SCOTTISH STATUTORY INSTRUMENTS

2003 No. 91

ANIMALS

ANIMAL HEALTH

The Bluetongue (Scotland) Order 2003

Made - - - -	*13th February 2003*
Coming into force - -	*19th February 2003*

The Scottish Ministers, in exercise of the powers conferred by sections 1, 7(1), 8(1), 15(4), 17(1), 23, 25, 32(2), 34, 35, 36, 83(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 Bluetongue (Scotland) Order 2003 and shall come into force on 19th February 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–

"the Act" means the Animal Health Act 1981;

"animal" means a ruminating animal;

"carcase" means the carcase of a ruminating animal;

"confirmation of disease" means a declaration by the Chief Veterinary Officer under article 10(1);

"the Directive" means Council Directive 2000/75/EC of 20th November 2000 laying down specific provisions for the control and eradication of bluetongue(**2**);

"diseased" means affected with bluetongue;

(**1**) 1981 c. 22. See section 86(1) for 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**) O.J. No. L 327, 22.12.2000, p.74.

"Divisional Veterinary Manager" means a veterinary inspector authorised by the Scottish Ministers to receive information about animals or carcases diseased or suspected of being diseased for the area in which such animals or carcases are situated;

"embryo" means the embryo of a ruminating animal;

"keeper" means any person having ownership of, or charged with keeping animals, whether or not for financial return;

"ovum" means the ovum of a ruminating animal;

"premises" includes land, vehicles, vessels and aircraft, but does not include a place used only as a dwelling;

"semen" means the semen of a ruminating animal;

"sentinel animals" means animals which do not have antibodies to bluetongue and which are used for surveillance for it;

"thing" includes a carcase, embryo, ovum, semen, fodder, litter, dung, straw, slurry, utensil, pen, hurdle, vehicle, equipment and clothing;

"vector" means an insect of the species Culicoides imicola or any other insect of the genus Culicoides which, in the opinion of the Chief Veterinary Officer, is capable of transmitting bluetongue;

"vessel" has the meaning given to "ship" by section 170 of the Merchant Shipping Act 1995(**3**).

(2) Any determination, authorisation, licence, notice or direction under this Order shall be in writing, may be subject to conditions and may be amended, suspended or revoked by notice in writing at any time and any declaration under this Order shall be in writing and may be amended, suspended or revoked by notice in writing at any time.

(3) Unless the context otherwise requires, any reference in this Order to a numbered article or paragraph is a reference to the article or paragraph of the article so numbered in this Order.

Extension of definition of "disease"

3. The definition of "disease" in section 88(1) of the Act, for all of the purposes of the Act, is extended to include bluetongue.

Exemption for activities authorised under the Specified Animal Pathogens Order 1998

4. This Order shall not apply to anything authorised by a licence issued under article 4 of the Specified Animal Pathogens Order 1998(**4**) in respect of bluetongue.

Vaccination against bluetongue

5. No animal shall be vaccinated against bluetongue, unless the vaccination of that animal has been authorised by the Scottish Ministers.

Initial requirements where disease is known or suspected to exist

6.—(1) Any person who knows or suspects that an animal or carcase in the possession of, under the charge of, or being examined or inspected by, that person is diseased, shall–

(a) immediately notify the Divisional Veterinary Manager; and

(**3**) 1995 c. 21.
(**4**) S.I. 1998/463.

(b) refrain from moving any animal or carcase on or off the premises where the animal or carcase known to be or suspected as being diseased is located, except as authorised by a licence issued by an inspector.

(2) Any person who analyses samples taken from any animal or carcase and who finds evidence of antibodies or antigens to bluetongue or to any vaccine for bluetongue shall immediately notify the Divisional Veterinary Manager.

Isolation of animals

7. The occupier of any premises or any keeper who knows or suspects that an animal or carcase in the possession or under the charge of that occupier or keeper is diseased shall, so far as practicable, ensure that all animals on the premises are kept indoors.

Notification by an inspector

8.—(1) If an inspector knows or suspects that bluetongue exists on any premises, that inspector shall immediately serve a notice on the occupier of those premises or on the keeper of any animals on those premises requiring that–

(a) no animal, carcase, ovum, semen or embryo shall be moved to or from the premises;

(b) an inventory of all animals on the premises is kept, recording, for each species–

(i) the number dead;

(ii) the number alive which appear to the occupier or keeper to be infected with bluetongue; and

(iii) the number alive which do not appear to the occupier or keeper to be infected with bluetongue;

(c) this inventory is kept up to date to take account of animals which are born or die, including details of the dates of birth and death of such animals;

(d) all animals on the premises are kept indoors or are kept at such place and in such manner as may be directed by an inspector;

(e) the premises and animals on them are subject to such vector control measures as an inspector may direct; and

(f) carcases are destroyed, buried or disposed of in such manner as an inspector may direct.

(2) A veterinary inspector or an inspector acting under the direction of a veterinary inspector may also serve such a notice on the occupier of premises ("the first premises") whose location, geographical situation or contacts with other premises where bluetongue is known or suspected to exist (which other premises may be in Scotland or elsewhere) provide grounds for suspecting the existence of bluetongue, exposure to it or the presence of vectors on the first premises.

(3) Notices may be served under paragraphs (1) and (2) whether or not notification has been given under article 6.

Powers of veterinary inspectors and officers

9.—(1) For the purposes of the enforcement of this Order, a veterinary inspector may enter on any premises in respect of which a notice has been served under article 8 or 10 and may–

(a) examine any animal, carcase or thing;

(b) require the detention, isolation, restraint or treatment of any animal;