

## SCHEDULE 4

Article 21(2), 33(1) and paragraph 1 of  
Schedule 2

### Measures applicable in protection zones and surveillance zones

## PART 1

### Measures applicable in both protection zones and surveillance zones

#### Record keeping in protection and surveillance zones

1.—(1) The occupier of each premises keeping susceptible animals within a protection zone or a surveillance zone shall create and maintain the following records in respect of the premises—

- (a) the number of each species of animal kept;
- (b) for each species of susceptible animal, the number of dead, the number suspected of being infected and the number suspected of being contaminated;
- (c) the stock of milk, milk products, meat, meat products, carcasses, hides and skins, wool, semen, embryos, ova, slurry, manure, fodder and used litter.

(2) Records shall be kept in a form approved for the purpose by the Scottish Ministers.

(3) The occupier shall maintain the records kept under sub paragraphs (1)(a) and (1)(b) by updating them within 24 hours of any change.

#### Straying of susceptible animals

2.—(1) The keeper of a susceptible animal in a protection zone or a surveillance zone shall take all such steps as are necessary to prevent it from straying from the premises on which it is kept.

(2) An inspector may detain any stray or feral susceptible animal found in a protection zone or a surveillance zone and if, having made reasonable inquiries, the inspector cannot ascertain the owner, the inspector may arrange for its destruction.

#### Control of dogs and poultry in protection zones and surveillance zones

3.—(1) The owner of any dog in a protection zone or a surveillance zone shall keep it under control by—

- (a) confining it in a dwellinghouse, kennel or other enclosure;
- (b) securing it to a fixed object by a collar and chain; or
- (c) accompanying it or ensuring that it is accompanied by a responsible person.

(2) An inspector may seize any dog which is not kept under control in accordance with sub paragraph (1) and deal with it as if it was a dog seized under the powers conferred by section 149 of the Environmental Protection Act 1990 <sup>F1</sup>.

(3) An inspector may, if the inspector considers any dog or poultry not to be under control, by notice served on the occupier of any premises where it is kept, require the occupier to keep such dog or poultry under control, or to confine it to the part of the premises specified in the notice.

**F1** 1990, c. 43.

#### **Shearing or dipping sheep in a protection zone or a surveillance zone**

4.—(1) Subject to the provisions of this paragraph, no person shall—

- (a) shear or dip sheep; or
- (b) handle fleeces or sheep during shearing or dipping,

in a protection zone or a surveillance zone except where authorised by a licence granted by an inspector.

(2) The prohibition in sub paragraph (1) does not apply to the occupier of any premises or the occupier's employees (other than any person employed by the occupier primarily for the purpose of shearing or dipping sheep) in respect of the shearing or dipping of sheep kept on those premises.

(3) In this article—

- (a) “shearing” includes clipping and dagging; and
- (b) “dipping” includes showering and jetting sheep with sheep dip.

#### **Ultrasound scanning of susceptible animals in a protection zone or a surveillance zone**

5.—(1) Subject to the provisions of this paragraph, no person shall carry out ultrasound scanning, clipping, foot paring, freeze branding or other livestock service of susceptible animals in a protection zone or a surveillance zone except where authorised by a licence granted by an inspector.

(2) The prohibition in sub paragraph (1) shall not apply to the occupier of any premises or the occupier's employees (other than any person employed by the occupier primarily for the purpose of carrying out the livestock service in question) in respect of the carrying out of ultrasound scanning clipping, foot paring, freeze branding or other livestock service of susceptible animals kept on those premises using equipment of which the occupier is the owner or person in charge.

#### **Semen, ova and embryos collected in a protection zone or a surveillance zone**

6.—(1) This paragraph applies to semen, ova and embryos collected from susceptible animals originating in a protection zone or surveillance zone.

(2) No person shall sell or consign for sale—

- (a) any ova or embryos unless they comply with sub paragraph (3); or
- (b) any semen unless it complies with sub paragraph (3) or (4).

(3) Semen, ova and embryos comply with this sub paragraph if they satisfy the following requirements—

- (a) they are frozen;
- (b) they were collected and stored more than 21 days before the earliest infection date in the protection zone, or in the case of a surveillance zone, the associated protection zone; and
- (c) they have at all times been stored separately from semen, ova and embryos which were not so collected and stored.

(4) Semen complies with this sub paragraph if it satisfies the following requirements—

- (a) it is frozen;
- (b) it was collected and stored 21 or fewer days before the earliest infection date in the protection zone, or in the case of a surveillance zone, the associated protection zone, or on or after that infection date;
- (c) it was at all times stored separately from semen which was not so collected and stored;
- (d) it is not sold or consigned for sale until the premises on which it was collected is no longer in a protection or surveillance zone; and

- (e) a veterinary inspector certifies by notice served on the owner of the semen that the veterinary inspector has—
  - (i) clinically examined all susceptible animals on the premises on which it was collected;
  - (ii) subjected a serological sample from each such animal to a test with the result that infection is not suspected; and
  - (iii) subjected a serological sample taken from the donor animal 28 days or more after collection of the semen to a test for the detection of antibodies against disease with a negative result.

#### **Hides and skins of susceptible animals originating in a protection zone or a surveillance zone**

7.—(1) This paragraph applies to hides and skins of susceptible animals originating in a protection zone or a surveillance zone.

