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STATUTORY INSTRUMENTS

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**1997 No. 968**

**ANIMALS**

**ANIMAL HEALTH**

**The Sheep Scab Order 1997**

*Made* - - - - *19th March 1997*

*Coming into force* - - *1st July 1997*

The Minister of Agriculture, Fisheries and Food, the Secretary of State for Scotland and the Secretary of State for Wales, acting jointly, in exercise of the powers conferred on them by sections 1, 7(1), 8(1), 14(1), 15(4), 23, 25, 28 and 83(2) of the Animal Health Act 1981<sup>(1)</sup>, and of all other powers enabling them in that behalf, hereby make the following Order:

**Title and commencement**

1. This Order may be cited as the Sheep Scab Order 1997 and shall come into force on 1st July 1997.

**Interpretation**

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

“clearance notice” means a notice publicised in accordance with article 3 below;

“common land” means, in England and Wales, any common or unenclosed land, and in Scotland, land grazed in common including common grazings within the meaning of the Crofters (Scotland) Act 1993<sup>(2)</sup>.

(2) For the purposes of this Order, a sheep is visibly affected with sheep scab if it exhibits clinical signs of the disease.

(3) A notice served under this Order shall be in writing, may be made subject to conditions and may be amended, suspended or revoked in writing at any time.

**Notice of clearance of sheep from common land**

3.—(1) If a local authority is satisfied that any common land or any part of common land has on it sheep which are visibly affected with sheep scab, it may publish a notice in accordance with this article.

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(1) 1981 c. 22. See section 86(1)(c) for a definition of “the Ministers”.

(2) 1993 c. 44.

(2) The notice shall be in writing and shall be publicised in such way as the local authority thinks fit in order to draw it to the attention of persons affected by it.

(3) The notice shall require all persons keeping sheep on the land specified in the notice to move all those sheep off that land before the date specified in the notice.

(4) If the local authority thinks it is necessary, the notice may provide that, at least 48 hours before any treatment for sheep scab is carried out in accordance with the following article, the owner of the sheep shall notify the local authority of the time and place that the treatment will be carried out.

(5) Following the publication of a notice under this article, any person keeping sheep on land specified in the notice shall ensure that those sheep are removed from that land before the date specified in the notice.

#### **Movement of sheep after the date specified in the notice**

4.—(1) No person shall move sheep on to the land specified in a clearance notice for three complete days from the date specified in the notice.

(2) No person shall move sheep on to the land specified in a clearance notice for three months from the date of the notice (or such earlier date as the notice shall specify), or keep sheep on that land, unless—

- (a) those sheep have been treated against sheep scab with a product for the treatment of sheep scab which may be placed on the market under the provisions of the Marketing Authorisations for Veterinary Medicinal Products Regulations 1994<sup>(3)</sup> and the local authority has, if it thinks that it is necessary to do so, checked that the treatment has been carried out;
- (b) the person moving the sheep on to the land has given the following information to the local authority in writing—
  - (i) the fact that the sheep have been treated against sheep scab;
  - (ii) the number of sheep which have been treated;
  - (iii) the date or dates of the treatment;
  - (iv) the product used; and
- (c) the local authority has authorised in writing the movement of those sheep on to the land.

(3) A local authority shall not authorise the movement of sheep in accordance with this article unless—

- (a) it has received the information required in the preceding paragraph; and
- (b) if the movement is within 16 days of the date specified in the notice (or, if the land was not cleared by the date specified in the notice, 16 days from the date on which the land was cleared), it is satisfied that the sheep have been treated in such a way that they will not be affected by sheep scab mites remaining on the land.

#### **Seizure of unauthorised sheep**

5.—(1) A local authority may seize and detain any sheep which are found on land specified in a clearance notice while that notice is in force and which have not been authorised to go on to that land by the local authority.

(2) If the owner of a sheep seized by a local authority under this article establishes his right to ownership of it within 7 days of its seizure and pays to the local authority the expenses incurred in seizing and detaining the sheep, he may take possession of the sheep.

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(3) S.I.1994/3142.

(3) Unless the owner of a sheep has established his right to ownership and paid the expenses of the local authority under paragraph (2) above within 7 days of seizure, the local authority may either

- (a) treat and sell the sheep, or
- (b) cause the sheep to be slaughtered and sell the carcase

and deduct from the proceeds of sale expenses incurred and retain any surplus for payment to any person who can establish that the sheep belonged to him.

