
SCOTTISH STATUTORY INSTRUMENTS

2003 No. 586

The African Swine Fever (Scotland) Order 2003

Citation, commencement and extent

1.—(1) This Order may be cited as the African Swine Fever (Scotland) Order 2003 and shall come into force on 28th November 2003.

(2) This Order extends to Scotland only.

Interpretation and extension of definitions

2.—(1) In this Order—

“carcase” means a pig carcase, and includes part of a carcase;

“the Chief Veterinary Officer” means the Chief Veterinary Officer of Great Britain;

“the disease” means African swine fever;

“Divisional Veterinary Manager” means the veterinary inspector authorised by the Scottish Ministers to receive information about pigs or carcasses infected with the disease, or pigs or carcasses suspected of being infected with the disease, for the area in which such pigs or carcasses are located;

“feral pig” means a pig which is not kept or bred on a holding and is not in a slaughterhouse, knacker’s yard or on a means of transport;

“holding” means any place where any pig is bred or kept on a permanent or temporary basis but does not include a slaughterhouse, knacker’s yard or means of transport, or a fenced area where feral pigs are kept and may be hunted;

“infected holding” means a holding where the Chief Veterinary Officer has confirmed that the disease is present;

“knacker’s yard” means any premises used in connection with the business of killing, flaying or cutting up animals whose flesh is not intended for human consumption;

“means of transport” includes any vehicle, train, vessel or aircraft;

“pig” means an animal of the *suidae* family;

“slaughterhouse” means any building, premises or place (other than a farmed game handling facility) for slaughtering animals the flesh of which is intended for sale for human consumption, and includes any place available in connection therewith for the confinement of animals awaiting slaughter there;

“the virus” means the African swine fever virus; and

“vector” means a tick of the species *Ornithodoros erraticus*, or any other tick of the genus *Ornithodoros* which, in the opinion of the Chief Veterinary Officer, is capable of transmitting African swine fever.

(2) For the purposes of this Order—

(a) a pig or carcase is suspected of being infected with the disease if the Chief Veterinary Officer is satisfied that the clinical signs or post mortem lesions it exhibits, or the results of a diagnostic test, suggest the possible presence of the virus in that pig or carcase; and

- (b) a pig or carcase is infected with the disease if the Chief Veterinary Officer is satisfied that the clinical signs or post-mortem lesions it exhibits, or the results of a diagnostic test, indicate the presence of the virus in that pig or carcase.

(3) The definition of “disease” in section 88(1) of the Animal Health Act 1981 is hereby extended to include African swine fever for all the purposes of that Act, and section 32 of that Act (which makes provision for the slaughter of any animal affected or suspected of being affected with any disease or which has been exposed to the infection of any such disease) shall apply to African swine fever.

Exemptions

3. This Order shall not apply where the virus is being held or used in circumstances which are authorised by a licence issued under the Specified Animal Pathogens Order 1998(1).

Notification of the disease

4.—(1) Any person who analyses samples taken from any pig or carcase and who finds evidence of antibodies or antigens to the disease or to any vaccine for the disease shall immediately notify the Divisional Veterinary Manager.

(2) Any person who suspects the existence of the disease in any pig or carcase which is—

- (a) in the possession of that person; or
- (b) under the charge of that person; or
- (c) being examined or inspected by that person,

shall immediately notify the Divisional Veterinary Manager.

(3) No person shall move any pig or carcase suspected of being infected with the disease, nor any pig meat, pig product, pig semen, the ovum or embryo of a pig, any animal feeding stuff, manure, slurry, utensil, material, waste or any other thing likely to transmit the disease from the holding or other place on which it was found, until that holding or other place has been visited by a veterinary inspector and the veterinary inspector has either imposed restrictions under this Order or notified that person that it is not considered necessary to do so.

