



Animal Health and Welfare (Scotland) Act 2006

2006 asp 11

PART 1

ANIMAL HEALTH

Powers of slaughter

2 Slaughter of treated animals

After section 16A of the 1981 Act there is inserted—

“16B Slaughter of treated animals: Scotland

- (1) Subsection (4) applies to any animal or bird which has been treated with serum or vaccine (or both) for the purpose of preventing the spread of—
 - (a) cattle plague;
 - (b) pleuro-pneumonia;
 - (c) foot-and-mouth disease;
 - (d) swine-fever; or
 - (e) diseases of poultry.
- (2) Subsection (4) also applies to any animal or bird which has been treated with serum or vaccine (or both) for the purpose of preventing the spread of such other disease of animals as the Scottish Ministers may by order specify.
- (3) The references in subsections (1) and (2) to any animal which has been treated mean any kind of mammal (except man); and the power conferred by subsection (4) is exercisable accordingly.
- (4) The Scottish Ministers may, for the purpose of securing (or contributing to the securing of) disease-free status, cause to be slaughtered any animal or bird to which this subsection applies.

- (5) The Scottish Ministers must pay compensation, of such amount as they may prescribe by order, in respect of any animals—
- (a) slaughtered under subsection (4); and
 - (b) of a kind to which the power of slaughter under that subsection would relate if subsection (3) were omitted.
- (6) An order under subsection (5) may make different provision for different cases or classes of case.
- (7) An order under subsection (5) is subject to annulment in pursuance of a resolution of the Scottish Parliament.
- (8) An order made under subsection (2)—
- (a) is to be laid before the Scottish Parliament; and
 - (b) ceases to have effect at the expiry of a period of 28 days beginning with the date on which it was made unless, before the expiry of that period, the order has been approved by a resolution of the Parliament.
- (9) However, paragraph (b) of subsection (8) does not apply in relation to an order which—
- (a) revokes (wholly or partly) a previous order; and
 - (b) does nothing else, or nothing else except make provision incidental or supplementary to the revocation.
- (10) In reckoning for the purposes of subsection (8)(b) any period of 28 days, no account is to be taken of any period during which the Scottish Parliament is—
- (a) dissolved; or
 - (b) in recess for more than 4 days.
- (11) Subsection (8)(b) is without prejudice to anything previously done by reference to an order made under subsection (2) or to the making of a new order under that subsection.
- (12) An order under subsection (2) must refer to the circumstances in relation to which the order is made.
- (13) In subsection (2), “disease” is not restricted by its definition in this Act.
- (14) In subsection (4), “disease-free status” means recognition in accordance with any rule of the European Community or any other international rule that in a particular area no animals or birds of a particular class are infected by a particular disease or class of disease.”.