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SCOTTISH STATUTORY INSTRUMENTS

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**2013 No. 173**

**ANIMALS**

**ANIMAL HEALTH**

**The Animal Health (Miscellaneous  
Amendments) (Scotland) Order 2013**

<i>Made</i>	- - - -	<i>28th May 2013</i>
<i>Laid before the Scottish Parliament</i>	- - - -	<i>30th May 2013</i>
<i>Coming into force</i>	- -	<i>28th June 2013</i>

The Scottish Ministers make the following Order in exercise of the powers conferred by section 2(2) of the European Communities Act 1972 <sup>F1</sup> and sections 1, 8(1), 8A, 15(3), (4) and (5), 17(1), 23, 35(3) and 83(2) of the Animal Health Act 1981 <sup>F2</sup>, and all other powers enabling them to do so <sup>F3</sup>.

- F1** 1972 c.68 (“the 1972 Act”). Section 2(2) was amended by the [Scotland Act 1998 \(c.46\)](#) (“the 1998 Act”), Schedule 8, paragraph 15(3) (which was amended by section 27(4) of the [Legislative and Regulatory Reform Act 2006 \(c.51\)](#) (“the 2006 Act”). Section 2(2) was also amended by section 27(1) of the 2006 Act and by the [European Union \(Amendment\) Act 2008 \(c.7\)](#), [Schedule](#), Part 1. The functions conferred upon the Minister of the Crown under section 2(2) of the 1972 Act, insofar as within devolved competence, were transferred to the Scottish Ministers by virtue of section 53 of the 1998 Act. The powers in section 2(2) are exercised in relation to articles 12, 18 and 20 of this Order.
- F2** 1981 c.22 (“the 1981 Act”). Section 8 was amended by paragraph 1 of schedule 2 to the [Animal Health and Welfare \(Scotland\) Act 2006 \(asp 11\)](#). Powers to make Orders under these sections were originally conferred on “the Ministers” (as defined in section 86(1) of the 1981 Act). The functions of the Ministers were, insofar as within devolved competence, transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998.
- F3** The powers to make this Order are exercised together by virtue of section 33(2) of the [Interpretation and Legislative Reform \(Scotland\) Act 2010 \(asp 10\)](#). The Order is subject to the negative procedure by virtue of section 33(4) of that Act.

**Citation, commencement and extent**

1.—(1) This Order may be cited as the Animal Health (Miscellaneous Amendments) (Scotland) Order 2013 and comes into force on 28th June 2013.

(2) This Order extends to Scotland only.

### **The Export of Horses (Veterinary Examination) Order 1966**

2.—(1) The Export of Horses (Veterinary Examination) Order 1966 <sup>F4</sup> is amended in accordance with this article.

(2) In article 2(1) (interpretation), for the definition of “Divisional Veterinary Manager” substitute—

““authorised veterinary inspector” means a veterinary inspector authorised by the Scottish Ministers to receive notification about the shipment of horses from ports and aerodromes;”.

(3) In article 3 (notice requesting veterinary examination for horses to be exported), for “the Divisional Veterinary Manager” substitute “ an authorised veterinary inspector ”.

**F4** [S.I. 1966/507](#), amended by [S.I. 1995/2922](#).

### **The Rabies (Control) Order 1974**

3.—(1) The Rabies (Control) Order 1974 <sup>F5</sup> is amended in accordance with this article.

(2) In article 2(1) (interpretation)—

(a) omit the definition of “Divisional Veterinary Manager”; and

(b) insert after the definition of “ animal ”

““authorised veterinary inspector” means a veterinary inspector authorised by the Scottish Ministers to receive information about animals and carcasses affected or suspected of being affected with specified diseases;”.

(3) In article 4(3)(a) and (b) (notice of rabies or suspected rabies), for “the Divisional Veterinary Manager” substitute “ an authorised veterinary inspector ”.

(4) In article 5(5) (declaration of infected place), for “the Secretary, Ministry of Agriculture, Fisheries and Food, Hook Rise South, Tolworth, Surrey, KT6 7NF, to the Divisional Veterinary Manager” substitute “ an authorised veterinary inspector ”.