Measures where the disease is suspected

5.—(1) Where a veterinary inspector suspects that the disease may exist or may within the previous 56 days have existed on any holding, slaughterhouse, knacker’s yard or other place, or on any means of transport, whether or not notification has been given under article 4, that inspector shall—

- (a) serve a notice on the occupier of that holding, slaughterhouse, knacker’s yard or other place or the person appearing to that veterinary inspector to be in charge of that means of transport imposing such of the restrictions and requirements set out in paragraph (3) as that veterinary inspector considers appropriate;
- (b) carry out an investigation to confirm or deny the presence of the disease on that holding, slaughterhouse, knacker’s yard or other place, or on that means of transport; and
- (c) be entitled to carry out an investigation into the epidemiology of the outbreak of the disease on that holding, slaughterhouse, knacker’s yard or other place (not being a means of transport).

(2) A notice served under this article may be revoked by the Scottish Ministers if they are satisfied that the disease is not present on that holding, slaughterhouse, knacker's yard or other place, or on that means of transport.

(3) The restrictions and requirements referred to in paragraph (1) are that—

- (a) the occupier shall co-operate with a veterinary inspector in the preparation of a record by category of—
 - (i) the number of pigs;
 - (ii) the number of live pigs which appear to be free of disease;
 - (iii) the number of live pigs which appear to have the disease; and
 - (iv) the number of pigs which have died,on the holding, slaughterhouse, knacker's yard, or other place, or means of transport, as the case may be;
- (b) the occupier shall ensure that the record referred to in sub-paragraph (a) takes account, during the period that the restrictions and requirements under this paragraph are in force, of pigs that are born or die, and pigs which fall sick having been previously apparently free of disease;
- (c) the occupier shall produce the record referred to in sub-paragraph (a) to a veterinary inspector on request;
- (d) the occupier shall ensure that all pigs on a holding are kept in their living quarters or some other place specified in the notice;
- (e) no person shall move any pigs onto or off any premises except in accordance with a licence issued by a veterinary inspector and the occupier shall ensure that pigs are unable to stray from or onto the holding;
- (f) no person shall move any pig meat, pig product, carcase, pig semen, the ovum or embryo of a pig, any animal feeding stuff, manure, slurry, utensil, material, waste or any other thing likely to transmit the disease from any premises, except in accordance with a licence issued by an inspector;
- (g) no person shall come onto or off any premises except in accordance with a licence issued by a veterinary inspector;
- (h) no person shall move any vehicle onto or off any premises except in accordance with a licence issued by a veterinary inspector;
- (i) the occupier shall ensure that, in accordance with any instructions given by a veterinary inspector, appropriate means of disinfection are placed at the entrances and exits of those parts of any premises in which pigs are being kept and of those premises; and
- (j) the person in charge of a means of transport shall ensure that such means of transport and any part thereof is taken to a specified destination, unloaded, and cleansed and disinfected in accordance with the instructions, and under the supervision, of a veterinary inspector.

Further measures where a notice has been served under article 5

6. Where a notice has been served under article 5, a veterinary inspector may, by further notice served on the occupier of the holding, slaughterhouse, knacker's yard or other place, or on the person who appears to be in charge of a means of transport—

- (a) prohibit the movement of any other species of animal on to or off those premises or means of transport;
- (b) require that occupier or person to take all reasonable measures to destroy rodents and insects on those premises or means of transport; or

- (c) require that occupier or person to cleanse and disinfect those premises or any vehicle or other thing on those premises, or any means of transport, at the expense of that occupier or person or at the expense of the Scottish Ministers in such a manner as may be specified in the notice, and within such time as may be so specified.

Measures where the disease is confirmed on a holding

7. Where the Chief Veterinary Officer has confirmed that the disease is present on a holding a veterinary inspector—

- (a) shall serve a notice on the occupier of that holding imposing any one or more of the restrictions and requirements contained in article 5, if such a notice has not already been served under that article;
- (b) shall be entitled, unless an investigation into the epidemiology of the outbreak of the disease on that holding has already been completed under article 5, to carry out such an investigation; and
- (c) may also by notice require the implementation of such measures as are set out in article 6.