(2) No person shall sell or consign for sale any animal product to which this paragraph applies unless either—

- (a) it was—
  - (i) produced more than 21 days before the earliest infection date in the protection zone, or in the case of a surveillance zone, the associated protection zone; and
  - (ii) at all times stored separately from hides and skins which were not so produced; or
- (b) it has been treated so that it falls within paragraph 2 of Schedule 5.

#### **Wool, ruminant hair and pig bristles from animals originating in a protection zone or a surveillance zone**

8.—(1) This paragraph applies to wool, ruminant hair and pig bristles from animals originating in a protection zone or a surveillance zone.

(2) No person shall sell or consign for sale any animal product to which this paragraph applies unless either—

- (a) it was—
  - (i) produced more than 21 days before the earliest infection date in the protection zone, or in the case of a surveillance zone, the associated protection zone, and
  - (ii) at all times stored separately from wool, ruminant hair and pig bristles which were not so produced; or
- (b) it has been treated so that it falls within paragraph 3 of Schedule 5.

#### **Other animal products produced in a protection zone or a surveillance zone or from animals originating in such a zone**

9.—(1) This paragraph applies to animal products other than—

- (a) fresh meat, minced meat, mechanically separated meat and any meat preparation;
- (b) milk and any milk product;
- (c) semen, ova and embryos;
- (d) hides and skins; and
- (e) wool, ruminant hair and pig bristles,

if it is produced in a protection zone or surveillance zone from susceptible animals, or from susceptible animals originating in a protection zone or surveillance zone.

- (2) No person shall sell or consign for sale any animal product to which this paragraph applies unless it satisfies one of the following requirements—
- (a) it was—
    - (i) produced more than 21 days before the earliest infection date within the protection zone, or in the case of a surveillance zone, the associated protection zone, and
    - (ii) at all times stored and transported separately from animal products not so produced;
  - (b) it has been treated so that it falls within paragraph 4 of Schedule 5;
  - (c) where it is referred to in one of paragraphs 5 to 9 of Schedule 5, has been treated so that it falls within that paragraph;
  - (d) it forms part of a composite product (that is, a manufactured or processed product containing more than one ingredient at least one of which is an animal product) not subject to further treatment and has either—
    - (i) been treated to ensure the destruction of disease, or
    - (ii) not been produced from susceptible animals originating on infected premises, suspect premises or contact premises or in a temporary control zone, protection zone or surveillance zone or vaccination zone;
  - (e) it is a packaged product ready for use—
    - (i) as a reagent, reagent product, calibrator, kit or any other system (whether used alone or in combination),
    - (ii) in vitro for the examination of samples of human or animal origin (with the exception of donated organs or blood), and
    - (iii) solely or principally with a view to the diagnosis of a physiological state, state of health, disease or genetic abnormality or to determine safety and compatibility with reagents.

## **PART 2**

### Measures applicable only in a protection zone

#### **Movement of susceptible animals from premises or to premises within a protection zone**

**10.**—(1) Subject to the provisions of this paragraph, no person shall move any susceptible animal from or to premises within a protection zone.

(2) The prohibition in sub paragraph (1) does not apply to the transport of susceptible animals for emergency slaughter under the authority of a licence granted by an inspector from premises in a protection zone direct to a slaughterhouse—

- (a) in the same protection zone; or
- (b) if there is no slaughterhouse in that protection zone, outside the protection zone.

(3) No inspector shall grant a licence under sub paragraph (2) unless the inspector is satisfied that—

- (a) a veterinary inspector has within the previous 24 hours carried out a clinical examination on every susceptible animal on the premises, and
- (b) there is no suspicion of infection or contamination on the premises.

(4) The person in charge of any vehicle used to move susceptible animals under the authority of a licence granted under sub paragraph (2) shall ensure that it is cleansed and disinfected without delay in accordance with article 45.

(5) The prohibition in sub paragraph (1) does not apply to the movement of animals leaving infected premises for slaughter under the authority of a licence granted under paragraph 4(6) of Schedule 2.

(6) The prohibition in sub paragraph (1) does not apply to movement from one part of premises to another part of the same premises using a public highway under the authority of a licence granted by a veterinary inspector or by an inspector at the direction of a veterinary inspector.

### **Movement of non susceptible animals from or to premises keeping susceptible animals in a protection zone**

**11.**—(1) Subject to the provisions of this paragraph, no person shall move any non susceptible animal from or to premises keeping susceptible animals in a protection zone.

(2) The prohibition in sub paragraph (1) does not apply to—

- (a) the movement of pet animals which are not susceptible animals;
- (b) the movement of horses under the terms of a licence granted by an inspector; or
- (c) the movement from one part of premises to another part of the same premises using a public highway under the authority of a licence granted by a veterinary inspector or by an inspector at the direction of a veterinary inspector.

(3) Any inspector granting a licence under sub paragraph (2)(b) shall take account of the recommended measures in paragraph 2.2 of Annex VI to the Directive<sup>F2</sup>, reading that paragraph as if—

- (a) in point 2.2.2, the words “established in accordance with Article 21” were omitted,
- (b) in point 2.2.4, the reference to “Articles 4 and 10” of the Directive was a reference to provision in this Order implementing those Articles]

**F2** Sch. 4 para. 11(3)(a)(b) and words inserted (31.12.2020) by [The Animal Health \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2019 \(S.S.I. 2019/71\)](#), regs. 1(1)(b), **14(6)**; 2020 c. 1, Sch. 5 para. 1(1)

### **Movement of animals into or out of a protection zone**

**12.**—(1) Subject to the provisions of this paragraph, no person shall move any animal into or out of a protection zone.