(5) In Schedule 2 (form of notice declaring and defining the limits of an infected place), omit the second Note (beginning with “The Inspector is with all practicable speed”).

**F5** [S.I. 1974/2212](#), amended by [S.I. 1995/2922](#).

### **The Importation of Animals Order 1977**

4.—(1) The Importation of Animals Order 1977 <sup>F6</sup> is amended in accordance with this article.

(2) In article 2(1) (interpretation)—

(a) omit the definition of “Divisional Veterinary Manager”; and

(b) insert after the definition of “ approved reception centre ”

““authorised veterinary inspector” means a veterinary inspector authorised by the Scottish Ministers to receive information about animals and carcasses affected with, or suspected of being affected with, specified diseases;”.

(3) In articles 4(2), (3)(b), (4) and (5)(a) (provisions relating to the carriage of imported animals to Great Britain) and 5(4) (provisions relating to the unloading of animals, etc., at ports and airports), for “the Divisional Veterinary Manager” in each place where those words occur substitute “ an authorised veterinary inspector ”.

**F6** [S.I. 1977/944](#), relevantly amended by [S.I. 1995/2922](#).

### **The Warble Fly (Scotland) Order 1982**

5.—(1) The Warble Fly (Scotland) Order 1982 <sup>F7</sup> is amended in accordance with this article.

(2) In article 2(1) (interpretation)—

(a) omit the definition of “Divisional Veterinary Manager”; and

(b) insert after the definition of “ animal ”

““authorised veterinary inspector” means a veterinary inspector authorised by the Scottish Ministers to receive information about warbled or suspected animals or carcasses;”.

(3) In the following provisions, for “the Divisional Veterinary Manager” in each place where those words occur substitute “ an authorised veterinary inspector ”

(a) article 4(1)(a) and (3) (notification of disease);

(b) article 11(3) and (4)(b) (infected area movement restrictions);

(c) article 12(3) (restrictions relating to markets, farm sales and places of exhibition);

(d) article 14(1) and (3) (notice of intention to treat);

(e) article 15 (statement of treatment); and

(f) in the Schedule (forms), in Form F, in paragraph 2 of the Notes.

(4) In article 4(4) (notification of disease), for “the Divisional Veterinary Officer” substitute “ an authorised veterinary inspector ”.

(5) In the Schedule (forms), in the address box of Forms F and G, for “Divisional Veterinary Manager” substitute “ authorised veterinary inspector ”.

**F7** [S.I. 1982/207](#), amended by [S.I. 1995/2922](#).

### **The Aujeszky's Disease Order 1983**

6.—(1) The Aujeszky's Disease Order 1983 <sup>F8</sup> is amended in accordance with this article.

(2) In article 19(2) (enforcement), for the words from “the Divisional Veterinary Manager” to the end of that paragraph substitute “ a veterinary inspector authorised by the Scottish Ministers to receive information about affected or suspected animals or carcasses. ”.

(3) In the Schedule, omit the Notes to Forms A, B, C, D and E.

**F8** [S.I. 1983/344](#), amended by [S.I. 1995/2922](#).

### **The Infectious Diseases of Horses Order 1987**

7.—(1) The Infectious Diseases of Horses Order 1987 <sup>F9</sup> is amended in accordance with this article.

(2) In article 3(1) (interpretation)—

(a) omit the definition of “Divisional Veterinary Manager”; and

(b) insert after the definition of “ approved disinfectant ”

““authorised veterinary inspector” means a veterinary inspector authorised by the Scottish Ministers to receive information about horses and carcasses affected or suspected of being affected with disease;”.

(3) In the following provisions, for “the Divisional Veterinary Manager” in each place where those words occur substitute “ an authorised veterinary inspector ”

- (a) article 4(1), (2)(a) and (b), (3)(a), (b) and (c) (notification of disease);
- (b) Rules 8 and 9 in article 7(1) (rules to be observed in an infected place);
- (c) article 9 (disposal of carcasses); and
- (d) Rules 8 and 9 in Form A in Schedule 1 (forms).

(4) In Schedule 1 (forms), omit the Notes to Forms A, B, C and D.