Measures where the disease is confirmed in a slaughterhouse, knacker's yard or other place or on a means of transport

8.—(1) Where the Chief Veterinary Officer has confirmed that the disease is present in a slaughterhouse, knacker's yard or other place or on a means of transport, a veterinary inspector may serve a notice on the occupier of the slaughterhouse, knacker's yard or other place, or on the person who appears to be in charge of the means of transport, requiring that occupier or person to ensure that—

- (a) in the case of that slaughterhouse, knacker's yard or other place, all buildings, equipment and vehicles specified in the notice are cleansed and disinfected and, if necessary, an acaricide is applied, in accordance with the instructions, and under the supervision, of a veterinary inspector; or
- (b) in the case of the means of transport, that means of transport and any part thereof is taken to such destination as may be specified in the notice, unloaded, and cleansed and disinfected and, if necessary, an acaricide is applied, in accordance with the instructions, and under the supervision, of a veterinary inspector,

and no pigs are reintroduced to that slaughterhouse, knacker's yard or other place or that means of transport until at least 24 hours after completion of the cleansing and disinfection operations carried out in accordance with sub-paragraphs (a) and (b) above, and the application of an acaricide if one has been applied.

(2) Where a notice has been served under paragraph (1), the veterinary inspector shall be entitled to carry out an investigation into the epidemiology of the outbreak of the disease in that slaughterhouse, knacker's yard or other place or on that means of transport.

Measures which apply in respect of holdings or other premises from or to which the disease may have been transmitted

9.—(1) Where, following an investigation by a veterinary inspector into the epidemiology of the outbreak of the disease on an infected holding or a holding in relation to which a notice has been served under article 5, that inspector considers that the disease on that holding may, for any reason, have been transmitted from or to another holding or any other premises, that inspector may serve a notice under article 5 on the occupier of that other holding or those other premises.

(2) Where the disease has been found in any pig or carcase in a slaughterhouse, knacker's yard or other place or on a means of transport, a veterinary inspector may serve a notice under article

5 on the occupier of any holding or other premises from which the infected pig or carcase in that slaughterhouse knacker's yard or other place or that means of transport, has come, or to which such pig or carcase has been sent.

Temporary control zones

10.—(1) Following the service of a notice under article 5, the Scottish Ministers may, by declaratory order, establish a zone to be known as a “temporary control zone”.

(2) The location and size of the temporary control zone shall be such as the Scottish Ministers consider necessary to prevent the spread of disease.

(3) Where a temporary control zone has been established, no person shall—

- (a) move any pig onto or off a holding, slaughterhouse, knacker's yard or other place within that zone except in accordance with a licence issued by a veterinary inspector or an inspector acting under the direction of a veterinary inspector;
- (b) move any cattle, sheep, goat, or other ruminating animal onto or off any holding, slaughterhouse, knacker's yard or other place within that zone which has pigs in it except in accordance with a licence issued by a veterinary inspector or an inspector acting under the direction of a veterinary inspector; or
- (c) move any pig into or out of that zone except in accordance with a licence issued by a veterinary inspector or an inspector acting under the direction of a veterinary inspector.

(4) The restriction in paragraph (3)(c) shall not apply to any pig which is loaded onto a means of transport outside that zone and transported through it by means of an uninterrupted journey without that means of transport being loaded or unloaded.

(5) When a temporary control zone has been established in any part of England which adjoins the border with Scotland, the Scottish Ministers may establish a temporary control zone in Scotland, contiguous to that established in England, as the Scottish Ministers consider necessary.

(6) That part of any holding, slaughterhouse, knacker's yard or other place which is within Scotland and which is partly inside and partly outside a temporary control zone shall be deemed to be wholly inside that zone.

Protection and surveillance zones

11.—(1) Upon confirmation of the disease by the Chief Veterinary Officer, the Scottish Ministers shall, by declaratory order, establish an infected area comprising a zone to be known as a “protection zone” and a zone to be known as a “surveillance zone”.

(2) A protection zone shall consist of an area having a radius of at least three kilometres itself contained within a surveillance zone consisting of an area having a radius of at least ten kilometres, the centre point of each area being the centre of the holding, slaughterhouse knacker's yard or other place where the disease has been confirmed.

