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SCOTTISH STATUTORY INSTRUMENTS

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**2001 No. 165**

**ANIMALS**

**ANIMAL HEALTH**

**The Foot-and-Mouth Disease (Scotland)  
Declaratory (No. 5) Order 2001**

<i>Made</i>	-	-	-	-	<i>25th April 2001</i>
<i>Coming into force at 5.00 p.m.</i>					
<i>on</i>	-	-	-	-	<i>25th April 2001</i>

The Scottish Ministers, in exercise of the powers conferred by article 17(1) of the Foot-and-Mouth Disease Order 1983<sup>(1)</sup>, 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 Foot-and-Mouth Disease (Scotland) Declaratory (No. 5) Order 2001 and shall come into force on 25th April 2001 at 5.00 p.m.

(2) This Order extends to Scotland only.

**Declaration of infected area**

**2.** The area described in Schedule 1 to this Order is declared an infected area within the meaning of and to which the provisions of Part III of the Foot-and-Mouth Disease Order 1983 apply as varied in accordance with, and disappplied to the extent set out in, Schedule 2 to this Order.

**Enforcement**

The provisions of Part III of the Foot-and-Mouth Disease Order 1983 shall, insofar as they are to be enforced in slaughterhouses, be enforced by the Scottish Ministers.

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(1) S.I. 1983/1950, as amended by S.I. 1993/3119 and S.I. 1995/2922, and as regards Scotland, by S.S.I. 2001/52, 55 and 101. See article 3(1) for the definition of “the Minister”. The functions of “the Minister”, so far as exercisable in relation to Scotland, were transferred to the Scottish Ministers by section 53 of the Scotland Act 1998 (c. 46).

### Effect of licences issued

4. Licences issued by the Scottish Ministers under the Foot-and-Mouth Disease (Scotland) Declaratory Order 2001<sup>(2)</sup>, the Foot-and-Mouth Disease (Scotland) Declaratory (No. 3) Order<sup>(3)</sup> and the Foot-and-Mouth Disease (Scotland) Declaratory (No. 4) Order 2001<sup>(4)</sup> before the coming into force of this Order to authorise the movement of animals from premises in the infected area or to authorise the movement of animals on public or private roads in such an area shall have effect from the coming into force of this Order as if issued under the Foot-and-Mouth Disease Order 1983 as varied by this Order.

### Revocations

5. The Foot-and-Mouth Disease (Scotland) Declaratory (No. 3) Order 2001<sup>(5)</sup>, the Foot-and-Mouth Disease (Scotland) Declaratory (No. 4) Order 2001<sup>(6)</sup>, and Article 3 of the Foot-and-Mouth Disease (Scotland) (Declaratory and Controlled Area) Amendment (No. 4) Order 2001<sup>(7)</sup> are revoked.

Pentland House, Edinburgh  
25th April 2001

DAVID R DICKSON  
A member of the staff of the Scottish Ministers

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(2) S.S.I. 2001/56, as amended by S.S.I. 2001/63, 66, 90, 109, 146 and 149.  
(3) S.S.I. 2001/153.  
(4) S.S.I. 2001/157.  
(5) S.S.I. 2001/153.  
(6) S.S.I. 2001/157.  
(7) S.S.I. 2001/159.

## SCHEDULE 1

## Article 2

The infected area shall comprise those parts of the Dumfries and Galloway, Scottish Borders, South Lanarkshire and South Ayrshire council areas, within the following boundaries:—

