
SCOTTISH STATUTORY INSTRUMENTS

2003 No. 202

ANIMALS

ANIMAL HEALTH

The Sheep Scab (Shetland Islands) Order 2003

Made - - - - *17th March 2003*

Coming into force - - *31st March 2003*

The Scottish Ministers, in exercise of the powers conferred by sections 1, 2, 8(1) and 14(1) of the Animal Health Act 1981⁽¹⁾ and of all other powers enabling them in that behalf, hereby make the following Order:

Citation, commencement and extent

1.—(1) This Order may be cited as the Sheep Scab (Shetland Islands) Order 2003 and shall come in force on 31st March 2003.

(2) This Order extends to Scotland only.

Interpretation

2. In this Order, unless the context otherwise requires—

“agent of the owner” includes any person engaged by or on behalf of the owner in the transportation of sheep to the Shetland Islands;

“the Council” means the Shetland Islands Council;

“the proper officer of the Council” shall be the person appointed by the Council as such, for the purposes of section 202 of the Local Government (Scotland) Act 1973⁽²⁾;

“the regulations” means regulations made or to be made by the Council under article 3(1) below;

“the Shetland Islands” shall be construed as the area of the Shetland Islands Council;

“treatment” includes vaccination.

(1) 1981 c. 22. See section 86(1) for the definition of “the Ministers”. The functions of the Ministers, insofar as within devolved competence, were transferred to the Scottish Ministers by section 53 of the Scotland Act 1998 (c. 46).

(2) 1973 c. 65.

Power to make regulations

3.—(1) Subject to paragraph (6) below, the Council may make regulations to have effect in respect of the Shetland Islands for the purposes specified in paragraph (2) below, in accordance with this article.

(2) For the purposes of avoiding the introduction to, and of controlling the presence in, the Shetland Islands of sheep scab mites (*Psoroptes ovis*), the regulations may regulate the movement of sheep to the Shetland Islands on their arrival there from any other part of the United Kingdom and, without prejudice to that generality, may—

- (a) require the carrying out, immediately on the arrival of sheep in the Shetland Islands, of such inquiries, examinations and treatment as may be necessary for those purposes;
- (b) for those purposes, require the owner of the sheep being moved to the Shetland Islands (or the agent of the owner) to intimate to the Council, in advance, the anticipated time and place of arrival there of those sheep; and
- (c) subject to paragraph (3) below, require that the sheep are not mixed with any other sheep, in respect of which that requirement does not apply, for a period of not more than 48 hours following such treatment,

and the regulations may in addition make provision incidental to those purposes.

(3) For the purposes of paragraph (2)(c) above, the regulations may not require detention of any sheep at any place.

(4) The regulations shall be authenticated by being sealed with the common seal of the Council and signed by the proper officer of the Council and shall not have effect until they are confirmed by the Scottish Ministers, in accordance with paragraph (5) below.

(5) The Scottish Ministers may confirm the regulations submitted to them under this Order with or without modification or refuse to confirm them; and may fix the date upon which the regulations will have effect (and if no date is fixed that date shall be 28 days after the date of their confirmation).

(6) The regulations shall in particular make no provision—

- (a) which is incompatible with the Animals and Animal Products (Import and Export) (Scotland) Regulations 2000⁽³⁾; or
- (b) in relation to a sheep which is accompanied by a health certificate for the purposes of Article 9 of Council Directive 91/68/EEC of 28th January 1991 on animal health conditions governing intra-Community trade in ovine and caprine animals⁽⁴⁾, as amended by Commission Decision 94/164/EC⁽⁵⁾.

St Andrew's House, Edinburgh
17th March 2003

ROSS FINNIE
A member of the Scottish Executive

⁽³⁾ S.S.I. 2000/216, as amended by S.S.I. 2000/300 and 2002/125 and 196.

⁽⁴⁾ O.J. No. L 46, 19.2.91, p.19.

⁽⁵⁾ O.J. No. L 74, 17.3.94, p.42.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order enables Shetland Islands Council to make regulations for the purposes of inspecting and testing sheep for the presence of sheep scab mites, immediately on their arrival in the Shetland Islands from another part of the United Kingdom (where those sheep were not previously imported for transit to the Shetland Islands); to require advance notice of movements of sheep to the Islands; and to permit a delay in the mixing of those sheep with other sheep in the Islands, for a maximum period of 48 hours.

Regulations made under this Order must be confirmed by the Scottish Ministers before having effect.

A breach of regulations made under this Order is an offence under section 73 of the Animal Health Act 1981.