SCOTTISH STATUTORY INSTRUMENTS

2001 No. 111

ANIMALS

ANIMAL HEALTH

The Foot-and-Mouth Disease Declaratory (Controlled Area) (Scotland) (No. 3) Order 2001

Made - - - - 16th March 2001

Coming into force in accordance with article 1(2)

The Scottish Ministers, in exercise of the powers conferred by article 30(1) of the Foot-and-Mouth Disease Order 1983(**1**), and of all other powers enabling them in that behalf, hereby make the following Order:

Citation, commencement, extent and interpretation

1.—(1) This Order may be cited as the Foot-and-Mouth Disease Declaratory (Controlled Area) (Scotland) (No. 3) Order 2001.

(2) This Order, other than article 8(2), shall come into force on 17th March 2001 and article 8(2) shall come into force immediately before midnight on 16th March 2001.

(3) This Order extends to Scotland only.

(4) In this Order, "the 1983 Order" means the Foot-and-Mouth Disease Order 1983.

(5) Unless the context otherwise requires, terms used in this Order which are also used in the 1983 Order shall have the same meaning in this Order as they have in the 1983 Order.

Declaration of controlled area

2. The territory of Scotland is declared a controlled area to which the provisions of Part IV of the 1983 Order apply as disapplied to the extent set out in article 3 below and as varied in accordance with this Order.

Disapplication of certain provisions of the 1983 Order

3. Articles 31, 32, 34, 36(2) and (3)(b) and 37 of the 1983 Order do not apply.

(**1**) S.I. 1983/1950, as amended by S.I. 1993/3119, 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).

Variation of the provisions of the 1983 Order

4.—(1) Part IV of the 1983 Order is varied by the addition of the requirements set out in the following provisions of this article.

(2) Article 33 shall not apply if the slaughterhouse or knackery product is controlled by and disposed of in accordance with–

(a) the Specified Risk Material Order 1997(**2**);

(b) the Specified Risk Material Regulations 1997(**3**); or

(c) the Animal By-Products Order 1999(**4**).

(3) Subject to paragraph (4) below, no person shall–

(a) move any animal from the premises on which it is located, other than under the authority of a licence issued by the Scottish Ministers;

(b) except where article 5 below applies, move any animal into or out of the controlled area other than under the authority of a licence issued by the Scottish Ministers or, in the case of movements from outwith the territory of Scotland, by the Minister.

(4) An inspector may, by licence issued in the form set out in Schedule 1 to this Order and subject to the conditions set out in that Schedule, permit for slaughter the movement of–

(a) sheep, cattle or pigs direct to a slaughterhouse, approved by the Scottish Ministers to slaughter animals, moved by virtue of a licence issued under this paragraph;

(b) sheep or cattle to a collecting centre, licensed by the local authority under paragraph (8) below, for onward movement direct to a slaughterhouse approved under sub-paragraph (a) above,

and a licence under this paragraph may permit the movement of animals to a controlled area contiguous to that declared by this Order.

(5) Where an animal is moved to a slaughterhouse under paragraph (4) above, 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.

(6) The person in charge of the vehicle in which an animal is moved under paragraph (4) above shall ensure that the vehicle is thoroughly cleansed and disinfected in accordance with the requirements of Schedule 2 to this Order as soon as possible after the animals have been unloaded from it and, in any case, before that vehicle is moved from those premises.

(7) Subject to paragraph (8) below, no person shall use any premises for fairs, markets, shows or other gatherings of animals.

(8) Notwithstanding the prohibition in paragraph (7) above, the use of premises as a collecting centre may be permitted by licence issued by an inspector of the local authority, in accordance with the advice of the Chief Veterinary Officer.

(9) Hunting and stalking are prohibited.

(10) Except under paragraphs (4) and (8) above, licences under Part IV of the 1983 Order may only be issued by the Scottish Ministers.

(11) The Scottish Ministers shall not issue licences under that Part except in accordance with the advice of the Chief Veterinary Officer.

(**2**) S.I. 1997/2964 as amended, as regards Scotland, by S.S.I. 2000/344 and 2001/4.
(**3**) 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 only, by S.S.I. 2000/62, 345, 2001/3 and 86.
(**4**) S.I. 1999/646.