(2) A person may move an animal into, out of or within a protection zone if the movement is—

- (a) the movement permitted under paragraph 10 or paragraph 11;
- (b) the movement of pet animals which are not susceptible animals;
- (c) the movement of horses under the terms of a licence granted by an inspector;
- (d) transport through the zone without stopping; or
- (e) transport from outside the zone directly to a slaughterhouse in the zone for immediate slaughter there under the terms of a licence granted by an inspector.

(3) Any inspector granting a licence under sub paragraph (2)(c) shall take account of the recommended measures in paragraph 2.2 of Annex VI to the Directive<sup>F3</sup>, reading that paragraph as if—

- (a) in point 2.2.2, the words “established in accordance with Article 21” were omitted,
- (b) in point 2.2.4, the reference to “Articles 4 and 10” of the Directive was a reference to provision in this Order implementing those Articles].

(4) A licence granted under sub paragraph (2)(e) shall—

- (a) certify that the premises on which the movement originates is outside the protection zone, and
  - (b) specify the route to be taken.
- (5) The person in charge of any vehicle used to transport animals under the authority of a licence granted under sub paragraph (2)(e) shall—
- (a) ensure that it is cleansed and disinfected without delay in accordance with article 45;
  - (b) make a record of the date and time of that cleansing and disinfection;
  - (c) keep the record with the vehicle at all times; and
  - (d) retain the record for six months after the last such cleansing and disinfection.

**F3** Sch. 4 para. 12(3)(a)(b) and words inserted (31.12.2020) by [The Animal Health \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2019 \(S.S.I. 2019/71\)](#), regs. 1(1)(b), **14(6)**; 2020 c. 1, Sch. 5 para. 1(1)

### **Movement of vehicles from premises keeping susceptible animals in a protection zone**

**13.** No person shall move any vehicle designed or adapted for the transport of animals from premises keeping susceptible animals within a protection zone except under the authority of a licence granted by an inspector.

### **Control of animal gatherings in a protection zone**

**14.** No person shall hold an animal gathering in a protection zone.

### **Control of gatherings of people in a protection zone**

**15.—(1)** No person shall hold or take part in the following activities in a protection zone—

- (a) hunting any drag or other trail;
- (b) falconry, except under the authority of a licence granted by the Scottish Ministers;
- (c) point-to-point meetings;
- (d) stalking;
- (e) shooting game or other wildlife or deer, except that—
  - (i) the occupier of any land, members of the occupier's household, persons employed by the occupier as beaters and any member of a shooting party of not more than three persons authorised by the occupier, may shoot game, other wildlife or deer found on that land;
  - (ii) a person may shoot birds under the authority of a licence granted by the Scottish Ministers; and
  - (iii) a person may cull deer under the authority of a licence granted by the Scottish Ministers.

(2) Where holding any recreational or sporting activity may, in the opinion of the Scottish Ministers, spread disease, they may prohibit it by serving notice on the person responsible for the activity.

### **Breeding in a protection zone**

**16.—(1)** No person shall carry out breeding of susceptible animals by means of itinerant service in a protection zone.

(2) No person shall carry out artificial insemination of animals or collect any embryo or ovum in a protection zone except in compliance with sub paragraph (3) or sub paragraph (4).

(3) Artificial insemination of a susceptible animal complies with this sub paragraph if it satisfies the following requirements—

- (a) it is carried out by the occupier of the premises where the animal is kept (or any employee of such occupier);
- (b) the semen used has not left the premises since the protection zone was declared, or was delivered to the occupier or the occupier's employee at a place outside the premises from a semen collection centre;
- (c) it is carried out using equipment which has been on the premises since the protection zone has been declared.

(4) Artificial insemination of a non-susceptible animal or the collection of embryos, or ova from such animal complies with this sub paragraph if—

- (a) it is carried out by the occupier of the premises where the animal is kept (or any employee of such occupier); and
- (b) either no susceptible animals are kept on the premises or (in the case of artificial insemination only) it has been authorised by a licence granted by the Scottish Ministers.

#### **Slaughter for private consumption within a protection zone**

17. No person shall slaughter on any premises within a protection zone any susceptible animal for private consumption on those premises.

#### **Transport of fodder within a protection zone**

18. No person shall transport fodder to any premises within the protection zone keeping susceptible animals except under the authority of a licence granted by an inspector.

#### **Sale of fodder originating in a protection zone**

19. No person shall sell or consign for sale fodder originating in a protection zone unless it satisfies one of the following requirements—

- (a) it was—
  - (i) produced more than 21 days before the earliest infection date within the protection zone; and
  - (ii) at all times stored and transported separately from other fodder and in such a way as to avoid contamination;
- (b) it is authorised for sale within the protection zone to the final user by a licence granted by an inspector;
- (c) it was produced on premises not keeping susceptible animals using raw materials also produced on such premises or raw materials produced outside the protection zone;
- (d) it is forage or straw falling within paragraph 10 of Schedule 5.

#### **Transport, treatment and spreading of dung and manure produced in a protection zone**

20.—(1) This paragraph applies to dung or manure—

- (a) from premises within a protection zone keeping susceptible animals, or
- (b) collected from vehicles carrying susceptible animals from or within a protection zone.