(3) Part I of Schedule 1 shall apply in a protection zone and Part II of Schedule 1 shall apply in a surveillance zone.

(4) Upon confirmation of the disease on a holding, slaughterhouse, knacker's yard or other place in England, which is within ten kilometres of the border with Scotland, the Scottish Ministers shall, by declaratory order, establish an infected area in terms of this article and consisting where appropriate of a protection zone with a radius of at least three kilometres itself contained within a surveillance zone of at least ten kilometres, the centre point of each being the centre of the holding, slaughterhouse, knacker's yard or other place in England where the disease was confirmed, which infected area shall be established only in so far as it lies within Scotland.

(5) The Scottish Ministers may take such steps as they consider necessary to ensure that all persons in an infected area are made fully aware of the restrictions in force, including exhibiting notices or signs on property situated within the infected area.

(6) That part of any holding, slaughterhouse, knacker's yard or other place which is within Scotland and which is partly inside and partly outside a surveillance or protection zone shall be deemed to be wholly inside that zone.

Cleansing and disinfection

12.—(1) Disinfection under this Order shall be carried out with a disinfectant approved for the purpose under the Diseases of Animals (Approved Disinfectants) Order 1978(2).

(2) Acaricides used pursuant to this Order shall be ones registered under the Control of Pesticides Regulations 1986(3) or authorised under the Biocidal Products Regulations 2001(4).

(3) Cleansing and disinfection operations and, where appropriate, the application of an acaricide on any premises and in respect of any vehicle or other thing on those premises, or on any means of transport, shall be carried out under the supervision of a veterinary inspector or an inspector acting under the direction of a veterinary inspector.

Feral pig investigation zones

13.—(1) Where the Scottish Ministers have reason to suspect that the disease exists in feral pigs in Scotland, or in England within ten kilometres of the border with Scotland, the Scottish Ministers shall, by declaratory order, establish a zone to be known as a “feral pig investigation zone” to which the provisions of paragraphs (2) and (3) apply.

(2) The location and size of a feral pig investigation zone shall consist of such area within Scotland as the Scottish Ministers consider necessary to enable them to carry out an investigation to confirm or deny the presence of the disease.

(3) Any person who shoots, or finds the carcase of, a feral pig in a feral pig investigation zone shall inform the Divisional Veterinary Manager as soon as reasonably practicable and in any event within 24 hours.

(4) Any person who has shot a pig referred to in paragraph (3) shall keep its carcase for at least 24 hours and make it available to the Divisional Veterinary Manager for any sampling or testing which the Divisional Veterinary Manager may consider appropriate.

Measures where the disease is confirmed in a feral pig

14.—(1) Where the presence of the disease is confirmed in a feral pig in Scotland, or in England within ten kilometres of the border with Scotland, the Scottish Ministers shall, by declaratory order, establish an infected area within Scotland of sufficient size to cover any area where it is suspected that the disease may be present.

(2) The Scottish Ministers may apply any or all of the requirements of Part I of Schedule 2 to any holding, slaughterhouse, knacker's yard or other place within the infected area and any or all of the restrictions and requirements of Part II of Schedule 2 within the infected area and may also suspend the hunting and ban the feeding of feral pigs in that area.

(3) The Scottish Ministers may by declaratory order impose a ban within an infected area on—

- (a) pig breeding; and
- (b) the establishment, of new, of a holding

(2) S.I. 1978/32; relevant amending instruments are S.I. 1978/934, 1997/2347 and 1999/919, and S.S.I. 2001/45 and 2003/334.

(3) S.I. 1986/1510, as amended by S.I. 1990/2487, 1994/3142, 1997/188 and 2001/880.

(4) S.I. 2001/880, as amended by S.I. 2003/429.

and may make such a declaratory order subject to such conditions as they think fit.

(4) That part of any holding, slaughterhouse, knacker's yard or other place which is within Scotland and which is partly inside and partly outside an infected area established under this article shall be deemed to be wholly inside that area.

Vaccines

15. No person shall administer an African swine fever vaccine to any pig except where authorised to do so by the Scottish Ministers.

Compliance with notices, etc.

