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SCOTTISH STATUTORY INSTRUMENTS

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**2006 No. 45**

**The Foot-and-Mouth Disease (Slaughter and  
Vaccination) (Scotland) Regulations 2006**

**PART 3**

**The vaccination programme**

**Prohibition on vaccination except under licence**

**11.**—(1) Subject to paragraph (2), no person shall vaccinate an animal against the disease or administer hyper immune serum to it except under the authority of a licence granted by the Scottish Ministers permitting suppressive vaccination or protective vaccination.

(2) Paragraph (1) does not apply to—

- (a) anything done under the authority of a licence granted under article 4 of the Specified Animal Pathogens Order 1998<sup>(1)</sup>; or
- (b) the administration of a vaccine in accordance with an animal test certificate issued in accordance with section 32 of the Medicines Act 1968<sup>(2)</sup>.

**Factors informing a decision to permit suppressive vaccination or protective vaccination**

**12.**—(1) The Scottish Ministers shall take into account the following factors in deciding whether to permit suppressive vaccination or protective vaccination—

- (a) the risk of an outbreak of the disease—
  - (i) in the United Kingdom becoming widespread in any part of the country;
  - (ii) spreading to Scotland with imported susceptible animals, carcasses or other things liable to spread disease;
  - (iii) spreading from Scotland with exported susceptible animals, carcasses or other things liable to spread disease;
  - (iv) spreading to or from Scotland because of the prevailing meteorological conditions;
- (b) any threat from the disease to animals in—
  - (i) a laboratory, zoo, wildlife park or other premises where susceptible animals are kept principally for the purposes of display and education of the public, or an enclosed area principally used for shooting;
  - (ii) premises not falling within (i) of a body, institute or centre which—
    - (aa) keeps susceptible animals only for the purposes of conservation, display and education of the public, or scientific research or breeding of such animals for research; and

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<sup>(1)</sup> S.I.1998/463.

<sup>(2)</sup> 1968, c. 67.

- (bb) is approved in relation to those animals under regulation 9 of the Animal and Animal Products (Import and Export) (Scotland) Regulations 2000(3); or
- (iii) other premises where susceptible animals are kept for scientific purposes or purposes related to conservation of species or farm animal genetic resources; and
- (c) the criteria in Annex X of the Directive.

(2) Where, having taken those factors into account, the Scottish Ministers consider that permitting suppressive vaccination or protective vaccination is the most appropriate means of preventing the spread of disease, they shall undertake a vaccination programme.

(3) If the Scottish Ministers decide to undertake a vaccination programme they shall grant one or more licences permitting suppressive vaccination or protective vaccination.

### **Form of the decision to undertake a vaccination programme**

**13.**—(1) The decision to undertake a vaccination programme shall be given in writing.

(2) The decision shall contain the following information about the vaccination programme—

- (a) whether it is a programme of suppressive or of protective vaccination;
- (b) the place or geographical area where it is to be undertaken;
- (c) specification of the animals to be vaccinated (including their species and age);
- (d) the intended duration of the programme;
- (e) notification of the prohibition on movement of animals and animal products in regulation 18(1) and 19;
- (f) the form of the eartags to be affixed and vaccination records to be made under regulation 22; and
- (g) such other information (if any) as the Scottish Ministers think necessary to inform those who may be affected by the vaccination programme.

(3) Any decision of the Scottish Ministers which results in a change to the information in sub paragraph (2) shall also be given in writing.

(4) The Scottish Ministers shall take such steps as they consider fit to bring any decision required to be given in writing by this regulation to the attention of those who may be affected by it.

### **Licences permitting suppressive vaccination or protective vaccination**

**14.**—(1) No licence permitting suppressive vaccination shall authorise vaccination outside a protection zone.

(2) No licence permitting protective vaccination shall authorise vaccination in a vaccination surveillance zone.

### **Declaration of vaccination zone and of a vaccination surveillance zone for protective vaccination in Scotland**

**15.**—(1) If they decide to undertake a programme of protective vaccination, the Scottish Ministers shall at the same time declare any part of Scotland where it is to be undertaken to be a vaccination zone and shall also declare a vaccination surveillance zone.

