
SCOTTISH STATUTORY INSTRUMENTS

2023 No. 93

The Tuberculosis (Scotland) Order 2023

PART 1

Introductory provisions

Citation, commencement and extent

1.—(1) This Order may be cited as the Tuberculosis (Scotland) Order 2023 and comes into force on 18 May 2023.

(2) This Order extends to Scotland only.

Interpretation

2.—(1) In this Order—

“the Act” means the Animal Health Act 1981,

“affected animal” means a bovine animal which is a reactor, or which is—

- (a) affected with tuberculosis of the udder,
- (b) giving tuberculous milk,
- (c) affected with tuberculous emaciation,
- (d) excreting or discharging tuberculous material,
- (e) affected with a chronic cough,
- (f) showing any other clinical signs of tuberculosis,

“approved veterinary surgeon” means a veterinary surgeon approved in accordance with article 3,

“bovine animal” means domestic cattle of the genus *Bos*, *Bubalis bubalis* or *Bison bison*,

“inconclusive reactor” means a bovine animal whose results from a diagnostic test for tuberculosis reveal a non-negative reading, but which is not a reactor,

“isolation” means an affected animal or suspected animal is kept on premises or part of premises where—

- (a) no space, drainage or manure storage is shared with bovine animals (other than other affected or suspected bovine animals) or other animals kept on the premises,
- (b) no nose-to-nose contact is possible with bovine animals (other than other affected or suspected bovine animals) kept on the premises or adjoining premises, or other animals kept on the premises or adjoining premises, and
- (c) where kept inside a building, the affected animals or suspected animals are also separated by an airtight barrier from bovine animals (other than other affected or suspected bovine animals) and other animals kept inside the building,

“market value” means the price which might reasonably be obtained for the bovine animal at the time of valuation from a purchaser in the open market if the animal is not an affected animal or a suspected animal,

“milk” includes cream and separated or skimmed milk,

“premises” includes land, with or without buildings,

“reactor” means a bovine animal that produces a test result consistent with its being affected with tuberculosis when a diagnostic test for that disease is applied to it,

“suspected animal” means a bovine animal suspected of being affected with tuberculosis, and includes an inconclusive reactor,

“tuberculosis” means infection with *Mycobacterium bovis* (*M. bovis*),

“veterinary surgeon” means a veterinary surgeon or veterinary practitioner registered under the Veterinary Surgeons Act 1966(1).

(2) A reference in this Order to anything done in writing or produced in written form includes a reference to an electronic communication, as defined in section 15(1) of the Electronic Communications Act 2000(2) which has been recorded and is consequently capable of being reproduced.

Approval of veterinary surgeons

3.—(1) The Scottish Ministers may approve any veterinary surgeon whom they consider competent to apply and read diagnostic tests for tuberculosis.

(2) For the purpose of deciding whether to grant an approval under this article, the Scottish Ministers may require a veterinary surgeon to complete such training as they consider necessary.

(3) The Scottish Ministers may by notice given to the veterinary surgeon revoke an approval granted under this article, giving reasons for the revocation.

Extension of definition of “disease” and power to slaughter on account of tuberculosis

4. For the purposes of the Act, the definition of “disease” in section 88(1) of the Act (meaning of “disease”) is extended to include tuberculosis and section 32 of the Act (slaughter in other diseases) applies to that disease.

(1) 1966 c. 36.

(2) 2000 c. 7; section 15(1) was amended by the Communications Act 2003 (c. 21), schedule 17, paragraph 158.