SCOTTISH STATUTORY INSTRUMENTS

2003 No. 229

ANIMALS

ANIMAL HEALTH

The Pet Travel Scheme (Scotland) Order 2003

Made - - - -	*31st March 2003*
Laid before the Scottish Parliament - - - -	*31st March 2003*
Coming into force - -	*8th April 2003*

The Scottish Ministers, in exercise of the powers conferred by section 10 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 Pet Travel Scheme (Scotland) Order 2003 and shall come into force on 8th April 2003.

(2) Subject to paragraph (3), this Order extends to Scotland only.

(3) Insofar as it extends beyond Scotland, this Order does so only as a matter of Scots Law.

Interpretation

2.—(1) In this Order–

"airport" means the aggregate of the land, buildings and works comprised in an aerodrome within the meaning of the Civil Aviation Act 1982(**2**);

"animal" means a pet cat or pet dog;

"carrier" means any undertaking carrying goods or passengers for hire by land, sea or air;

"microchip" means an electronic transponder;

"official health certificate" means a certificate prepared and distributed by the competent authority for completion and signature by an official veterinary surgeon in relation to rabies, and by a veterinary surgeon entitled to practise veterinary medicine in the country in which the treatment is administered in the case of *Echinococcus multilocularis* and ticks.

(**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).
(**2**) 1982 c. 16.

"official veterinary surgeon" means in Scotland a veterinary surgeon authorised by the Scottish Ministers for the purposes of this Order, and outside Scotland means a veterinary surgeon authorised by the competent authority to grant certification for the purposes of export of cats and dogs;

"other animal" means an animal (other than man) belonging to any of the orders of mammals specified in Parts I and II of Schedule 1 to the Rabies (Importation of Dogs, Cats and Other Mammals) Order 1974(**3**), other than a pet cat or a pet dog;

"pet cat" and "pet dog" means respectively a cat of the species *Felis catus* or a dog of the species *Canis familiaris* which is not traded commercially under the provisions of article 4A of the Rabies (Importation of Dogs, Cats and Other Mammals) Order 1974;

"recognised laboratory" means a laboratory recognised in accordance with article 5.

(2) Any reference in this Order to anything done in writing or produced in written form includes a reference to an electronic communication, as defined in the Electronic Communications Act 2000(**4**), which has been recorded and is consequently capable of being reproduced.

Exemption from quarantine for pet cats and pet dogs

3.—(1) A person may bring a pet cat or pet dog into Scotland on or after 8th April 2003 without complying with the provisions of the Rabies (Importation of Dogs, Cats and Other Mammals) Order 1974, if all the conditions relating to the importation of that animal in this Order are complied with.

(2) Nothing in this Order shall apply in relation to an animal brought into Scotland directly from other parts of the British Islands or from the Republic of Ireland.

Application

4.—(1) The provisions of this Order shall apply in relation to animals travelling from countries and territories listed in paragraph 1 of Schedule 1 or paragraph 1 of Schedule 5 except in so far as otherwise specified.

(2) The provisions of Schedule 1 (qualifying European countries and territories) shall apply in relation to animals travelling from countries or territories listed in paragraph 1 of Schedule 1.

(3) The provisions of Schedule 5 (qualifying non-European countries and territories) shall apply in relation to animals travelling from countries or territories listed in paragraph 1 of Schedule 5.

Recognition of laboratories

5.—(1) The Scottish Ministers may recognise laboratories as being competent to carry out blood tests for the purposes of this Order by designating individual laboratories or a category of laboratories as so competent.

(2) The Scottish Ministers shall publish a list of recognised laboratories in such manner as they think fit.

Derogation for pet cats and pet dogs identified outside Scotland

6.—(1) This article applies where the competent authority of a country or territory specified in paragraph 1 of Schedule 1 or paragraph 1 of Schedule 5 or a body authorised by such a competent authority, operates a mandatory identification system under which animals are required to be registered and identified by tattoo and microchip or by tattoo only.