(2) A declaration under paragraph (1) shall designate—

- (a) the extent of the vaccination zone; and

- (b) the extent of the vaccination surveillance zone which shall extend from the vaccination zone for at least 10km and shall be of such size as the Scottish Ministers consider fit to prevent the spread of disease.
- (3) If they decide to vary the place or geographical area where a programme of protective vaccination is to be undertaken, the Scottish Ministers shall amend the declaration under paragraph (1) so that the vaccination zone comprises the place or geographical area as varied.
- (4) Any premises which are partly inside and partly outside a vaccination zone shall be deemed to be wholly within it.

#### **Declaration of vaccination zone and of a vaccination surveillance zone for protective vaccination in England**

- 16.—**(1) This regulation applies where a programme of protective vaccination is to be undertaken in England.
- (2) Where this regulation applies and any part of the programme of protective vaccination is to be undertaken within ten kilometres of the border with Scotland, the Scottish Ministers shall declare a vaccination surveillance zone in Scotland.
- (3) Where this regulation applies and a zone having equivalent effect to a vaccination surveillance zone has been declared in England, the Scottish Ministers may declare a vaccination surveillance zone in Scotland.
- (4) Subject to paragraph (4), a vaccination surveillance zone declared under this regulation shall be of such size as the Scottish Ministers think fit to prevent the spread of disease.
- (5) A declaration under this regulation shall specify the extent of the vaccination surveillance zone and the Scottish Ministers shall ensure that any such zone—
- (a) abuts the border with England; and
  - (b) extends from that border such that its boundary is at least ten kilometres from the perimeter of any zone having equivalent effect to a vaccination zone in England.

#### **Vaccination zones and vaccination surveillance zones: general provisions**

- 17.—**(1) Any premises which are partly inside and partly outside a vaccination zone shall be deemed to be wholly within it.
- (2) Any premises which are partly inside and partly outside a vaccination surveillance zone shall be deemed to be wholly within it (except premises which are also partly within a vaccination zone).
- (3) An area shall remain a vaccination zone or a vaccination surveillance zone (or part of one) until the Scottish Ministers—
- (a) amend the declaration creating it so as to exclude that area; or
  - (b) revoke that declaration.
- (4) Any amendment or revocation of a declaration creating a vaccination zone or a vaccination surveillance zone shall refer to that declaration and state the date and time it is to take effect.

#### **Time phases and measures applicable to the vaccination zone**

- 18.—**(1) Subject to regulation 29, the provisions of the Schedule apply in respect of a vaccination zone in addition to any requirements or restrictions applying in any part of it because that part falls within a protection zone or a surveillance zone.
- (2) Phase 1 shall commence on declaration of a vaccination zone.

(3) After 30 days have elapsed since all animals in a vaccination zone specified for vaccination in a decision to undertake a programme of protective vaccination have been vaccinated, the Scottish Ministers may declare the end of phase 1 and the commencement of phase 2 and such declaration shall specify the date and time it is to take effect.

(4) On completion of all measures in regulation 29 (a) to (d) in every reactor premises in a vaccination zone, the Scottish Ministers shall declare the end of phase 2 and the commencement of phase 3 and such declaration shall specify the date and time it is to take effect.

(5) Notwithstanding paragraph (4), the Scottish Ministers may, before completion of the measures in regulation 29(a) to (d) in every reactor premises in a vaccination zone, serve a notice on any premises classified as free of disease under regulation 28(1)(b)(iii) stating that they shall enter phase 3, and phase 3 shall be deemed to have commenced in respect of those premises on such service.

(6) The Scottish Ministers may declare the end of phase 3 where they are satisfied that the disease has been eradicated in Scotland.

### **Measures applying in a vaccination surveillance zone**

**19.**—(1) No person shall move any susceptible animal within or out of a vaccination surveillance zone except—

- (a) within the premises on which it is kept; or
- (b) under the authority of a licence granted by the Scottish Ministers.

(2) This regulation applies in addition to any requirements or restrictions applying in any part of a vaccination surveillance zone because that part falls within a protection zone or a surveillance zone.

