SCOTTISH STATUTORY INSTRUMENTS

2003 No. 353

ANIMALS

ANIMAL HEALTH

The Movement of Animals (Restrictions) (Scotland) Order 2003

Made - - - -	*9th July 2003*
Coming into force - -	*10th July 2003*

The Scottish Ministers, in exercise of the powers conferred by sections 1, 8(1), 17(1), 23, 28, 87(2) and 88(2) of the Animal Health Act 1981(**1**), and of all other powers enabling them in that behalf, hereby make the following Order:

Citation, commencement and extent

1.—(1) This Order may be cited as the Movement of Animals (Restrictions) (Scotland) Order 2003 and shall come into force on 10th July 2003.

(2) This Order extends to Scotland only.

Extension of definitions of "animals" and "disease"

2. For the purposes of the Animal Health Act 1981 in its application to this Order–

(a) the definition of "animals" in section 87(1) of that Act is extended so as to comprise any kind of mammal except man and any kind of four-footed beast which is not a mammal; and

(b) the definition of "disease" in section 88(1) of that Act is extended so as to comprise any disease of animals.

Interpretation and application

3.—(1) In this Order–

"means of transport" includes any vehicle, vessel or aircraft; and

"premises" includes land with or without buildings, but does not include any place used only as a dwelling.

(2) Where a power contained in this Order could be exercised under the provisions of any other order, the power under that order shall be exercised instead of the power in this Order.

(**1**) 1981 c.22. See section 86(1) for the definition of "the Ministers". The functions of the Ministers of the Crown were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c. 46).

Restrictions on movement of animals in cases of disease or suspected disease

4.—(1) A veterinary inspector who suspects that disease exists on any premises or means of transport may serve a notice on the person in charge of the premises or means of transport prohibiting the movement of any animal, carcase or other thing onto or from those premises or that means of transport, except under the authority of a licence issued by a veterinary inspector.

(2) A notice served under paragraph (1) may contain such other restrictions or requirements with regard to the premises or means of transport or with regard to persons, animals, carcases or other things on the premises or means of transport as the veterinary inspector who served the notice considers necessary for the purpose of preventing the spread of disease.

(3) If any person contravenes a notice served under this article in so far as that notice applies to an animal, the veterinary inspector or other officer of the Scottish Ministers or an inspector of a local authority may seize or detain that animal and that animal may be disposed of in such manner as that officer or inspector considers necessary to prevent the spread of disease.

(4) Any expenses reasonably incurred by the Scottish Ministers or the local authority in the exercise of the powers under paragraph (3) shall be recoverable as a debt by the Scottish Ministers or the local authority, as the case may be, from the person in contravention of, or default under, such a notice referred to in paragraph (3).

Declaration of infected area

5.—(1) If the Scottish Ministers suspect that disease exists in any area they may make an Order declaring that area to be an infected area to which the provisions of article 6 apply.

(2) An Order under paragraph (1) shall specify–

(a) the disease in respect of which the infected area is being declared; and

(b) the species of animal to which the provisions of article 6 are to apply.

(3) Any premises which are partly inside and partly outside the infected area shall be deemed to be wholly inside that area.

Restrictions on movement of animals into, out of and within an infected area

6. No person shall move an animal to which this article applies into, out of or within an area declared to be an infected area under this Order except–

(a) under the authority of a licence issued by a veterinary inspector or an inspector of a local authority acting under the direction of a veterinary inspector; or

(b) where the animal is transiting the infected area, by way of a direct and uninterrupted route using main roads or rail and without being unloaded.

Veterinary investigation as to the existence of disease

7.—(1) Where, for any reason, the Scottish Ministers consider it necessary to establish whether or not disease exists on any premises or means of transport, a veterinary inspector may carry out such inquiries, examinations and tests and take such samples as that veterinary inspector considers necessary.

(2) A veterinary inspector may mark, or cause to be marked, for identification purposes any animal, carcase or other thing in relation to which any of the powers under paragraph (1) have been exercised.

(3) No person shall deface, obliterate or remove any mark applied under paragraph (2).

(4) The person in charge of the premises or means of transport or any employee or agent of that person shall render such reasonable assistance to a veterinary inspector as that veterinary inspector may require for the purpose of facilitating the exercise of any powers under paragraphs (1) or (2).

Restriction on the movement of animals in order to ascertain the presence of disease

8. A veterinary inspector carrying out an investigation under article 7 may–

(a) where the animals under investigation are on premises, serve a notice on the person in charge of the premises restricting the movement of any animal onto or off those premises; and

(b) where the animals under investigation are on a means of transport, serve a notice on the person in charge of the animals or the means of transport requiring the animals to be moved to such place as may be specified in the notice.

Cleansing and disinfection

9. A veterinary inspector may serve a notice on the person in charge of any premises or means of transport in respect of which a notice under article 4(1) has been issued, requiring that person to cleanse and disinfect those premises or that means of transport in accordance with the requirements of that notice.

General provisions as to notices and licences

10.—(1) All licences issued and notices served under this Order –

(a) shall be in writing;

(b) may be subject to conditions;

(c) may be varied, suspended or revoked by a veterinary inspector by notice in writing at any time; and

(2) A general licence issued under this Order may be notified in such manner as the Scottish Ministers may reasonably consider most appropriate.

(3) If a licence is a specific licence issued under this Order, it shall accompany whatever is being moved under its authority and any person acting under the authority of such a licence shall, on demand made by a veterinary inspector or other officer of the Scottish Ministers, by an inspector of a local authority, or by a police constable–

(a) produce the licence;

(b) allow a copy or extract to be taken; and

(c) furnish that person's name and address.

(4) Where a person is aggrieved by a decision of a veterinary inspector or an inspector of a local authority in relation to a specific licence issued or a notice served under this Order, or as to the restrictions or requirements imposed in such a notice or the conditions imposed in such a specific licence, or as to the variation, suspension or revocation of such a specific licence or in the case of a general licence issued under this Order as to the variation or suspension of that licence in its application to any movement of animals, that person may, within the period of 21 days of the date when that person receives notice of that decision, require that the Scottish Ministers review that decision, and in carrying out that review the Scottish Ministers shall–

(a) afford that person an opportunity of making representations for consideration by an officer of the Scottish Ministers who has not been involved in the initial decision, and who will prepare a report following consideration of those representations;

(b) supply a copy of the report by that officer to that person;