16.—(1) Any notice or licence under this Order shall be in writing, may be general or specific, may be subject to conditions and may be amended, suspended or revoked by notice in writing at any time, and in particular may be suspended or revoked if the Scottish Ministers or the local authority, as the case may be, are of the reasonable opinion that the provisions of this Order are not being complied with.

(2) If any person fails to comply with any requirement of this Order or any instruction given, or notice or licence served under it, an inspector may, without prejudice to any proceedings for an offence arising as a consequence of that failure, take such action as may be necessary to ensure that the requirement, instruction, notice or licence is complied with or carried out.

(3) The Scottish Ministers or the local authority may recover, as a debt, any expenses incurred by an inspector under paragraph (2), from the person in default.

(4) Where a person is aggrieved by a decision of a veterinary inspector or an inspector of a local authority in relation to a specific licence issued or a notice served under this Order, or as to the restrictions or requirements imposed in such a notice or the conditions imposed in such a specific licence, or as to the variation, suspension or revocation of such a specific licence or in the case of a general licence issued under this Order as to the variation or suspension of that licence in its application to any movement of a pig 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, and who will prepare a report following consideration of those representations;
- (b) supply a copy of the report by that officer to that person;
- (c) consider the report by that officer before making a decision on the review; and
- (d) give to that 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 a veterinary inspector or an inspector, if relating to the restrictions or requirements imposed or to be imposed in a notice served under this Order, or the conditions imposed or to be imposed in or relating to variation, suspension or revocation of a specific or general licence issued under this Order, shall not have the effect of suspending the decision concerned pending that review.

Powers of veterinary inspectors and others

17.—(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 5, 6, 7 or 8 and may—

- (a) examine any animal, carcase or thing;
- (b) require the detention, isolation, restraint or treatment of any animal;

- (c) make such tests and take such samples (including blood samples) from any animal, carcase or thing as that veterinary inspector considers necessary for the purpose of diagnosis;
- (d) mark for identification purposes any animal, carcase or thing;
- (e) undertake surveillance for the presence of vectors;
- (f) implement such vector control measures as that veterinary inspector considers necessary;
- (g) require the destruction, burial, disposal or treatment of any thing;
- (h) require the occupier, any veterinary surgeon who has attended any animal on the premises and any other person who has been in charge of or in contact with any such animal to provide information as to any other animal or other premises with which such animal may have come into contact;
- (i) require the occupier of any premises to exhibit the notices or signs referred to in article 11(5).

(2) For the purposes of the enforcement of this Order, an officer authorised by the Scottish Ministers and acting under the direction of a veterinary inspector may enter on any premises in respect of which a notice has been served under article 5, 6, 7 or 8 and may—

- (a) take onto those premises—
 - (i) a vehicle (provided entry with such a vehicle is reasonably practicable);
 - (ii) such equipment as that officer considers necessary; and
 - (iii) such other person as that officer considers necessary for any purpose in relation to the execution and enforcement of this Order;
- (b) undertake surveillance for the presence of vectors under the direction of a veterinary inspector; and
- (c) implement such vector control measures as a veterinary inspector may deem necessary.

Enforcement

18. Except where otherwise provided, the provisions of this Order shall be executed and enforced by a local authority or by the Scottish Ministers.

Revocations and amendments

- 19.**—(1) The African Swine Fever Order 1980 is revoked⁽⁵⁾.
- (2) In article 2 of the African Swine Fever (Compensation) Order 1980⁽⁶⁾—
- (a) for “section 17 of the Diseases of Animals Act 1950” substitute “section 32 of the Animal Health Act 1981”⁽⁷⁾, and
 - (b) for “African Swine Fever Order 1980” substitute “African Swine Fever (Scotland) Order 2003”⁽⁸⁾.

St Andrew’s House, Edinburgh
27th November 2003

ROSS FINNIE
A member of the Scottish Executive

⁽⁵⁾ S.I. 1980/145.

⁽⁶⁾ S.I. 1980/146.

⁽⁷⁾ 1981 c. 22.

⁽⁸⁾ S.S.I. 2003/ .