(**3**) S.I. 1974/2211 as relevantly amended in relation to Scotland by 1977/361, 1984/1182, 1986/2062 and 1994/1405 and 1716. Article 4A was added by S.I. 1994/1716..
(**4**) 2000 c. 7.

(2) In such a case and after an animal has been identified in accordance with such a requirement, it may be brought into Scotland, notwithstanding the requirements of paragraph 3(1) and (2) of Schedule 1, if it is vaccinated and subsequently blood sampled for rabies in accordance with any or all of the requirements of paragraph 3(2)(a) and (b) and (3)(a) of Schedule 1 before it has been implanted with a microchip.

Carriers

7.—(1) The Scottish Ministers may approve a carrier in writing under this article to transport animals under this Order, which approval may be subject to conditions over and above the requirements of Schedule 4, if they are satisfied that–

(a) the carrier complies with the requirements in Schedule 4;

(b) the written procedures and contingency plans required in that Schedule are adequate; and

(c) the carrier will comply with this Order, the written procedures and contingency plans required in Schedule 4 and any additional conditions of the approval.

(2) The approval shall specify–

(a) where checks must be carried out;

(b) the routes to be used by the approved carrier to bring an animal into Scotland; and

(c) any additional conditions which the Scottish Ministers consider appropriate.

(3) The carrier shall provide such information to the Scottish Ministers as they may reasonably require, for the purposes of considering an application for approval and enforcing an approval granted under paragraph (1).

(4) Before making a decision in respect of an application for the approval of a carrier under paragraph (1), the Scottish Ministers shall give the applicant an opportunity of making representations in that regard within such time and in such form as they think fit and shall consider any such representations before making the decision in the case.

Duties of approved carriers

8.—(1) Before bringing an animal into Scotland a carrier approved under article 7 shall check, in respect of each animal that it carries under this Order, the two health certificates required under paragraph 4(1) of Schedule 1 and the declaration required under paragraph 4(5) of that Schedule and shall satisfy itself that–

(a) the animal has been implanted with a microchip;

(b) the number of the microchip corresponds with the number of the microchip recorded in the two certificates and the declaration;

(c) the certificates relating to rabies and to *Echinococcus multilocularis* and ticks show that–

(i) they are current;

(ii) they have been signed by an official veterinary surgeon in relation to rabies and by a veterinary surgeon entitled to practise veterinary medicine in the country in which the treatment was administered in relation to *Echinococcus multilocularis* and ticks; and

(iii) the animal has been vaccinated against rabies, has been blood tested and has been treated against *Echinococcus multilocularis* and ticks in accordance with this Order; and

(d) the declaration relating to the animal's place of residence in the previous six months has been signed by the person accompanying the animal.

(2) The checks shall be carried out in the place and in the manner as may be specified in the approval.

(3) If the checks are carried out before the animal is taken on to the means of transport, the approved carrier shall not bring an animal into Scotland under this Order unless it has carried out the checks in paragraph (1) and is satisfied that the animal complies with the provisions of that paragraph.

(4) If the checks are carried out during transport or after an animal has landed in Scotland–

(a) the approved carrier shall keep possession of the animal at the place of arrival until it has carried out the checks required under this Order and it is satisfied that the animal has been identified, vaccinated and blood tested in accordance with this Order; and

(b) if the carrier is not satisfied that the animal has been identified, vaccinated and blood tested in accordance with this Order, it shall ensure that the animal is transferred immediately to quarantine facilities in accordance with the Rabies (Importation of Dogs, Cats and Other Mammals) Order 1974 or is otherwise dealt with under that Order.

(5) If, after carrying out the check under paragraph (1) (whether the check is carried out before the animal is taken on to the means of transport, during transport or after landing), the carrier is satisfied that an animal may be brought into Scotland in accordance with this Order, the carrier shall–

(a) in the case of an animal being brought in by a foot passenger or a passenger of an aircraft, issue a certificate to the person accompanying the animal, signed and dated by a representative of the carrier, certifying that the animal complies with this Order and attach a label to the collar of the animal or to its carrying container, if there is one, showing the date of importation and stating that the animal complies with the provisions of this Order; or

(b) in the case of an animal being brought in by car or other motor vehicle, give the person a sticker or hanger suitable for displaying on the windscreen and indicating that the vehicle is carrying an animal which has been checked and found to comply with the provisions of this Order.

