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SCOTTISH STATUTORY INSTRUMENTS

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**2012 No. 184**

**ANIMALS**

**ANIMAL HEALTH**

**The Bluetongue (Scotland) Amendment Order 2012**

<i>Made</i>	- - - -	<i>31st May 2012</i>
<i>Laid before the Scottish Parliament</i>	- - - -	<i>6th June 2012</i>
<i>Coming into force</i>	- -	<i>5th June 2012</i>

The Scottish Ministers make the following Order in exercise of the powers conferred by paragraph 1A of Schedule 2 to the European Communities Act 1972(1), section 72 of the Animal Health Act 1981(2), and all other powers enabling them to do so.

This Order makes provision for a purpose mentioned in section 2(2) of the European Communities Act 1972(3) and it appears to the Scottish Ministers that it is expedient for the reference to the EU instrument referred to in article 2 to be a reference to that instrument as amended from time to time.

**Citation and commencement**

1. This Order may be cited as the Bluetongue (Scotland) Amendment Order 2012 and comes into force on 5th June 2012.

**Amendment of the Bluetongue (Scotland) Order 2008**

2. For article 8 (reporting requirement under bluetongue surveillance programmes) of the Bluetongue (Scotland) Order 2008(4) substitute—

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(1) 1972 c.68. Paragraph 1A of Schedule 2 was inserted by section 28 of the Legislative and Regulatory Reform Act 2006 (c.51).  
(2) 1981 c.22. Power to make orders under this section was originally conferred on “the Minister”, as defined in section 86(1) of the Act. The functions of the Minister were, insofar as within devolved competence, transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46).  
(3) 1972 c.68. Section 2(2) was amended by the Scotland Act 1998 (c.46) (“the 1998 Act”), Schedule 8, paragraph 15(3) (which was amended by section 27(4) of the Legislative and Regulatory Reform Act 2006 (c.51) (“the 2006 Act”). Section 2(2) was also amended by section 27(1)(a) of the 2006 Act and by the European Union (Amendment) Act 2008 (c.7), Schedule, Part 1.  
(4) S.S.I. 2008/11 as amended by S.S.I. 2008/234 and S.S.I. 2008/327.

**“Reporting requirement under bluetongue surveillance programmes**

**8.** It is an offence against the Animal Health Act 1981 for the owner or keeper of an animal, or a veterinarian, not to promptly report any suspicion of bluetongue in accordance with point 2.1 of Annex 1 to the Commission Regulation(5).”.

St Andrew’s House,  
Edinburgh  
31st May 2012

*RICHARD LOCHHEAD*  
A member of the Scottish Executive

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(5) OJ No L 283, 27.10.2007, p.37, as last amended by Commission Implementing Regulation (EU) No 456/2012 (OJ No L 141, 31.05.2012, p.7).

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

The Bluetongue (Scotland) Order 2008 transposes Council Directive [2000/75/EC](#) (“the Bluetongue Directive”) of 20th November 2000 laying down specific provisions for the control and eradication of bluetongue (OJ No L 327, 22.12.2000, p.74), and implements Commission Regulation (EC) No. 1266/2007 of 26th October 2007 on implementing rules for Council Directive [2000/75/EC](#) as regards the control, monitoring, surveillance and restrictions on movements of certain animals of susceptible species in relation to bluetongue (OJ No L 283, 27.10.2007, p.37).

Article 8 of the principal Order makes it an offence against the Animal Health Act 1981 for a person to fail to report any suspicion of bluetongue in accordance with the first indent of point 2.1 of Annex 1 to the Commission Regulation. In consequence of the amendment of the Commission Regulation by Commission Implementing Regulation (EU) No. 456/2012 (OJ No L 141, 31.05.2012, p.7, the obligation to report any suspicion of bluetongue is now contained in point 2.1 of Annex 1 to the Commission Regulation rather than the first indent of that point. Article 2 of this Order substitutes a new article 8 of the principal Order containing the correct reference.