
EXPLANATORY NOTE

(This note is not part of the Order)

This Order, read with the Animal Health Act 1981 (c. 22, amended by the Animal Health Act 1981 (Amendment) Regulations 1992 (S.I.1992/3293), (“the Act”), partially transposes for Scotland Council Directive 2003/85/EC on Community measures for the control of foot-and-mouth disease repealing Directive 85/511/EEC and Decisions 89/531/EEC and 91/665/EEC and amending Directive 92/46/EEC (O.J. No. L 306, 22.11.2003, p.1). The other measure transposing the Directive in Scotland is the Foot-and-Mouth Disease (Slaughter and Vaccination) (Scotland) Regulations 2006 (S.I.) (“the Regulations”).

The Order transposes the Directive except insofar as it deals with additional slaughter powers and vaccination against foot-and-mouth disease (“the disease”).

It revokes the Foot-and-Mouth Disease Order 1983 (S.I. 1983/1950) insofar as it applies in Scotland. It also revokes the amendments to that Order. Schedule 10 lists these instruments.

Part 1 of the Order contains introductory and interpretation provisions.

Part 2 makes provision for notification, suspicion and investigation of the disease.

Articles 8 and 9 provide for notification of the disease or suspicion of it. Schedule 2 contains the restrictions which apply in relation to premises under suspicion.

Article 10 relates to animals in transit which are known or suspected of infection or contamination with the disease.

Article 11 provides for veterinary investigation into the disease. Consequent on that investigation, article 12 allows parts of premises to be declared as separate production units, which has the effect of excusing those parts from some of the restrictions in Schedule 2. Also consequent on the investigation, article 13 requires the Scottish Ministers to trace the possible spread of disease and to impose the restrictions in Schedule 2 on further premises. The restrictions in Schedule 2 are maintained in relation to premises where infection with the disease is found (article 14).

Articles 15 and 16 provide for the declaration of a temporary control zone on suspicion of the disease and for the measures applying within that zone. Article 17 provides for the control of stray animals in a temporary control zone. Articles 18 and 19 provide for the declaration of a further zone supplementary to a temporary control zone (a supplementary movement control zone) and the measures applying there.

Part 3 sets out the measures applying following confirmation of the disease.

Article 20 requires the Scottish Ministers to trace items from infected premises which may spread disease and provides for their treatment or disposal. The Regulations 9as read with the Act) impose a duty on the Scottish Ministers to slaughter animals on infected premises, with exceptions, and confers power to slaughter other animals to prevent the spread of the disease (regulations 8 and 9). Articles 21 to 29 provide for the circumstances relating to such slaughter, including the place of slaughter (article 23), movement and disposal of carcasses and faecal material (respectively articles 24 and 25), isolation of things which may spread the disease until they have been certified as free of contamination, treated or disposed of (article 26), cleansing and disinfection of the premises (articles 27 and 28 and Schedule 1) and restocking of the premises (article 29 and Schedule 9).

Articles 30 to 32 provide for the declaration of protection and surveillance zones around infected premises. Article 33 and Schedule 4 set out the measures which apply in those zones. Article 34 requires the Scottish Ministers to investigate every premises keeping susceptible animals in such a

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zone. Article 35 confers power on an inspector appointed under the Act to prohibit access to land or buildings in a protection zone. Article 36 sets out the circumstances in which protection and surveillance zones may be terminated.

Article 37 provides for the declaration of a restricted zone on confirmation of the disease; article 38 and Schedule 6 provide for the measures applying there.

Article 40 provides for the declaration of a wild animal infected zone on confirmation of the disease in a wild animal; article 40 and Schedule 7 provide for the measures applying there.

Part 4 makes provision as regards horses.

Part 5 makes general and supplementary provision.

Article 42 applies after specified movements and requires licences to be produced before animals are unloaded and that those licences are forwarded to the local authority.

Article 43 requires the Scottish Ministers to take steps to prevent spread of the disease to premises keeping animals of special value (such as rare breeds).

Article 44 requires the local authority to erect signs indicating the perimeters of zones declared under the Order.

Article 45 sets out the method to be used when cleansing and disinfecting vehicles transporting susceptible animals. Article 46 requires occupiers to provide facilities, equipment and materials where cleansing and disinfection of vehicles is required on their premises.

Article 47 makes provision to maintain marks applied under the Order.

Article 48 provides for the feeding and tending of animals or poultry which cannot be moved on termination of a right of occupation because of a restriction imposed by the Order.

Articles 49 to 53 and 55 to 58 make provision related to offences and enforcement. Article 54 confers general powers on veterinary inspectors to take action to prevent spread of the disease.

Articles 59 and 60 make consequential amendment to other statutory instruments.

Article 61 revokes the statutory instruments in Schedule 10 insofar as they apply in Scotland.

Failure to comply with this Order is an offence under section 73 of the Act.

A full regulatory impact assessment of the effect that this instrument will have on the costs of business has been prepared and placed in the Scottish Parliament Information Centre, together with a Transposition Note setting out how the main elements of Directive [2003/85/EC](#) are transposed in this Order. Copies may be obtained from the Scottish Executive Environment and Rural Affairs Department, Pentland House, Robb's Loan, Edinburgh, EH14 1TW.