(6) If the carrier does not have a reader capable of reading the microchip, no person shall bring an animal into Scotland unless that person provides a reader for the microchip at the time the carrier checks the identity of the animal.

(7) If the carrier does not have a reader capable of reading the microchip, that carrier shall take all reasonable steps to bring that fact to the notice of any person who is likely to be affected by it.

(8) It shall be a defence to a criminal prosecution for a contravention of paragraph (6) or paragraph 2(2) of Schedule 5 that the accused had reasonable grounds for believing that the carrier had available to it, a reader capable of reading the microchip.

Powers of officers of the Scottish Ministers and local authorities

9. An officer of the Scottish Ministers or a local authority may stop any vehicle displaying a windscreen sticker or hanger indicating that an animal is being carried, or any other vehicle in which that officer reasonably suspects that an animal is being carried, or any person in possession of an animal or whom that officer suspects to be in possession of an animal, at any place–

(a) in the case of transport by ferry, in the port area;

(b) in the case of air transport, in the airport,

and may carry out any checks and searches which may be necessary for the purposes of the enforcement of this Order.

Approvals

10.—(1) Approvals of a carrier under this Order may be amended, suspended or revoked by notice in writing at any time, and in particular may be suspended or revoked if the Scottish Ministers are reasonably of the opinion that the provisions of this Order are not being complied with or that the written procedures and contingency plans produced under Schedule 4 have not been complied with.

(2) Before making a decision to amend, suspend or revoke an approval of a carrier under paragraph (1), the Scottish Ministers shall–

(a) give the carrier a written notification of that intention and an explanation of the reasons for intending to do so;

(b) afford the carrier an opportunity of making representations in that regard within such time and in such form as they think fit; and

(c) consider any such representations in making their decision in the case.

Amendment to the Rabies (Importation of Dogs, Cats and Other Mammals) Order 1974

11.—(1) The Rabies (Importation of Dogs, Cats and Other Mammals) Order 1974(**5**) is amended by adding the following provisions.

(2) After article 4B there shall be added–

"**The Pet Travel Scheme (Scotland) Order 2003**

4C. The provisions of this Order shall not apply in relation to pet cats or pet dogs (within the meaning of the Pet Travel Scheme (Scotland) Order 2003) and brought into Scotland in accordance with the provisions of that Order.".

(3) After article 5B there shall be added–

"**Release from quarantine in Scotland**

5C.—(1) Subject to paragraph (2) below, if a pet cat or pet dog is in quarantine in Scotland, or has been brought into Scotland and taken into quarantine, the Scottish Ministers may grant a licence authorising its release if they are satisfied that–

(a) it has been implanted with a microchip, vaccinated against rabies and blood tested in accordance with the Pet Travel Scheme (Scotland) Order 2003 ("the 2003 Order");

(b) at least 6 months have elapsed since the blood sample required by the 2003 Order was taken, provided that where that blood sample was taken–

(i) at least twenty four hours before release it has been treated by a veterinary surgeon against *Echinococcus multilocularis* and ticks, using a veterinary medicine with a marketing authorisation at an appropriate dosage; and

(ii) in the case of treatment against *Echinococcus multilocularis*, the medicine must contain praziquantel as the active ingredient;

(c) it has not been out of the British Islands, the Republic of Ireland, or the countries or territories listed in Schedule 1 to the 2003 Order in the six months prior to the proposed release date; and

(d) in the case of a pet cat or pet dog brought from a country or territory listed in Schedule 5 to the 2003 Order–

(i) it arrived in Scotland in a sealed container with the seal intact;

(**5**) For the purposes of the amendments in Article 11(2) to (4), see S.I. 1999/3443, S.I. 2001/6 and S.I. 2002/882.