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SCOTTISH STATUTORY INSTRUMENTS

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**2008 No. 11**

**The Bluetongue (Scotland) Order 2008**

**PART 4**

**Enforcement and offences**

**Subsequent movement of animals**

**19.**—(1) If an animal is moved from a restricted zone, to premises in a free area, the occupier of the premises at which the animal is received must notify the Scottish Ministers of such movement within 3 working days of it taking place.

(2) If an animal is moved from a restricted zone within the United Kingdom, to premises in a free area, an inspector may serve a notice on the occupier of, or keeper of, any animal at those premises prohibiting the movement of any animal from those premises except under the authority of a licence issued by an inspector.

**Slaughter of animals**

**20.** Section 32 of the Animal Health Act 1981 (which relates to slaughter and compensation) applies to bluetongue.

**Powers of inspectors and officers**

**21.**—(1) On notification of, suspicion of, infection with, or confirmation of bluetongue a veterinary inspector, or, subject to paragraph (2), an inspector or an officer of the Scottish Ministers acting under the direction of a veterinary inspector, may do, or require the owner of any premises or the owner or keeper of any animal on those premises to do, one or more of the following things—

- (a) examine any animal;
- (b) examine any carcase, inventory or thing;
- (c) require the detention, isolation, restraint or treatment of any animal;
- (d) carry out an epidemiological investigation relevant to the control of bluetongue;
- (e) carry out tests and take samples (including blood samples) from any animal, carcase or thing for the purpose of diagnosis or epidemiological investigation;
- (f) mark for identification purposes any animal, carcase or thing;
- (g) trap midges;
- (h) implement midge control measures;
- (i) require the destruction, burial, disposal or treatment of any carcase or other thing;
- (j) require the cleansing and disinfection of any part of the premises or of any person, animal or thing on the premises;
- (k) require any person who knows about an animal's movements to give details of those movements and of any other animal with which it has been in contact.

- (2) Only a veterinary inspector may examine an animal.

### **Surveillance**

**22.**—(1) An officer of the Scottish Ministers may enter any premises on which animals are kept (whether or not subject to bluetongue restrictions) for the purposes of monitoring or surveillance for the bluetongue virus or antibodies to the bluetongue virus, or otherwise for the purposes of monitoring or surveillance for midge activity.

- (2) Such monitoring or surveillance may include setting traps for midges.

### **Vaccination against bluetongue**

**23.** No person may vaccinate an animal against bluetongue unless such vaccination is authorised by the Scottish Ministers.

### **Compliance with notices**

**24.** A notice served under this Order must be complied with at the expense of the person on whom it is served, and, if it is not complied with, an inspector may arrange for it to be complied with at the expense of that person.

### **General powers of inspectors when entering premises**

**25.** An inspector or officer of the Scottish Ministers who enters premises under this Order may take on to those premises—

- (a) a vehicle;
- (b) any equipment; and
- (c) such other person as they consider appropriate.

### **Damage**

**26.** No person may—

- (a) damage, interfere with or remove any traps set for midges as provided for under this Order; or
- (b) deface, obliterate or remove any mark made by any person as provided for under this Order.

### **Provision of assistance**

**27.**—(1) Any person required to give reasonable assistance or information to a person acting under this Order must, unless having reasonable cause to do otherwise, do so without delay.

(2) No person shall provide information, knowing it to be false or misleading, to anyone acting under this Order.

### **Offences by bodies corporate**

**28.**—(1) Where a body corporate is guilty of an offence, and that offence is proved to have been committed with the consent or connivance of, or to have been attributable to any neglect on the part of—

- (a) any director, manager, secretary, officer or other similar person of the body corporate; or
- (b) any person who was purporting to act in any such capacity,

that person, as well as the body corporate, is guilty of the offence.

(2) For the purposes of this article, “director”, in relation to a body corporate whose affairs are managed by its members, means a member of the body corporate.

(3) “Body corporate” includes a partnership in Scotland and, in relation to such a partnership, a reference to an officer of a body corporate is a reference to a partner.

### **Enforcement**

**29.**—(1) This Order and the Commission Regulation is enforced by the local authority.

(2) But the Scottish Ministers may direct, in relation to cases of a particular description or to particular cases, that they will enforce this Order and the Commission Regulation.

### **Revocation**

**30.** The Bluetongue (Scotland) Order 2003<sup>(1)</sup> is revoked.

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<sup>(1)</sup> S.S.I. 2003/91.