SCOTTISH STATUTORY INSTRUMENTS

2002 No. 34

ANIMALS

ANIMAL HEALTH

The Disease Control (Interim Measures) (Scotland) Order 2002

Made - - - -	*1st February 2002*
Coming into force - -	*18th February 2002*

The Scottish Ministers, in exercise of the powers conferred by sections 1, 7, 8(1) and 83(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 Disease Control (Interim Measures) (Scotland) Order 2002 and shall come into force on 18th February 2002.

This Order extends to Scotland only.

Interpretation

2.—(1) In this Order–

"the Act" means the Animal Health Act 1981;

"animals" means cattle, sheep, goats and all other ruminating animals, swine and elephants;

"approved disinfectant" means a disinfectant listed in the Diseases of Animals (Approved Disinfectants) Order 1978(**2**);

"market premises" includes a market place, fairground, highway, sale-yard or other premises or place upon which markets, fairs and sales of animals are held, and any lair or enclosure adjoining or used in connection with a market;

"premises" includes land, with or without buildings;

"vehicle" includes a trailer and the detachable body of a vehicle and any all-terrain vehicle.

(2) Unless the context otherwise requires, any reference 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 section 53 of the Scotland Act 1998 (c. 46).

(**2**) S.I.1978/32, as amended by S.I. 1983/1071 and 1999/919 and as further amended in relation to Scotland only by S.S.I.2001/45 and 51.

(a) to a numbered article is a reference to the article so numbered in this Order;

(b) to a numbered paragraph is a reference to the paragraph so numbered in the article in which it occurs;

(c) to a numbered Schedule is a reference to the Schedule so numbered in this Order.

(3) A reference in this Order to anything done in writing includes a reference to that thing being done by electronic communication, as defined in the Electronic Communications Act 2000(**3**), which has been recorded and is consequently capable of being reproduced.

Restrictions on the movement of animals

3.—(1) Subject to paragraphs (2) and (3), no person shall move any animal from the premises on which it is located, unless(

(a) that movement is licensed under a specific or general licence issued, subject to the provisions of this Order, by the Scottish Ministers and in accordance with the conditions of that licence; and

(b) no animal has been moved onto those premises during the period of 20 days before the date on which the first mentioned animal is to be moved.

(2) The requirement contained in paragraph (1)(b) shall not apply–

(a) if the premises from which the animal is to be moved is a market, artificial insemination centre, exhibition, show or place for veterinary treatment or research;

(b) if the animal which is to be moved from the premises on which it is located is–

(i) cattle, where that movement commences on or after 18th March 2002; or

(ii) a sheep or a goat, where that movement commences on or after 18th May 2002,

and where the animal to be moved has been held separately from animals which have been moved onto the premises in accordance with the provisions of article 5 and the premises have been authorised for those purposes by the Scottish Ministers before the animal moves onto those premises, after receipt of the declaration in the form specified in Schedule 1; or

(c) if the movement falls within a category specified in article 4.

(3) Where a licence has been granted by the Scottish Ministers, an inspector or the Minister of Agriculture, Fisheries and Food under an order made under section 8 of the Act authorising the movement of any animal from premises situated in England or in Wales to premises situated in Scotland or to premises situated in England or Wales through any part of Scotland–

(a) such provisions of that licence as are relevant shall apply in relation to that part of the movement which takes place in Scotland as if such an order extended to Scotland; and

(b) that movement shall, if the conditions contained in the licence are complied with, be deemed not to be a movement prohibited by virtue of paragraph (1).

Specific exemptions

4. The categories of movement for the purposes of article 3(2)(c) are–

(a) movement of any pig from premises where that movement is in accordance with the provisions of the Pigs (Records, Identification and Movement) Order 1995(**4**);

(b) movement of any animal direct from premises–

(i) to a slaughterhouse; or

(**3**) 2000 c. 7.
(**4**) S.I. 1995/11, as amended by S.I. 1995/2922 and S.S.I. 2000/167 and 300.

(ii) to a market for animals intended for immediate slaughter, provided that animal has not been presented at a market in the period of 20 days prior to the date when the movement is commenced;

(c) movement of any calf less than 30 days old from the premises on which it was born to–

(i) any other premises for the purpose of fostering that calf; or

(ii) to premises authorised by the Divisional Veterinary Manager for the purposes of the rearing of calves, provided that the calf is tagged and accompanied by a full cattle passport under the Cattle Identification Regulations 1998(**5**);

(d) movement of any animal from premises to which a calf less than 30 days old has been moved from its holding of birth in accordance with sub-paragraph (c);

(e) movement of any lamb or kid less than 7 days old from the premises on which it was born to any other premises not more than 10 kilometres in distance by road from the first premises, provided that this movement is for the purpose of fostering that lamb or kid and, provided that the lamb or kid is identified in accordance with the Sheep and Goats Identification (Scotland) Regulations 2000(**6**);

(f) movement of any animal from premises onto which a bull, ram or billy goat has been brought for breeding purposes provided that it is intended to be used for those purposes shortly after being so brought on;

(g) movement of any camelid, provided no animal that other than a camelid is present at the premises from which the camelid is being moved;

(h) movement of sheep which are away wintered and which are returning to the premises from which they were away wintered;

(i) movement of any animal between premises occupied by the same person or business;

(j) movement of any animal for the purpose of direct export from Great Britain or, prior to such export, movement to a place from where it is intended that it is so exported;

(k) movement of any animal which has been imported into the United Kingdom direct to any premises from its point of entry into the United Kingdom; or

(l) movement of sheep between premises where–

(i) those sheep are run with another owner's sheep in a common flock; or

(ii) the owners of the sheep on both premises are members of the same grazings committee appointed under section 47 of the Crofters (Scotland) Act 1993(**7**).