(2) No person shall transport dung or manure to which this paragraph applies unless such transport or spreading complies with sub paragraph (3) or sub paragraph (5), and with sub paragraph (6).

(3) Transport of dung or manure complies with this sub paragraph where it is to a plant for treatment to destroy the disease virus and is authorised by a licence granted by an inspector.

(4) The occupier of any premises to which dung or manure is transported by authority of a licence granted under sub paragraph (3) shall ensure that it is treated in accordance with [F4Articles 15 and 32 of Regulation (EC) No 1069/2009 and Articles 10 and 22 of Regulation (EU) No 142/2011].

(5) Transport of dung or manure for spreading complies with this sub paragraph if it satisfies the following requirements—

- (a) the dung or manure is for spreading at premises not keeping susceptible animals;
- (b) the dung or manure was produced more than 21 days before the earliest infection date in the protection zone;
- (c) where the dung or manure is from bovine animals or pigs—
  - (i) all animals on the premises where it was produced have been clinically examined by a veterinary inspector who is satisfied by such examination that they are free of infection; and
  - (ii) the dung or manure was produced at least 4 days before such examination;

(6) Transport of dung or manure complies with this sub paragraph if it is carried out in vehicles which are—

- (a) constructed and maintained so that there is no leakage of the load during transport; and
- (b) cleansed and disinfected after loading and before leaving the premises of origin.

(7) After transporting dung or manure under this paragraph, the person in charge of the vehicle shall ensure it is cleansed and disinfected after unloading or spreading and before leaving the premises of destination.

(8) The person in charge of a vehicle to be cleansed and disinfected under sub paragraph (6) or (7) shall ensure that such cleansing and disinfection is carried out so that—

- (a) the exterior (including the wheels and wheel arches) is not visibly contaminated with mud, dung, manure or similar matter on leaving either premises;
- (b) the interior (excluding any driver or passenger compartment) is not so contaminated on leaving the premises of destination; and
- (c) any additional requirements as an inspector directs are complied with.

(9) No person shall spread dung or manure to which this paragraph applies unless such spreading is authorised by a licence granted by an inspector and the dung or manure –

- (a) is spread from not more than 1 metre above the ground;
- (b) if spread as a liquid is not discharged by equipment producing a jet or spray unless the discharge point is directed downwards at an angle of not less than 45° from the horizontal; and
- (c) once spread is immediately incorporated into the ground;

(10) Any licence granted under sub paragraph (9) shall contain at least the following terms—

- (a) designation of the fields on which dung or manure from bovine animals or pigs may be spread; and
- (b) designation of a distance from premises keeping susceptible animals within which dung or manure must not be spread.



**F4** Words in sch. 4 para. 20(4) substituted (4.3.2011) by The Animal By-Products (Enforcement) (Scotland) Regulations 2011 (revoked) 2011 (S.S.I. 2011/171), reg. 1(1), sch. 2 para. 23(a)

#### **Fresh meat etc. derived from susceptible animals originating in a protection zone**

**21.—**(1) This paragraph applies to fresh meat, minced meat, mechanically separated meat and meat preparations derived from susceptible animals originating in a protection zone.

(2) No person shall sell or consign for sale meat to which this paragraph applies or move such meat out of a protection zone unless—

- (a) it was produced more than 21 days before the earliest infection date within the protection zone;
- (b) after production, it was at all times stored and transported separately from products to which this paragraph applies produced on or after that date; and
- (c) it was health marked or identification marked and that mark was overstamped.

#### **Fresh meat etc. produced on premises in a protection zone**

**22.—**(1) This paragraph applies to fresh meat, minced meat, mechanically separated meat and meat preparations derived from susceptible animals and produced on premises in a protection zone.

(2) No person shall sell or consign for sale meat to which this paragraph applies or move such meat out of a protection zone unless it has been produced in an establishment which—

- (a) is authorised by a licence granted by the Scottish Ministers imposing such conditions as they consider necessary to ensure strict veterinary control of the establishment;
- (b) processes only meat falling within sub paragraph (3); and
- (c) at all times during the production process stores, identifies and transports products intended to be eligible for despatch outside the protection zone separately from those which are not, and in accordance with the directions of the Scottish Ministers.

(3) Meat falls within this sub paragraph if—

- (a) it was either—
  - (i) produced in the protection zone more than 21 days before the earliest infection date there;
  - (ii) produced from animals reared and slaughtered outside a protection zone; or produced from animals transported to the establishment under the authority of a licence granted under paragraph 12(2)(e), and slaughtered there; and
- (b) it is health marked or identification marked.

#### **Meat products produced from meat derived from susceptible animals originating in a protection zone**

**23.—**(1) This paragraph applies to meat products produced from meat derived from susceptible animals originating in a protection zone.

(2) No person shall sell or consign for sale any meat product to which this paragraph applies unless—

- (a) it was produced from fresh meat, minced meat or meat preparations or mechanically separated meat which may be sold or consigned for sale because it complies with paragraph 21(2); or

- (b) it was produced from fresh meat, minced meat or meat preparations or mechanically separated meat which was–
  - (i) health marked or identification marked and that mark was overstamped;
  - (ii) transported in sealed containers to an establishment designated by the Scottish Ministers as authorised to treat meat from a protection zone; and
  - (iii) treated at that establishment so that it falls within paragraph 1 of Schedule 5.

