either or both—

- (a) samples from any horse or carcase that is, or has been, on the premises; and
- (b) environmental samples from the premises.

(4) If the Chief Veterinary Officer is satisfied following the steps referred to in paragraph (2) that it is no longer appropriate for the premises to remain designated as suspect premises, the veterinary inspector must revoke the notice served under article 8(2).

(5) Where that notice is revoked, the measures in the Schedule, except paragraph 1(4)(a), cease to have effect.

(6) If the Chief Veterinary Officer is satisfied as a result of tests under this article that there are seropositive horses on the premises, the veterinary inspector must continue to monitor as appropriate horses on the premises and may take and have tested further samples.

(7) Paragraph (8) applies where the Chief Veterinary Officer is satisfied as a result of any test carried out under this article or any clinical signs in any horse on the premises that African horse sickness virus is present in a horse or carcase or on the premises.

(8) Where this paragraph applies, the veterinary inspector must serve a notice on the main occupier declaring the premises to be infected premises(3).

(9) Where a notice has been served under paragraph (8), the measures in the Schedule continue to have effect.

(10) A notice served under paragraph (8) may require the main occupier to erect and maintain such signs on the premises as may be required by the veterinary inspector.

(11) If the Chief Veterinary Officer considers it necessary to reduce the risk of spread of African horse sickness virus, the notice served under paragraph (8) may require measures additional to those in the Schedule and paragraph (10).

Measures following suspicion – contact premises

10.—(1) This article applies where contact premises are designated as suspect premises.

(2) If no horse on the premises shows clinical signs of African horse sickness the veterinary inspector—

- (a) must monitor as appropriate all horses on the premises until the end of the relevant period; and
- (b) may take and have tested samples from any horse or carcase on the premises.

(3) If any horse on the premises shows clinical signs of African horse sickness during the relevant period, the veterinary inspector—

- (a) must take and have tested samples from it; and
- (b) may take and have tested samples from any other horse or carcase on the premises.

(4) If no horse on the premises has shown clinical signs of African horse sickness at any time during the relevant period and the Chief Veterinary Officer is satisfied following any tests under this article that it is no longer appropriate for the premises to remain designated as suspect premises, the veterinary inspector must revoke the notice served under article 8(2).

(5) Where that notice is revoked, the measures in the Schedule, except paragraph 1(4)(a), cease to have effect.

(6) Paragraph (7) applies where the Chief Veterinary Officer is satisfied as a result of any—

(3) See also the power of the Scottish Ministers under article 18 to declare a control zone, protection zone and surveillance zone.

- (a) test carried out under this article;
- (b) clinical signs in any horse on the premises; or
- (c) epidemiological connection to infected premises,

that African horse sickness virus is present in a horse or carcass or otherwise on the premises.

(7) Where this paragraph applies, the veterinary inspector must serve a notice on the main occupier declaring the premises to be infected premises.

(8) Where a notice has been served under paragraph (7), the measures in the Schedule continue to have effect.

(9) The notice served under paragraph (7) may require the main occupier to erect and maintain such signs on the premises as may be required by the veterinary inspector.

(10) If the Chief Veterinary Officer considers it necessary to reduce the risk of spread of African horse sickness virus, the notice may require measures additional to those in the Schedule and paragraph (9).

(11) In this article, “the relevant period” is the period determined by the Chief Veterinary Officer to be necessary for establishing whether or not African horse sickness is present in a horse or carcass on the premises.

Powers to prevent horses from being brought onto other premises

11.—(1) This article applies where—

- (a) premises are infected premises; and
- (b) the Chief Veterinary Officer considers that due to the risk of African horse sickness virus spreading it is appropriate to prevent horses from being brought onto other premises.

(2) A veterinary inspector may serve a notice on the main occupier of those other premises imposing the prohibition in paragraph (3).

(3) The prohibition is that no person may move any horse onto the premises for such period as may be specified in the notice, except under the authority of a licence granted by the veterinary inspector.

(4) The notice served under paragraph (2) may require the main occupier to erect and maintain such signs on the premises as may be required by the veterinary inspector.

(5) The veterinary inspector must revoke any notice served under paragraph (2) if satisfied, having regard to the epidemiological risk, that the prohibition is no longer necessary to reduce the risk of the spread of African horse sickness virus.

Killing horses on suspect premises and infected premises and disposal of carcasses

12.—(1) The Scottish Ministers may arrange for the killing of any horse on suspect premises which is infected with African horse sickness virus or which presents clinical signs of African horse sickness.

(2) The Scottish Ministers must arrange for the killing of all horses on infected premises which are infected with African horse sickness virus or which present clinical signs of African horse sickness.

(3) If any horse is killed under paragraph (1) or (2) the Scottish Ministers—

- (a) must arrange for the disposal of its carcass; and
- (b) in relation to the carcass of any other horse that has died on those premises from African horse sickness, may—
 - (i) arrange for its disposal; or

(ii) require the owner to arrange for its disposal.

(4) The owner must ensure that any such disposal is carried out in such a way as to avoid the risk of spread of African horse sickness virus.

Revocation of notices declaring premises to be infected premises

13.—(1) The veterinary inspector must not revoke a notice declaring premises to be infected premises unless the Chief Veterinary Officer is satisfied that there is minimal risk of further infection from those premises.

(2) If not earlier revoked by the veterinary inspector, a notice declaring premises to be infected premises is revoked when the premises to which the notice relates cease to be within any zone declared under Part 6.

(3) Where a notice declaring premises to be infected premises is revoked by the veterinary inspector or by virtue of paragraph (2), the measures in the Schedule, except paragraph 1(4)(a), cease to have effect.