#### **Movement of sheep with sheep scab**

6.—(1) No person shall move any sheep visibly affected with sheep scab, or any sheep from a flock containing one or more sheep visibly affected with sheep scab, on to or off any premises except—

- (a) for treatment;
- (b) for immediate slaughter;
- (c) in accordance with a notice under article 3 above; or
- (d) under the authority of a licence in writing granted by an inspector.

(2) Any movement of sheep under this article shall be carried out in such a way that other sheep are not contaminated with sheep scab by coming into contact with them.

#### **Treatment of sheep with sheep scab**

7.—(1) Any person who is the keeper of sheep visibly affected with sheep scab shall, as soon as is reasonably practicable, treat those sheep and all other sheep in the flock with a product authorised in accordance with article 4(2)(a) above.

(2) An inspector may serve a notice under this article on any person in charge of sheep visibly affected with sheep scab, requiring the isolation of the animals (or, if they are not on a holding occupied by the keeper, removal to that holding and isolation on that holding) pending the results of testing for sheep scab; and, if sheep scab is confirmed, a further notice may be served requiring the keeper to treat them within a specified period.

(3) The notice may include other sheep kept by the person on whom the notice has been served, if those sheep have been in contact with the affected sheep.

(4) A person on whom a notice to treat sheep scab is served under this article shall within the period specified in the notice, either

- (a) treat or cause the sheep to be treated in accordance with paragraph (1) above, or
- (b) ensure that the sheep are slaughtered.

(5) A person on whom a notice to treat sheep scab has been served under this article shall, within two weeks of the date on which he complied with the notice, send to the inspector who served the notice—

- (a) in the case of sheep treated for sheep scab, a document signed by a veterinary surgeon stating the date on which the treatment took place and the treatment used; or
- (b) in the case of sheep which were slaughtered, evidence of such slaughter.

#### **Powers of local authority where sheep with sheep scab are not treated**

8. Where a local authority is satisfied that—

- (a) a notice has been served under article 7(2) above; and
- (b) that notice has not been complied with;

it may cause any sheep specified in the notice to be treated for sheep scab at the expense of the person on whom the notice was served.

**Powers to take samples etc.**

9.—(1) A veterinary inspector who enters any premises for the purpose of ascertaining whether sheep scab exists there may carry out such inquiries, examinations and tests and take such samples as are necessary to ascertain whether sheep scab exists or has, within 56 days, existed there.

(2) The occupier of any land, building or other place or any person in his employment shall render such reasonable assistance to a veterinary inspector as the veterinary inspector may require for the purposes of facilitating the exercise of his powers under this article.

**Marking sheep**

10. An inspector may, for the purposes of identification, mark any animal or carcase when exercising powers under this Order; and no person shall deface, obliterate, or remove such mark.

**Enforcement**

11. This Order shall be executed and enforced by the local authority.

18th March 1997

*Angela Browning*  
Parliamentary Secretary, Ministry of Agriculture,  
Fisheries and Food

18th March 1997

*Lindsay*  
Parliamentary Under Secretary of State, Scottish  
Office

Signed by authority of the Secretary of State for Wales

19th March 1997

*Jonathan Evans*  
Parliamentary Under-Secretary of State, Welsh  
Office

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## EXPLANATORY NOTE

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

This Order gives a local authority power to serve a notice requiring the temporary clearance from common land of sheep affected with sheep scab (articles 3 and 4). If sheep are not moved in accordance with the notice the local authority may seize them (article 5).

The Order prohibits the movement of sheep affected with sheep scab from any premises other than in accordance with this Order or in other specified circumstances (article 6). It requires a keeper of a sheep affected with sheep scab to treat the animal and all other sheep in the flock, and gives to local authorities powers to serve notices requiring treatment, and default powers if the notice is not complied with (articles 7 and 8). It enables a veterinary inspector to take samples relating to sheep scab (article 9) and enables an inspector to mark the sheep (article 10). It is enforced by the local authority (article 11).

Breach of this Order is an offence under section 73 of the Animal Health Act 1981.

A Compliance Cost Assessment has been prepared and placed in the library of each House of Parliament. Copies can be obtained from the Animal Health (Disease Control) Division of the Ministry of Agriculture, Fisheries and Food, Government Buildings, Hook Rise South, Tolworth, Surbiton, Surrey KT6 7NF.