
SCOTTISH STATUTORY INSTRUMENTS

2007 No. 147

The Tuberculosis (Scotland) Order 2007

PART 1

Introductory provisions

Citation, commencement and extent

1.—(1) This Order may be cited as the Tuberculosis (Scotland) Order 2007 and shall come into force on 6th April 2007.

(2) This Order extends to Scotland only.

Interpretation

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

“the Act” means the Animal Health Act 1981;

“affected animal” means a bovine animal which is affected with tuberculosis of the udder or is giving tuberculous milk or is affected with tuberculous emaciation or is excreting or discharging tuberculous material or is affected with a chronic cough or shows any other clinical signs of tuberculosis, and includes a reactor;

“approved disinfectant” means a disinfectant listed in the Diseases of Animals (Approved Disinfectants) Order 1978(1) as being approved for the time being for use against tuberculosis;

“bovine animal” means domestic cattle of the genus *Bos*, *Bubalus bubalis* or *Bison bison*;

“Divisional Veterinary Manager” means the veterinary inspector appointed by the Scottish Ministers to receive information about animals or carcasses affected or suspected of being affected with specified diseases, for the area in which the animal or carcass is;

“high incidence area” means an area in Great Britain where bovine animals are required to be subject to routine tuberculin testing on a yearly or two yearly basis in accordance with the requirements of Council Directive [64/432/EEC](#) on animal health problems affecting intra-Community trade in bovine animals and swine(2);

“market value” means—

(a) in the case of a bovine animal born before 1st August 1996, the higher of—

(i) the price which might reasonably have been obtained for it at the time of valuation from a purchaser in the open market if the animal was not an affected animal; or

(1) S.I.1978/32; relevant amending instruments are S.I. 1978/934, S.S.I. 2001/45, S.S.I. 2003/334 and S.S.I. 2006/352. .
(2) O.J. No. L 121, 29.7.64, p.1977; relevant amending instruments are Council Directive [98/46/EC](#) (O.J. L 198, 15.7.98, p.22) Directive [2000/20/EC](#) of the European Parliament and of the Council (O.J. L 163, 4.7.00, p.35) and Commission Regulation (EC) No. [1226/2002](#) (O.J. L 179, 9.7.2002, p. 13).

- (ii) the purchase price which would have applied had the animal been slaughtered in accordance with Commission Regulation (EC) No. 716/96 adopting exceptional support measures for the beef market in the United Kingdom, as amended⁽³⁾; and
- (b) in the case of a bovine animal born on or after 1st August 1996, the price which might reasonably have been obtained for it at the time of valuation from a purchaser in the open market if the animal was not an affected animal;

“milk” includes cream and separated or skimmed milk;

“premises” includes land, with or without buildings;

“reactor” means a bovine animal that produces a reaction consistent with its being affected with tuberculosis when tested for that disease;

“suspected animal” means a bovine animal that is suspected of being affected with tuberculosis;

“tuberculosis” means infection with *Mycobacterium bovis* (*M.bovis*); and

“veterinary surgeon” means a veterinary surgeon or veterinary practitioner registered under the Veterinary Surgeons Act 1966⁽⁴⁾.

(2) A reference in this Order to anything done in writing or produced in written form includes a reference to an electronic communication, as defined in section 15(1) of the Electronic Communications Act 2000⁽⁵⁾ which has been recorded and is consequently capable of being reproduced.

Extension of definition of “disease” and power to slaughter on account of tuberculosis

3. For the purposes of the Act, the definition of “disease” in section 88(1) of the Act is hereby extended to include tuberculosis and section 32 of the Act (power to slaughter animals) shall apply to that disease.

(3) O.J. No. L 99, 20.4.96, p.14; relevant amending instrument is Commission Regulation (EC) No. 2109/2005 (O.J. No. L 337, 22.12.2005, p.25).

(4) 1966, c. 36; amended by S.I. 1988/526, S.I. 1991/1412 and S.I. 2002/1479.

(5) 2000 c. 7; amended by paragraph 158 of Schedule 17 to the Communications Act 2003 (c. 21).