**Milk and milk products produced from susceptible animals originating in a protection zone or on premises in a protection zone**

**24.**—(1) No person shall sell or consign for sale the milk of a susceptible animal originating in a protection zone or any milk product produced from such milk unless it complies with sub paragraph (2) or sub paragraph (3).

(2) Milk and milk products comply with this sub paragraph if–

- (a) they were produced more than 21 days before the earliest infection date within the protection zone; and
- (b) they have at all times been stored and transported separately from milk and milk products produced on or after that date.

(3) Milk and milk products comply with this sub paragraph if–

- (a) they have been treated so as to fall within paragraph 13 or paragraph 14 of Schedule 5; and
- (b) that treatment was carried out either–
  - (i) in the protection zone on premises complying with sub paragraph (6); or
  - (ii) if there are no such premises, outside the protection zone on such premises as the Scottish Ministers direct.

(4) No person shall sell or consign for sale the milk of a susceptible animal produced on premises in the protection zone or any milk product produced from such milk unless–

- (a) the transport of raw milk from outside a protection zone to those premises complies with sub paragraph (5); and
- (b) those premises comply with sub paragraph (6).

(5) Transport of raw milk complies with this sub paragraph if–

- (a) the vehicle was cleansed and disinfected at the premises of origin and before loading in accordance with the directions of an inspector; and
- (b) the vehicle did not enter any other premises keeping susceptible animals within a protection zone after that cleansing and disinfection.

(6) Premises comply with this sub paragraph if they satisfy the following requirements–

- (a) they are authorised by a licence granted by the Scottish Ministers imposing such conditions as they think necessary to ensure strict veterinary control;
- (b) they are operated so that all milk transported to the premises–
  - (i) complies with sub paragraph (2) or sub paragraph (3)
  - (ii) it is transported to the premises for treatment so that it complies with sub paragraph (3); or
  - (iii) is raw milk produced outside the protection zone; and
- (c) they are operated so that milk on the premises and leaving the premises is clearly identified as eligible for sale outside the protection zone to the final consumer and is at all times

stored and transported separately from raw milk and raw milk products which are not so eligible.

### **Collection, transport and processing of milk and milk products produced in a protection zone**

**25.**—(1) No person shall collect and transport milk produced on premises keeping susceptible animals in a protection zone out of that protection zone or process any such milk unless such transport complies with sub paragraph (2) and is carried out in a vehicle which complies with sub paragraph (3).

(2) Transport complies with this sub paragraph if it is—

(a) transport of samples of raw milk—

(i) to a laboratory authorised in respect of disease under article 4 of [<sup>F5</sup>the Specified Animal Pathogens (Scotland) Order 2009]; or

(ii) to another laboratory under the authority of a licence granted by an inspector; or

(b) transport to premises other than a laboratory under the authority of a licence granted by an inspector.

(3) A vehicle complies with this sub paragraph if it—

(a) has been authorised to operate within the part of Scotland in which the journey is to take place by a licence granted by the Scottish Ministers; and

(b) has been marked so as to identify the geographical area in which it is authorised to operate in accordance with the directions of the Scottish Ministers.

(4) A licence granted under sub paragraph (2)(b) shall specify the route to be taken and shall include a condition prohibiting the vehicle from entering any premises in the zone keeping susceptible animals for purposes other than to load milk.

(5) Any person transporting milk under the authority of a licence granted under sub paragraph 2(b) shall ensure that—

(a) the vehicle used is constructed and maintained so that there is no leakage of milk during transport and is equipped to avoid aerosol dispersion during loading and unloading;

(b) before every loading, the vehicle is cleansed and disinfected in accordance with the directions of an inspector; and

(c) after every loading and before leaving the premises, the connection pipes, tyres, wheel cases and lower parts of the vehicle, and any spillage of milk, are cleansed and disinfected in accordance with the directions of an inspector.

(6) No person shall process milk transported to a laboratory under this paragraph except under the authority of a licence granted by an inspector.

**F5** Words in sch. 4 para. 25(2)(a)(i) substituted (28.2.2019) by [The Environment, Food and Rural Affairs \(Miscellaneous Amendments and Revocations\) \(Scotland\) Regulations 2018 \(S.S.I. 2018/391\)](#), regs. 1(1), 25(5)(a)

## PART 3

### Measures applicable only in a surveillance zone

#### **Movement of animals from premises within a surveillance zone**

**26.**—(1) Subject to the provisions of this paragraph, no person shall move any susceptible animal from premises within a surveillance zone.

(2) The prohibition in sub paragraph (1) does not apply to the transport of susceptible animals for emergency slaughter under the authority of a licence granted by an inspector from premises in a surveillance zone direct to a slaughterhouse—

- (a) in the same surveillance zone; or
- (b) where there is no slaughterhouse in that surveillance zone, outside the surveillance zone and its associated protection zone.

(3) No inspector shall grant a licence under sub paragraph (2) unless the inspector is satisfied that—

- (a) a veterinary inspector has within the previous 24 hours carried out a clinical examination on every susceptible animal on the premises; and
- (b) there is no suspicion of infection or contamination on the premises.

(4) The prohibition in sub paragraph (1) does not apply to transport of susceptible animals for slaughter under the terms of a licence granted by an inspector –

- (a) direct to a slaughterhouse outside that surveillance zone and its associated protection zone; or
- (b) direct to a slaughterhouse in that surveillance zone.