Separation of animals on premises

5.—(1) Animals to be moved from any premises shall be kept separate from animals which have been brought onto premises for the purposes of this Order if either–

(a) the animals which have been brought onto; or

(b) the animals to be moved from,

the premises are kept separate from the remainder of the animals on those premises, provided that the provisions of this article are complied with by the owner or person in charge of the animals concerned in respect of paragraphs (2), (3), (4)(c) and (5), or by other persons where specified in this article.

(2) The animals kept separate must in accordance with paragraph (1) be separated from other animals on the premises and on adjoining premises by–

(**5**) S.I. 1998/871, as amended by S.I. 1998/1796, 2969 and 1999/1339.
(**6**) S.S.I. 2000/418.
(**7**) 1993 c. 44.

(a) a natural barrier which may include fields which are empty of animals or an area of woodland or a stream; or

(b) solid walls or barriers in buildings,

and this separation must be adequate to prevent nose to nose contact with other animals on the premises and on adjoining premises.

(3) The animals kept separate in accordance with paragraph (1) must be kept within fields, paddocks or buildings which must–

(a) contain separate feeding and water troughs; and

(b) be fenced with fencing kept in good repair so as to be made proof against the escape of the animals.

(4) In order to maintain biosecurity, any persons handling animals brought on to the premises and kept separate in accordance with paragraph (1)(a) must–

(a) have their soiled clothing and footwear cleansed and disinfected with an approved disinfectant or removed before handling other animals;

(b) not take any vehicles into the fields, paddocks or buildings unless doing so is necessary for the purposes of the welfare and essential husbandry of the separated livestock and in the event that such vehicles are taken in, the wheels and wheel arches of the vehicles must be cleansed and disinfected before those vehicles are used in circumstances where they may come into contact with or close proximity to other animals;

(c) be informed, by the owner or person in charge of the animals, of–

(i) which animals are held separately; and

(ii) the requirements of this article under which the animals are held,

and any visitor to the fields, paddocks or buildings where animals kept separate in accordance with paragraph (1)(a) who have had access to any animals within the 7 days prior to the day of the visit must observe the conditions in sub-paragraph (a).

(5) In the case where the animals brought on to premises are kept separate from the remainder of the animals on the premises, the animals brought on must be inspected by the owner or person in charge of the animals at a frequency not less than daily for the 20 day period for which they must remain on the premises, for signs of disease.

(6) In order to maintain biosecurity, persons, before handling animals to be moved which are being kept separate in accordance with paragraph (1)(b) from the remainder of the animals on the premises, must–

(a) wear footwear which can be properly cleansed and disinfected or remove the footwear used; and

(b) be cleansed and disinfected with an approved disinfectant,

and any visitor to the fields, paddocks or buildings where animals kept separate in accordance with paragraph (1)(b) are kept who have had access to any animals within the 7 days prior to the day of the visit must observe the conditions in this paragraph.

(7) In order to maintain biosecurity, where animals to be moved are kept separate in accordance with paragraph (1)(b) from the remainder of the animals on the premises, then notwithstanding that animals which have been brought on to the premises are not kept separate from the remainder of the animals on the premises which are not to be moved, persons handling the animals brought on to the premises must, after handling the brought on animals, comply with the requirements of paragraphs (4)(a) and (b), and the owner or person in charge of such animals must comply with paragraph (4)(c).

Regulation of markets

6. Notwithstanding the requirements of the Markets, Sales and Lairs Order 1925(**8**), no person may use any market premises for the purpose of holding a market unless the holding of that market is in compliance with the requirements set out in Schedule 2.

Regulation of shows and exhibitions

7.—(1) Any occasion at which animals are brought together for the purposes of show or exhibition shall be notified in writing by the person responsible for the organisation of the show or exhibition to the Divisional Veterinary Manager prior to the holding of the show or exhibition.

(2) In conducting a show or exhibition of the nature referred to in paragraph (1), the person responsible for the organisation of that show or exhibition shall take all reasonable steps to comply with any guidance on the conduct of the show or exhibition issued by the Divisional Veterinary Manager.

General provisions as to authorisations and licences

8.—(1) The person in charge of any animal to which an authorisation or specific licence issued under this Order relates shall, on demand made under this Order by a constable or by an inspector or other officer of the Scottish Ministers or of a local authority, produce the authorisation or licence, and allow a copy thereof or an extract therefrom to be taken, and shall also, if so required, provide the name and address of that person.

(2) An authorisation or licence granted under this Order shall be in writing, shall be subject to such conditions as are specified in it, may, subject to paragraph (4), be varied, suspended or revoked at any time by notice in writing issued by the Scottish Ministers and shall be served, if the licence is a specific licence, on the person to whom it was granted or if it is a general licence, notified in such manner as the Scottish Ministers may reasonably consider most appropriate.

(3) In the case of a general licence, the Scottish Ministers may, subject to paragraph (4), vary or suspend that general licence in its application to any movement by a specific person or of specific animals.

(4) Where a person is aggrieved by a decision of the Scottish Ministers to refuse to issue an authorisation or a specific licence, as to the conditions imposed in an authorisation or a specific licence, or to vary, suspend or revoke an authorisation or specific licence under paragraph (2), or in the case of a general licence to vary or suspend that licence in its application to any movement under paragraph (3), 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 who will prepare a report following consideration of those representations;

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

(c) consider the report by that officer before making a decision on the review; and

(d) give to the aggrieved person notification of the decision on the review and the reasons for that decision.

(5) The making of a request to review the decision of the Scottish Ministers, if relating to the conditions to be imposed or relating to variation, suspension or revocation, shall not have the effect of suspending the decision concerned pending that review.

(**8**) S.I. 1925/1349, as amended by S.I. 1926/546, 1927/982 and 1996/3265.