- (a) from the coast at map ref NW959636, follow the course of Galdenoch Burn to where it forks at map ref NW974636; take the left fork and continue to where it is crossed by the B738 at map ref NW974638; turn right onto the B738 and continue east to its junction with the B7043; turn left onto the B7043 and continue to its junction with the B798; turn right on B798 and continue to its junction with the A718;
- (b) turn left onto the A718 and continue north to where it crosses Sole Burn at map ref NX035645; turn right onto Sole Burn and follow it out into Loch Ryan; Cross Loch Ryan in a north easterly direction to where it meets the A77(T) at the Claddy House Burn at map ref NX072677; turn left onto the A77(T) and continue north to its junction with the B7044 at map ref NX086823; turn right onto the B7044 and continue east to its junction with the B734 at map ref NX122856; turn right onto B734 and continue east until it meets the A714 at map ref NX195874; turn right onto the A714 and continue south east to its junction with the B7027 at map ref NX238820; turn right onto the B7027 and continue south east until its junction with the A714 at map ref NX386674;
- (c) turn right onto A714 and continue south east until it meets the River Cree at map ref NX386673; turn left onto the River Cree and follow its course north to a tributary at map ref NX388683; turn right onto the tributary and follow it east to its junction with a minor road at map ref NX392683; turn right onto the minor road and continue south east to its junction with a track at map ref NX406671; turn left onto the track and continue north east until it meets a footpath at map ref NX414682;
- (d) turn right onto the footpath and continue south-east to meet another track at map ref NX417681; turn right onto this track and continue south to meet Penkiln Burn at map ref NX418678; turn left onto Penkiln Burn and follow its course north-east until it meets a minor road at map ref NX435690; turn right onto the minor road and continue to its junction with another minor road at map ref NX430682; turn left onto the minor road and continue easterly to its junction with the A712;
- (e) turn left onto the A712 and continue north east to its junction with the A762; turn left onto the A762 and continue north to its junction with the A713 at map ref NX614821; turn right onto the A713 and continue south east to its junction with the A702; turn left onto the A702 and continue east and then north east to its junction with the B729; continue east and then north east on the A702 to its junction with the A76(T); turn left onto the A76(T) and continue to its junction with the A702; turn right onto the A702 and continue north east to its junction with the A74(M);
- (f) continue north on the A74(M) to its junction with the A702; turn right onto the A702 and continue north east to its junction with the B7016; turn right onto the B7016 and continue east to its junction with the A701 at map ref NT112367; turn right onto the A701 and continue to its junction with the B712; turn left onto the B712 and continue north east to its junction with the A72, turn right onto the A72 and continue east to its junction with the B7062 at map ref NT251404;
- (g) turn right onto the B7062 and continue to its junction with the B709; turn right onto the B709 and continue south east and then south to its junction with the B711 at map ref NT303177; turn left onto the B711 and continue to its junction with the A7(T) at map ref NT483134; turn left onto the A7(T) and continue to its junction with the B6359; turn right onto the B6359 and continue to its junction with the B6400 at map ref NT544257; turn right onto the B6400 and continue to where it meets a minor road at map ref NT560258; continue north east on the minor road and continue to its junction with the A68(T); turn

- left onto the A68(T) at map ref NT604290 and continue to its junction with the A699; turn right onto the A699 and continue east to its junction with the B6352 at map ref NT726335;
- (h) turn right onto the B6352 and continue south east to its junction with the B6401; turn left onto the B6401 and continue north-east to where it meets the England/Scotland border; turn left onto the England/Scotland border and follow it north to where it meets the A698 at map ref NT807394; continue east on the A698 to where it crosses the England/Scotland border on the River Tweed; turn right onto the England/Scotland border and continue south-east along the border until it meets the sea at map ref NY153633;
- (i) from the coastline at Logan Mills at map ref NX117434 where it meets a track, follow the track south west until its junction with the A716; turn right onto the A716 and continue north west to its junction with the B7065; turn left onto the B7065 and continue south west to its junction with a coastal track at map ref NX097412.

Map references are to the Ordnance Survey Landranger 1:50,000 series.

## SCHEDULE 2

## Article 2

1. Articles 18, 19, 26, 28(2) and 28(3)(b) of Part III of the Foot-and-Mouth Disease Order 1983 do not apply.

2. Part III of the Foot-and-Mouth Disease Order 1983 is varied by the addition of the requirements set out in the following sub-paragraphs:—