**F9** [S.I. 1987/790](#), amended by [S.I. 1995/2922](#).

### **The Tuberculosis (Deer) Order 1989**

**F10**. . . . .

**F10** [Art. 8](#) omitted (9.10.2015) by virtue of [The Tuberculosis in Specified Animals \(Scotland\) Order 2015 \(S.S.I. 2015/327\)](#), arts. 1(1), **23(2)**

### **The Anthrax Order 1991**

**9.**—(1) The Anthrax Order 1991 <sup>F11</sup> is amended in accordance with this article.

(2) In article 2(1) (interpretation)—

- (a) omit the definition of “Divisional Veterinary Manager”; and
- (b) insert after the definition of “ the Act ”

““authorised veterinary inspector” means a veterinary inspector authorised by the Scottish Ministers to receive information about diseased or suspected animals, or the carcasses of such animals;”.

(3) In articles 4 (notice of suspected disease), 7(2) (declaration of infected place) and 9 (disposal of carcasses), for “the Divisional Veterinary Manager” in each place where those words occur substitute “ an authorised veterinary inspector ”.

**F11** [S.I. 1991/2814](#), amended by [S.I. 1995/2922](#).

### **The Equine Viral Arteritis Order 1995**

**10.**—(1) The Equine Viral Arteritis Order 1995 <sup>F12</sup> is amended in accordance with this article.

(2) In article 3 (interpretation)—

- (a) omit the definition of “Divisional Veterinary Manager”; and
- (b) insert as the first definition—

““authorised veterinary inspector” means a veterinary inspector authorised for the time being by the Scottish Ministers to receive information about diseased or suspected horses;”.

(3) In the following provisions, for “the Divisional Veterinary Manager” in each place where those words occur substitute “ an authorised veterinary inspector ”

- (a) article 4(1), (3)(i) and (ii) and (4)(a) (notification of disease in horses); and
- (b) in the Schedule (restrictions and requirements on stallions and semen), in paragraphs 3, 5 and 7.

(4) In article 6(2) (veterinary inquiry as to the existence of disease)—

- (a) for the first reference to “the Divisional Veterinary Manager” substitute “ an authorised veterinary inspector ”; and
- (b) for the second and third references to “the Divisional Veterinary Manager” substitute “ that authorised veterinary inspector ”.

**F12** [S.I. 1995/1755](#), amended by [S.I. 1995/2922](#).

### **The Specified Diseases (Notification) Order 1996**

**11.**—(1) The Specified Diseases (Notification) Order 1996 <sup>F13</sup> is amended in accordance with this article.

(2) In article 2 (interpretation), for the definition of “Divisional Veterinary Manager” substitute—  
““authorised veterinary inspector” means a veterinary inspector authorised by the Scottish Ministers to receive information about diseased or suspected animals, or the carcasses of such animals;”.

(3) In article 5(1)(a) (notice), for “the Divisional Veterinary Manager” substitute “ an authorised veterinary inspector ”.

**F13** [S.I. 1996/2628](#), to which there are amendments not relevant to this Order.

### **The Enzootic Bovine Leukosis (Scotland) Regulations 2000**

**12.**—(1) The Enzootic Bovine Leukosis (Scotland) Regulations 2000 <sup>F14</sup> are amended in accordance with this article.

(2) In regulation 2(1) (interpretation)—

- (a) omit the definition of “Divisional Veterinary Manager”; and
- (b) insert after the definition of “ affected animal ”

““authorised veterinary inspector” means a veterinary inspector authorised by the Scottish Ministers to receive information about affected or suspected animals, or the carcasses of such animals;”.

(3) In regulation 3(1)(b) (notification of disease in bovine animals), for “the Divisional Veterinary Manager” substitute “ an authorised veterinary inspector ”.

(4) In regulations 3(2) (notification of disease in bovine animals) and 4(1) (notification of disease in carcasses), for “the Divisional Veterinary Manager responsible for that area” in each place where those words occur substitute “ an authorised veterinary inspector ”.

(5) In regulation 5(1) (notification of disease in laboratory samples) for “notify the Divisional Veterinary Manager of the area from which the sample was taken or in which the laboratory is situated,” substitute “ , notify an authorised veterinary inspector ”.

**F14** [S.S.I. 2000/365](#), to which there are amendments not relevant to this Order.