

ANIMAL HEALTH AND WELFARE (SCOTLAND) ACT 2006

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 1 – Animal Health

Section 2 – Slaughter of treated animals

11. **Section 2** inserts section 16B into the 1981 Act and makes provision for animals (meaning any mammals except man) and birds which have been treated with vaccine or serum (or both) to prevent the spread of disease to be slaughtered for the purposes of securing (or helping to secure) disease free status. In this context, disease free status means recognition under Community law or any other international rules (such as those of the Office International des Epizootics) that the animals or birds of a particular class in a specified area are not infected by a particular disease or class of disease.
12. Subsection (1) extends the power of slaughter of animals or birds treated with a serum or vaccine to prevent the spread of the diseases listed in that subsection. “Animal” in this subsection means any mammal (except man).
13. Subsection (2) gives the Scottish Ministers the power, by order, to specify other diseases of animals (as defined by section 87 of the 1981 Act) to which this section will apply. The power of slaughter will however apply to any animal or bird treated to prevent the spread of that disease and in this context animal will mean any mammal (except man). The procedural formalities for such orders are set out in subsections (8) to (12). Briefly, such an order requires to be laid and approved by a resolution of the Scottish Parliament within 28 days of being made, failing which it ceases to have effect. Periods when the Parliament is dissolved or in recess for more than 4 days do not count towards the 28 day period. An order made under subsection (2) must refer to the circumstances giving rise to the need for that order.
14. Subsection (5) requires Scottish Ministers to pay compensation for any animal slaughtered under this section (animal being as defined by section 87 of the 1981 Act), whilst subsection (6) allows different provision as to compensation to be made for different cases or classes of case. The existing powers of the 1981 Act could be used, if it was considered to be appropriate, to provide for the payment of compensation for other animals or birds slaughtered under the exercise of this slaughter power. An order made under subsection (5) is subject to negative resolution of the Scottish Parliament.