(5) No inspector shall grant a licence under sub paragraph (4) unless the inspector is satisfied that—

- (a) the records required by paragraph 1 have been maintained in respect of the premises;
- (b) a veterinary inspector has within the previous 24 hours inspected every susceptible animal on the premises and has carried out a clinical examination of a representative sample of such susceptible animals; and
- (c) there is no suspicion of infection or contamination on the premises.

(6) No inspector shall grant a licence under sub paragraph (4)(a) unless the inspector is satisfied that—

- (a) there is no slaughterhouse within that surveillance zone with sufficient capacity to slaughter the animals; and
- (b) the slaughterhouse at which slaughter is to take place is the nearest slaughterhouse outside the surveillance zone and its associated protection zone with such capacity.

(7) A licence granted under sub paragraph (2) or (4) may permit transport through the associated protection zone and in such a case shall include a condition requiring that the vehicle travels through that protection zone without stopping.

(8) The person in charge of any vehicle used to move susceptible animals under the authority of a licence granted under sub paragraph (2) or sub paragraph (4) shall ensure that it is cleansed and disinfected without delay in accordance with article 45.

(9) The prohibition in sub paragraph (1) does not apply to the leading of susceptible animals to pasture in that surveillance zone under the authority of a licence granted by an inspector.

(10) No inspector shall grant a licence under sub paragraph (9) unless—

- (a) the inspector is satisfied that a veterinary inspector has examined all susceptible animals on the premises (including testing of samples) and concluded that there are no animals suspected of being infected or contaminated on the premises,
- (b) at least 15 days have elapsed since the most recent confirmed case of the disease in the associated protection zone; and
- (c) the licence contains terms requiring that animals do not come into contact with susceptible animals from other premises.

(11) The prohibition in sub paragraph (1) does not apply to movement from one part of premises to another part of the same premises using a public highway under the authority of a licence granted by a veterinary inspector or by an inspector at the direction of a veterinary inspector.

### **Control of animal gatherings and gatherings of people in a surveillance zone**

27.—(1) No person shall—

- (a) hold an animal gathering which includes susceptible animals in a surveillance zone; or
- (b) hold any gathering of people on premises in a surveillance zone in connection with the sale of any susceptible animal kept there at which more than two people (other than the owner or keeper of the animal and their representatives) are present;

except under the authority of a licence granted by the Scottish Ministers.

(2) Subject to sub paragraph (3) no person shall hold or take part in the following activities in a surveillance zone—

- (a) hunting any drag or other trail;
- (b) stalking; or
- (c) shooting deer,

except under the authority of a licence granted by the Scottish Ministers.

(3) Nothing in sub paragraph (2) shall make it unlawful for the occupier of any land, members of the occupier's household, persons employed by the occupier as beaters and any member of a shooting party of not more than three persons authorised by the occupier to shoot deer found on that land.

### **Fresh meat etc. derived from susceptible animals originating in a surveillance zone**

28.—(1) This paragraph applies to fresh meat, minced meat, mechanically separated meat and meat preparations derived from susceptible animals originating in a surveillance zone.

(2) No person shall sell or consign for sale meat to which this paragraph applies or move such meat out of a surveillance zone unless—

- (a) it falls within sub paragraph (3); or
- (b) it is meat (excluding heads, viscera and offal) which complies with sub paragraph (4) or sub paragraph (5) or sub paragraph (6); or
- (c) it falls within sub paragraph (7).

(3) Meat falls within this sub paragraph if it satisfies the following requirements—

- (a) it was produced more than 21 days before the earliest infection date within the associated protection zone;
- (b) after production, it was at all times stored and transported separately from products to which this paragraph applies produced on or after that date; and
- (c) it was health marked or identification marked and that mark was overstamped.

(4) Meat complies with this sub paragraph if it is from ruminants and has been deboned such that it falls within paragraph 11 of Schedule 5 and from a carcase which has been matured such that it falls within paragraph 12 of Schedule 5.

(5) Meat complies with this sub paragraph if—

- (a) the animals from which it was produced were on the same premises for at least 21 days before slaughter and were identified so as to allow the tracing of those premises; and
- (b) the meat has been clearly identified and detained under the supervision of the Scottish Ministers for at least 7 days and until any suspicion of infection on the premises of origin has been ruled out.

(6) Meat complies with this sub paragraph if—

- (a) the animals passed the 21 days before slaughter on the same premises during which no susceptible animal was introduced onto those premises;
- (b) samples taken within 48 hours before loading have been tested with negative result in an assay for the detection of antibodies against the disease virus; and
- (c) the meat has been detained under the control of the Scottish Ministers for 2 hours and released only after a repeat inspection of the animals in the premises of origin has ruled out on clinical inspection the presence of infected animals or animals suspected of being infected.

(7) Meat falls within this sub paragraph if—

- (a) it is trimmed offal;
- (b) it was health marked or identification marked and that mark was over stamped; and
- (c) it was subsequently treated so that it falls within paragraph 1 of Schedule 5.

### **Fresh meat etc. produced on premises in a surveillance zone**

**29.**—(1) This paragraph applies to fresh meat, minced meat, mechanically separated meat and meat preparations derived from susceptible animals and produced on premises in a surveillance zone.