### **Extension of the power to cause vaccination**

**20.** Notwithstanding section 16(1) of the Act, the Scottish Ministers may cause vaccination of animals which do not fall within that subsection where they are in a vaccination zone and section 16 of the Act shall apply as if such vaccination was carried out in exercise of the power in section 16(1).

### **Facilitation of vaccination**

**21.**—(1) The keeper of any animal specified in a decision to undertake a vaccination programme shall, where required by an inspector or a person acting at an inspector's direction—

- (a) state (if required, in writing) the species, ages, and numbers of the animals for which the keeper is responsible; and
- (b) submit any such animal for vaccination at such time and in such place as required by that inspector or that person.

(2) Except under the authority of a licence granted by the Scottish Ministers, no person shall move the following from any premises where any animal specified in a decision to undertake a vaccination programme is kept before all such animals have been vaccinated—

- (a) any animal; or
- (b) any animal product produced on the premises from a susceptible animal.

### **Identification of vaccinated animals**

**22.**—(1) The Scottish Ministers shall provide every person issued with a licence permitting suppressive vaccination or protective vaccination with sufficient eartags for every animal which may be vaccinated under that licence.

(2) Each eartag shall carry such information as the Scottish Ministers consider necessary to identify the animal to which it is affixed as a vaccinated animal.

(3) Any person vaccinating an animal shall—

- (a) identify it immediately after vaccination by affixing an eartag;
- (b) make a written record of that vaccination containing the following information—
  - (i) the date;
  - (ii) the place;
  - (iii) a description of the animal and the details of its eartag; and
  - (iv) the product and dosage administered;
- (c) ensure that the Scottish Ministers and the keeper of the animal receive a copy of that vaccination record; and
- (d) retain that vaccination record for a period of six years.

(4) Vaccination records shall each be in a form approved by the Scottish Ministers.

(5) Every person provided with eartags under this regulation shall return unused eartags to the Scottish Ministers on demand and without delay.

### **Marking of cattle passports**

**23.**—(1) This paragraph applies to any animal specified for vaccination which is issued with—

- (a) a cattle passport under the Cattle Passports Order 1996<sup>(4)</sup>;
- (b) a cattle passport under the Cattle Identification Regulations 1998<sup>(5)</sup>; or
- (c) a registration certificate under the Cattle (Identification of Older Animals) (Scotland) Regulations 2001<sup>(6)</sup>.

(2) If the keeper of any animal to which paragraph (1) applies has its cattle passport or registration certificate in that person's possession at the time of vaccination that person shall give it to the person carrying out the vaccination at that time.

(3) The person carrying out the vaccination shall ensure that any cattle passport or registration certificate given to that person at the time of vaccination is marked at that time to indicate that the animal has been vaccinated and then returned to the keeper.

(4) If the cattle passport or registration certificate of any animal to which paragraph (1) applies is not in the possession of its keeper at the time of vaccination, the Scottish Ministers shall serve a notice on that keeper requiring that keeper to submit it to the Scottish Ministers without delay on its return to that keeper's possession for marking to indicate that the animal has been vaccinated.

### **Removal of eartags and missing or illegible eartags**

**24.**—(1) No person shall intentionally remove an eartag affixed under regulation 22 unless it is removed to prevent unnecessary pain and suffering.

(2) If the keeper of a vaccinated animal removes its eartag in accordance with paragraph 9 or discovers that its eartag is missing or illegible (whether wholly or partially), the keeper shall notify the Scottish Ministers in writing without delay.

(3) On receipt of a notification under this regulation, the Scottish Ministers shall—

- (a) arrange for a new eartag to be affixed to the vaccinated animal; or

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<sup>(4)</sup> S.I. 1996/1686.

<sup>(5)</sup> S.I. 1998/871, to which there are amendments not relevant to these Regulations.

<sup>(6)</sup> S.S.I. 2001/1, to which there are amendments not relevant to these Regulations.

- (b) if affixing an eartag would cause unnecessary pain and suffering, arrange for the animal to be identified as vaccinated by applying a permanent indelible mark.
- (4) Any person who knows or suspects that an animal has been vaccinated but is not bearing an eartag or a mark applied under paragraph (3)(b) shall immediately notify the keeper of that animal and the Divisional Veterinary Manager.

