



Animal Health and Welfare (Scotland) Act 2006 2006 asp 11

PART 1

ANIMAL HEALTH

Prevention of the spread of disease

4 Biosecurity codes

After section 6B of the 1981 Act there is inserted—

“6C Biosecurity codes: Scotland

- (1) The Scottish Ministers may make an order containing a code (referred to in this section and section 6D as a “biosecurity code”) which makes provision for the taking of, and in relation to, the measures specified in subsection (2).
- (2) Those are measures (“biosecurity measures”) for preventing—
 - (a) diseases of animals;
 - (b) the spread of causative agents of diseases of animals—
 - (i) among animals, birds or amphibians;
 - (ii) between any of those categories of creature and another of those categories; or
 - (iii) from any of those categories of creature to humans.
- (3) In subsection (2)(b), “causative agent”, in relation to a disease, includes any virus, bacterium and any other organism or infectious substance which may cause or transmit the disease.
- (4) A biosecurity code may relate solely to one, or more than one—
 - (a) kind of creature; or
 - (b) disease.

- (5) A biosecurity code may include guidance as to the best practicable means of taking biosecurity measures.
- (6) A biosecurity code may—
- (a) prescribe general requirements to which persons to whom the code applies are subject;
 - (b) prescribe particular requirements to which such persons are, in such circumstances as are specified in the code, subject; and
 - (c) specify circumstances in which any person is to be regarded for the purposes of this section as complying with, or (as the case may be) not complying with, any requirements prescribed under paragraphs (a) or (b).
- (7) A biosecurity code may make different provision for different cases or classes of case.
- (8) A biosecurity code applies, to the extent provided for in the code, to any person who owns, keeps or is in charge of any creature of a kind to which the code relates.
- (9) A person must, to the extent to which a biosecurity code applies to the person, comply with the code.
- (10) A person who is subject to a requirement prescribed under subsection (6)(a) or (b) commits an offence if, without lawful authority or excuse (proof of which lies on the person), that person fails to comply with the requirement.
- (11) Before making an order under subsection (1), the Scottish Ministers must consult such persons as they consider appropriate about the proposed biosecurity code.
- (12) A statutory instrument containing an order under subsection (1) is not made unless a draft of the instrument has been laid before, and approved by a resolution of, the Scottish Parliament.
- (13) In sub-paragraph (i) of paragraph (b) of subsection (2), the reference to animals means any kind of mammal (except man).
- (14) In this section and section 6D(1)(b), “disease” is not restricted by its definition in this Act.

6D Emergency biosecurity orders: Scotland

- (1) Where the Scottish Ministers are of the opinion that there exists—
- (a) an outbreak of a disease specified in Schedule 2B to this Act; or
 - (b) some other emergency relating to a disease of animals,
- subsections (11) and (12) of section 6C do not apply in relation to the making of an order under subsection (1) of that section containing a biosecurity code relating to the outbreak or, as the case may be, the other emergency.
- (2) Where subsection (1) applies, an order made accordingly (an “emergency order”)—
- (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.
- (3) However, paragraph (b) of subsection (2) does not apply in relation to an order which—
 - (a) revokes (wholly or partly) an emergency order; and
 - (b) does nothing else, or nothing else except make provision incidental or supplementary to the revocation.
- (4) In reckoning for the purposes of subsection (2)(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.
- (5) Subsection (2)(b) is without prejudice to anything previously done by reference to an emergency order or to the making of a new emergency order.
- (6) An emergency order must include a description of the emergency in relation to which the order is made.”.