(2) No person shall sell or consign for sale meat to which this paragraph applies or move such meat out of a surveillance zone unless it has been produced in an establishment which—

- (a) is authorised by a licence granted by the Scottish Ministers imposing such conditions as they consider necessary to ensure strict veterinary control of the establishment;
- (b) processes only meat which complies with sub paragraph (3); and
- (c) at all times during the production process stores, identifies and transports products eligible for despatch outside the surveillance zone separately from those which are not and in accordance with the directions of the Scottish Ministers.

(3) Meat complies with this sub paragraph if—

- (a) it was—
  - (i) produced from animals transported to the slaughterhouse from the surveillance zone and it falls within sub paragraph 28(4) or sub paragraph 28(5) or sub paragraph 28(6);
  - (ii) produced from animals reared and slaughtered outside the surveillance zone and its associated protection zone; or
  - (iii) produced from animals transported to the slaughterhouse from the protection zone under the authority of a licence granted under paragraph 12(2)(e); and
- (b) it is health marked or identification marked.

**Meat products produced from meat derived from susceptible animals originating in a surveillance zone or produced on premises in a surveillance zone**

30.—(1) This paragraph applies to meat products—

- (a) produced from meat derived from susceptible animals originating in a surveillance zone; or
- (b) produced on premises in a surveillance zone.

(2) No person shall sell or consign for sale any product to which this paragraph applies or move any such product out of a surveillance zone unless it complies with sub paragraph (3) or sub paragraph (4).

(3) Meat products comply with this sub paragraph if they are produced from fresh meat, minced meat or meat preparations or mechanically separated meat which was—

- (a) health marked or identification marked and that mark was overstamped;
- (b) transported to an establishment designated by the Scottish Ministers as authorised to treat meat from a surveillance zone; and
- (c) treated at that establishment to form a meat product which falls within paragraph 1 of Schedule 5.

(4) Meat products comply with this sub paragraph if they are produced in an establishment which—

- (a) is authorised by a licence granted by the Scottish Ministers imposing such conditions as they consider necessary to ensure strict veterinary control of the establishment;
- (b) processes only meat falling within sub paragraph 29(3); and
- (c) at all times during the production process stores, identifies and transports products eligible for despatch outside the surveillance zone separately from those which are not and in accordance with the directions of the Scottish Ministers.

**Milk and milk products produced from susceptible animals originating in a surveillance zone or on premises in a surveillance zone**

31.—(1) No person shall sell or consign for sale the milk of a susceptible animal originating in a surveillance zone or any milk product produced from such milk unless it complies with sub paragraph (2) or sub paragraph (3).

(2) Milk and milk products comply with this sub paragraph if—

- (a) they were produced more than 21 days before the earliest infection date within the associated protection zone; and
- (b) they have at all times been stored and transported separately from milk and milk products produced on or after that date.

(3) Milk and milk products comply with this sub paragraph if—

- (a) they have been treated so as to fall within paragraph 13 or paragraph 14 of Schedule 5; and
- (b) that treatment was carried out either
  - (i) in the surveillance zone on premises complying with sub paragraph (6); or
  - (ii) outside any protection zone or surveillance zone on such premises as the Scottish Ministers may direct.

(4) No person shall sell or consign for sale the milk of a susceptible animal produced on premises in a surveillance zone or any milk product produced from such milk unless—

- (a) the transport of raw milk from outside the zone and its associated protection zone to those premises complies with sub paragraph (5); and
- (b) those premises comply with sub paragraph (6).

- (5) Transport of raw milk complies with this sub paragraph if–
  - (a) the vehicle was cleansed and disinfected at the premises of origin and before loading in accordance with the directions of an inspector; and
  - (b) the vehicle did not enter any other premises keeping susceptible animals within a protection or surveillance zone since that cleansing and disinfection.
- (6) Premises comply with this sub paragraph if they satisfy the following requirements–
  - (a) they are authorised by a licence granted by the Scottish Ministers imposing such conditions as they consider necessary to ensure strict veterinary control;
  - (b) they are operated so that all milk transported to the premises–
    - (i) complies with sub paragraph (3);
    - (ii) is transported to the premises for treatment so that it complies with sub paragraph (3);
    - or
    - (iii) was produced outside the surveillance zone and its associated protection zone;
  - (c) they are operated so that milk on the premises and leaving the premises is clearly identified as eligible for sale outside the surveillance zone to the final consumer and is at all times stored and transported separately from milk and milk products which are not so eligible.

#### **Collection, transport and processing of raw milk produced in a surveillance zone**

**32.**—(1) No person shall collect and transport raw milk produced on premises keeping susceptible animals in a surveillance zone out of that surveillance zone or process any such milk unless such transport complies with sub paragraph (2) and is carried out in a vehicle which complies with sub paragraph (3).