### **Sale and slaughter of vaccinated animals**

**25.** No person shall sell a vaccinated animal or send such an animal for slaughter unless it bears an eartag affixed under these Regulations, or a mark applied under regulation 24(3)(b).

### **Failure to vaccinate animals specified for vaccination**

**26.—**(1) Any person (other than an inspector) who knows or suspects that an animal has been specified for vaccination but was not vaccinated at the time when it should have been, shall immediately notify the keeper of that animal and the Divisional Veterinary Manager.

(2) If an inspector suspects that an animal has been specified for vaccination but was not vaccinated at that time, the inspector shall arrange for that animal to be vaccinated as soon as is reasonably practicable (but not sooner than 21 days after the date it should have been vaccinated).

### **Carcases of animals specified for vaccination**

**27.—**(1) If an inspector knows or suspects that a carcass is the carcass of a vaccinated animal and is intended for sale (whether before or after processing into an animal product), but is not being dealt with as the carcass of a vaccinated animal the inspector may serve a notice on the person in charge of the carcass requiring that person to arrange for its disposal.

(2) If an inspector knows or suspects that a carcass is the carcass of an animal specified for vaccination which has not been vaccinated and is intended for sale (whether before or after processing into an animal product), the inspector shall serve a notice on the person in charge of the carcass requiring that person to deal with it at all times as if it was the carcass of a vaccinated animal.

(3) In this regulation “specified for vaccination” means specified as an animal to be vaccinated in a decision to undertake a vaccination programme.

### **Survey and classification of premises during phase 2**

**28.—**(1) The Scottish Ministers shall ensure that during phase 2—

- (a) a clinical and serological survey of all premises in the vaccination zone keeping susceptible animals is carried out in accordance with the following method—
  - (i) all susceptible animals in the vaccination zone are clinically inspected; and
  - (ii) either—
    - (aa) testing for infection with the disease virus by an assay for antibodies against non-structural proteins of the disease virus is carried out on a selection of susceptible animals pursuant to a sampling protocol suitable to detect 5% prevalence with at least 95% level of confidence; or
    - (bb) testing for antibodies against non-structural proteins of the disease virus is carried out on samples from all vaccinated animals and their unvaccinated offspring; and
- (b) each premises in the vaccination zone where susceptible animals are kept is classified according to the outcome of the survey and the criteria in Schedule 3 of the Order—

- (i) as infected premises, where the premises contained at least one susceptible animal where the presence of the disease virus is confirmed;
- (ii) as reactor premises, where the premises contained at least one susceptible animal suspected of being infected but where further testing including all susceptible animals on the premises confirmed the absence of circulating disease virus; or
- (iii) as free of disease.

(2) Where premises are classified as reactor premises under paragraph (1)(b)(ii), the Scottish Ministers shall serve a notice on the occupier declaring the premises to be reactor premises.

(3) Where premises are classified as free of disease under paragraph (1)(b)(iii), the Scottish Ministers shall serve a notice on the occupier declaring the premises to be free of disease.

### **Measures applicable to reactor premises**

**29.** The following measures shall apply to reactor premises—

- (a) the Scottish Ministers shall arrange for susceptible animals which have tested positive to at least one of the tests in regulation 28(1)(a)(ii) shall be slaughtered on the premises;
- (b) the Scottish Ministers may by notice served on the occupier direct that other susceptible animals on the premises shall be slaughtered;
- (c) the occupier shall dispose of the carcasses of any susceptible animals slaughtered on the premises in accordance with the directions of an inspector;
- (d) the Scottish Ministers shall arrange for the premises to be cleansed and disinfected in accordance with Schedule 1 of the Order; and
- (e) no person shall restock the premises except under the authority of a licence granted by the Scottish Ministers and in accordance with Schedule 9 of the Order.

### **Duty of the local authority to erect signs**

**30.** The local authority shall ensure that the boundaries of every vaccination zone and vaccination surveillance zone are indicated by signs erected in a conspicuous position on those roads entering the zones on which it considers susceptible animals are likely to be moved.

### **Intra-Community trade of vaccinated animals**

**31.** No person shall send any vaccinated animal for intra-Community trade.