(12) Where a local authority issues a licence under that Part, it shall retain a copy of the licence for a period of not less than 6 months.

(13) The operator of premises to which animals are moved under paragraph (4) above, shall–

(a) ensure that the representative of that operator 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;

(b) 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, to the official veterinary surgeon appointed for those premises;

(c) 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;

(d) provide adequate facilities, equipment and materials for the cleansing and disinfection in accordance with this Order of the vehicle that delivered the animal to the premises; and

(e) in the case of a collecting centre, ensure that sheep are marked or tagged so as to enable the identity of that collecting centre to be established throughout their onward movement to a slaughterhouse.

(14) No person shall move any carcass (other than a carcass of an animal slaughtered for human consumption or a suspect BSE or scrapie carcass 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.

Transit of animals through the Controlled Area

5. The Scottish Ministers may, by licence in writing (or in electronic form), authorise the movement of bi-ungulate animals originating outside the United Kingdom, to another member State, if those animals travel through the controlled area in direct and uninterrupted transit on main roads or by rail.

Licences and approvals issued otherwise than in Scotland

6. For the purposes of this Order, licences or approvals granted by the Minister under any Order made in exercise of the powers conferred by article 30 of the 1983 Order (other than in relation to Scotland) shall have effect in or as regards Scotland as if they were granted by the Scottish Ministers.

Enforcement

7. The provisions of Part IV of the 1983 Order as varied by this Order shall, in so far as they are to be enforced in slaughterhouses, be enforced by the Scottish Ministers.

Revocations

8.—(1) Article 2 of the Foot-and-Mouth Disease (Scotland) (Declaratory and Controlled Area) Amendment Order 2001(**5**) is revoked.

(2) Article 1(2) of the Foot-and-Mouth Disease (Scotland) (Declaratory and Controlled Area) Amendment (No. 2) Order 2001(**6**) is revoked.

(3) Article 2 of the Foot-and-Mouth Disease (Scotland) (Declaratory and Controlled Area) Amendment (No. 2) Order 2001 is revoked.

(**5**) S.S.I. 2001/66.
(**6**) S.S.I. 2001/90.

Pentland House,Edinburgh
16th March 2001

D J CRAWLEY
A member of the staff of the Scottish Ministers

SCHEDULE 1 Article 4(4)

ANIMAL HEALTH ACT 1981
FOOT-AND-MOUTH DISEASE ORDER 1983LICENCE FOR THE MOVEMENT OF ANIMALS WITHIN THE CONTROLLED AREA FOR SLAUGHTER

PART I

1. AUTHORISATION

I, the undersigned,

being an *Inspector of the Scottish Ministers *Inspector of the Local Authority for the …. . of ……. *(*delete as appropriate)*

by this licence granted under the above Order hereby authorise the movement of the animals described in column 2 below to the place of destination specified in column 4 below, subject to the conditions set out below.

1	*2*	*3* FROM	*4* TO
(Insert name and address of the person to whom this licence is granted)	is hereby licensed to move *(insert number and description of animals (including ear tag number if applied)to be moved)*	*(Insert full address of premises including holding number from which the animals are to be moved (if different from 1))*	*(Insert full address of premises to which the animals are to be moved)*

Specified *Route*

…….

.. .. …. .. …. .. …. . …. . …. . …. . …. . …. . …. . …. . …. . …. …. …….

If the destination specified in column 4 above is a slaughterhouse the animals to which this licence relates must be slaughtered within ……. hours *(specify time, which shall be a number of hours not more than 24)* of arrival there.

This licence is granted subject to the conditions set out below. Failure to comply with such conditions may render a person liable to prosecution and heavy penalties on conviction. Your attention is also drawn to the Notes below.

Part II of this licence must be completed within …….. days *(specify number of days, which shall be a number of days not more than 5)* including the day of issue.

This licence may be revoked at any time by a Notice served by an Inspector on the person to whom it was granted.

Signed ……

Dated …. . …. . …. .. …. .. …. .. ……. ……. …….

Official Address ……