- (2) Transport complies with this sub paragraph if it is–
  - (a) transport of samples of raw milk–
    - (i) to a laboratory authorised in respect of disease under article 4 of [<sup>F6</sup>the Specified Animal Pathogens (Scotland) Order 2009]; or
    - (ii) to another laboratory under the authority of a licence granted by an inspector; or
  - (b) transport to premises other than a laboratory under the authority of a licence granted by an inspector.
- (3) A vehicle complies with this sub paragraph if it–
  - (a) has been authorised to operate within the part of Scotland in which the journey is to take place by a licence granted by the Scottish Ministers; and
  - (b) has been marked so as to identify the geographical area in which it is authorised to operate in accordance with the directions of the Scottish Ministers.
- (4) A licence granted under sub paragraph (2)(b) shall specify the route to be taken and shall include a condition prohibiting the vehicle from entering any premises in the zone keeping susceptible animals for purposes other than to load milk.
- (5) Any person transporting milk under the authority of a licence granted under sub paragraph (2) shall ensure that–
  - (a) the vehicle used is constructed and maintained so that there is no leakage of milk during transport and is equipped to avoid aerosol dispersion during loading and unloading;
  - (b) before every loading, the vehicle is cleansed and disinfected in accordance with the directions of an inspector;



- (c) after loading and before leaving the premises, the connection pipes, tyres, wheel cases and lower parts of the vehicle, and any spillage of milk, are cleansed and disinfected in accordance with the directions of an inspector; and
  - (d) the vehicle shall be used only in a defined area and shall be marked accordingly and shall not be moved outwith that area until it has been cleansed and disinfected under official supervision.
- (6) No person shall process milk transported under sub paragraph (2) except under the authority of a licence granted by an inspector.

**F6** Words in sch. 4 para. 32(2)(a)(i) substituted (28.2.2019) by [The Environment, Food and Rural Affairs \(Miscellaneous Amendments and Revocations\) \(Scotland\) Regulations 2018 \(S.S.I. 2018/391\)](#), regs. 1(1), 25(5)(b)

### **Transport, treatment and spreading of dung and manure produced in a surveillance zone**

**33.**—(1) This paragraph applies to dung or manure—

- (a) from premises within a surveillance zone keeping susceptible animals; or
- (b) collected from vehicles carrying susceptible animals from or within a surveillance zone.

(2) No person shall transport dung or manure to which this paragraph applies unless such transport complies with sub paragraph (3) or sub paragraph (5) or sub paragraph (7), and with sub paragraph (10).

(3) Transport of dung or manure complies with this sub paragraph where it is to a plant for treatment to destroy the disease virus and is authorised by a licence granted by the Scottish Ministers.

(4) The occupier of any premises to which dung or manure is transported by authority of a licence granted under sub paragraph (3) shall ensure that it is treated in accordance with <sup>[F7]</sup>Articles 15 and 32 of Regulation (EC) No 1069/2009 and Articles 10 and 22 of Regulation (EU) No 142/2011].

(5) Transport of dung or manure complies with this sub paragraph if—

- (a) the dung or manure is for spreading;
- (b) the transport it is under the authority of a licence granted by an inspector; and
- (c) before grant of the licence a veterinary inspector has clinically examined all susceptible animals on the premises where it was produced and is satisfied by such examination that they are not suspected of infection.

(6) No person shall spread dung or manure to which this paragraph applies unless such spreading is authorised by a licence granted by an inspector and the dung or manure—

- (a) is spread from not more than 1 metre above the ground;
- (b) if spread as a liquid, is not discharged by equipment producing a jet or spray unless the discharge point is directed downwards at an angle of not less than 45° from horizontal; and
- (c) is immediately incorporated into the ground.

(7) Transport of dung or manure complies with this sub paragraph if—

- (a) the dung or manure is for spreading;
- (b) the transport is under the authority of a licence granted by an inspector; and
- (c) before grant of the licence a veterinary inspector has clinically inspected all susceptible animals on the premises where it was produced and is satisfied that they are not suspected of infection.

**Changes to legislation:** There are currently no known outstanding effects for the The Foot-and-Mouth Disease (Scotland) Order 2006, SCHEDULE 4. (See end of Document for details)

(8) No person shall spread dung or manure transported under authority of a licence granted under sub paragraph (7) unless such spreading is authorised by a licence granted by an inspector and the dung or manure is injected into the ground.

(9) Any licence granted under sub paragraph (6) or sub paragraph (8) shall contain at least the following terms—

- (a) designation of the areas within which the dung or manure must be spread;
- (b) designation of a distance from other premises keeping susceptible animals within which dung or manure must not be spread.

(10) Transport of dung or manure complies with this sub paragraph if it is carried out in a vehicle which is—

- (a) constructed and maintained so that there is no leakage of the load during transport; and
- (b) cleansed and disinfected after loading and before leaving the premises of origin.

(11) After transporting dung or manure under this paragraph, the person in charge of the vehicle shall ensure it is cleansed and disinfected after unloading or spreading and before leaving the premises of destination.

(12) The person in charge of a vehicle to be cleansed and disinfected under sub paragraph (10) or (11) shall ensure that such cleansing and disinfection is carried out so that—

- (a) the exterior (including the wheels and wheel arches) is not visibly contaminated with mud, dung, manure or similar matter on leaving either premises;
- (b) the interior (excluding any driver or passenger compartment) is not so contaminated on leaving the premises of destination; and
- (c) any additional requirements as an inspector directs are complied with.

**F7** Words in [sch. 4 para. 33\(4\)](#) substituted (4.3.2011) by [The Animal By-Products \(Enforcement\) \(Scotland\) Regulations 2011 \(revoked\) 2011 \(S.S.I. 2011/171\)](#), reg. 1(1), [sch. 2 para. 23\(b\)](#)

**Changes to legislation:**

There are currently no known outstanding effects for the The Foot-and-Mouth Disease (Scotland) Order 2006, SCHEDULE 4.