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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations transpose for Scotland Council Directive [2003/85/EC](#) on Community measures for the control of foot-and-mouth disease (O.J. No. L306, 22.11.2003, p1) insofar as it deals with vaccination against foot-and-mouth disease, and the provision of additional slaughter powers. The Directive is also transposed by the Foot-and-Mouth Disease (Scotland) Order 2006 ([S.S.I. 2006/44](#)) (“the Order”).

They revoke the Foot-and-Mouth Disease (Infected Areas) (Vaccination) Order 1972 ([S.I.1972/1509](#)) insofar as it applies in Scotland and the Foot-and-Mouth Disease (Control of Vaccination) (Scotland) Regulations 2001 ([S.S.I. 2001/261](#)).

Part 1 of the Regulations contains introductory and interpretation provisions.

Part 2 makes provision for preventive eradication and additional powers of slaughter, and also for exemption from slaughter for certain susceptible animals.

Part 3 makes provision for a programme of vaccination against foot-and-mouth disease.

Regulation 11 requires vaccination to be carried out under licence unless it is carried out as scientific research.

Regulation 12 sets out the factors the Scottish Ministers must consider when deciding whether to permit vaccination and regulation 13 requires such a decision to be in writing and to contain specified information.

Regulation 14 provides for the effect of a licence permitting vaccination.

Regulations 15 to 19 apply when a programme of protective vaccination (defined in regulation 2, commonly referred to as “vaccination to live”) is undertaken. They provide for the declaration of a vaccination zone and a vaccination surveillance zone. Regulation 18 and the Schedule provide for the measures applying in a vaccination zone. The requirements for treatment of products originating in or produced in a vaccination zone should be read with Schedule 5 of the Order. These vary according to the phase of the vaccination programme; the commencement and ending of phases are also provided for in regulation 18. Regulation 19 provides for the measures applying in a vaccination surveillance zone.

Regulation 20 extends the power to vaccinate animals in section 16 of the Animal Health Act 1981 (c22, amended by the Animal Health Act 1981 (Amendment) Regulations 1992 ([S.I 1992/3293](#)), (“the Act”) and, consequentially, the effect of other provisions of the Act relating to vaccination.

Regulation 21 requires keepers of animals to facilitate their vaccination and controls movement of animals from premises where vaccination is being undertaken.

Regulation 22 provides for identification of vaccinated animals by means of an eartag at the time of vaccination. Regulation 23 requires cattle passports and registration certificates to be marked to identify the animal as vaccinated. Regulation 24 provides for removal of eartags and missing eartags. Regulation 25 prohibits the sale or sending for slaughter of a vaccinated animal unless it is identified as such. Regulations 26 and 27 provide for animals which were to have been included in a vaccination programme but were not vaccinated and for their carcasses. Regulation 27 also makes provision for the treatment of carcasses which come from a vaccinated animal but are not being dealt with accordingly.

Regulation 28 provides for the survey of premises during phase 2 of a programme of protective vaccination and their classification according to the results of that survey. Regulation 29 provides for

*Status: This is the original version (as it was originally made).*

the measures applying to premises classified as “reactor premises”. The requirements for cleansing and disinfection and restocking of reactor premises should be read with Schedules 1 and 9 of the Order.

Regulation 30 requires the local authority to erect signs indicating the boundaries of vaccination zones and vaccination surveillance zones.

Regulation 31 prohibits the sending of vaccinated animals for intra-Community trade.

Part 4 makes general and supplementary provision

Regulation 32 requires occupiers to provide facilities, equipment and materials where cleansing and disinfection of vehicles is required on their premises.

Regulation 33 makes provision to maintain marks applied under the Regulations.

Regulation 34 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 Regulations.

Regulations 35 to 42 and 44 to 47 make provision related to offences and enforcement. In particular, regulation 41 applies provisions of the Act related to offences as if the Regulations were an Order made under the Act; consequently, failure to comply with the Regulations is an offence under section 73 of the Act.

Regulation 43 confers general powers on veterinary inspectors to take action to prevent spread of disease.

Regulation 48 makes provision as to amendments, whilst regulation 49 makes provision as to revocations.

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 these Regulations. Copies may be obtained from the Scottish Executive Environment and Rural Affairs Department, Pentland House, Robb’s Loan, Edinburgh, EH14 1TW.