- (a) no person shall move animals from the premises on which the animals are kept, except under the authority of a licence issued by the Scottish Ministers or an inspector;  
no person shall move animals on public or private roads (other than the service roads of premises), except under the authority of a licence issued by the Scottish Ministers or an inspector;
- (c) an inspector may, by licence issued in the form set out in Schedule 3 to this Order, permit, for the purposes of slaughter, the movement within an infected area of animals direct to a slaughterhouse approved by the Scottish Ministers to slaughter animals moved by licence issued under this paragraph;
- (d) a veterinary inspector may, by licence, permit, for the purposes of slaughter, the movement out of an infected area of animals direct to a slaughterhouse approved by the Scottish Ministers to slaughter animals moved by licence issued under this paragraph;
- (e) for the purposes of this paragraph, licences or approvals issued in England or Wales operate as if granted in Scotland;
- (f) where an animal is moved to a slaughterhouse under this paragraph, the occupier of the slaughterhouse shall ensure that the animal is slaughtered at those premises in accordance with any condition relating to slaughter specified in the licence and in any event within 24 hours of arrival there;
- (g) the person in charge of the vehicle in which animals are moved under this paragraph shall ensure that it is thoroughly cleansed and disinfected in accordance with the requirements of paragraph 3 of Schedule 4 to this Order as soon as possible after the animals have been unloaded and, in any case, before the vehicle is moved from the delivery premises;
- (h) the occupier of premises to which animals are moved under this paragraph shall—
- (i) ensure that the occupier or the occupier's representative is given the licence under which they have been moved before allowing the animals to be unloaded from the vehicle on which they have been transported;

- (ii) forward that licence without delay to the local authority responsible for the area in which those premises are situated and, in the case of a slaughterhouse, provide a copy to the official veterinary surgeon appointed for those premises;
- (iii) retain a copy of that licence for a period of not less than 6 months and produce it upon request for inspection by an inspector;
- (iv) provide adequate facilities, equipment and materials for the cleansing and disinfection of the vehicle that delivered the animals to the premises in accordance with this paragraph;
- (i) no person shall transport animals through the infected area, except if the animals are transiting through that area by motorway, trunk road or railway;
- (j) no person shall seek to carry out breeding of animals by means of itinerant service;
- (k) no person shall seek to carry out breeding of animals by means of artificial insemination, other than with semen that is on the premises on which the animals are kept or with semen delivered directly to those premises by an insemination centre, except under the authority of a licence issued by the Scottish Ministers or an inspector;
- (l) no person shall use any premises for fairs, markets, shows or other gatherings of animals;
- (m) article 20 of the Foot-and-Mouth Disease Order 1983 shall not apply if the slaughterhouse or knackery product is controlled by and the movement is for the purpose of disposal in accordance with—
  - (i) the Specified Risk Material Order 1997<sup>(8)</sup>;
  - (ii) the Specified Risk Material Regulations 1997<sup>(9)</sup>; or
  - (iii) the Animal By-Products Order 1999<sup>(10)</sup>;
- (o) no person shall move any carcase (other than the carcase of an animal slaughtered for human consumption or a suspect BSE or scrapie carcase destined for disposal) from premises other than a slaughterhouse or a knacker's yard, except under the authority of a licence issued by the Scottish Ministers;
- (p) no person shall move, or cause to be moved, into, out of or within an infected area any embryo, ovum or semen, except with the written approval of a veterinary inspector and subject to such conditions as may be specified therein;
- (r) the owner or person in charge of an animal shall take all such steps as may be necessary to prevent it from straying from the premises on which it is kept;
- (s) if an inspector finds a stray or feral animal, that inspector may detain it, and if the owner cannot be ascertained after reasonable enquiries, the animal may be destroyed by the inspector.

3. In this Schedule, terms used which are also used in the Foot-and-Mouth Disease Order 1983 shall have the same meaning in this Schedule as they do in that Order.

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<sup>(8)</sup> S.I. 1997/2964, as amended, as regards Scotland, by S.S.I. 2000/344 and 2001/4.

<sup>(9)</sup> S.I. 1997/2965, as amended by S.I. 1997/3062, S.I. 1998/2045 (itself amended by S.I. 1998/2431), S.I. 1999/539 and, as regards Scotland, by S.S.I. 2000/62, 345, 2001/3 and 86.

<sup>(10)</sup> S.I. 1999/646.