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SCOTTISH STATUTORY INSTRUMENTS

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**2006 No. 44**

**The Foot-and-Mouth Disease (Scotland) Order 2006**

**PART 3**

Measures following confirmation of disease

**Tracing of products originating on infected premises**

**20.**—(1) The Scottish Ministers shall trace all milk, milk products, meat, meat products, carcasses, hides, skins, wool, semen, ova and embryos derived from susceptible animals originating on infected premises.

(2) After tracing any semen, ovum or embryo, the Scottish Ministers shall, by notice served on the person in charge of it, direct that person to dispose of it in such a way as to ensure destruction of disease virus.

(3) After tracing any other item referred to in paragraph (1), the Scottish Ministers shall, by notice served on its owner, or if the owner is not readily ascertainable the person in charge of it, direct the owner or that person to either—

- (a) arrange for such treatment as the Scottish Ministers considers necessary to ensure destruction of the disease virus; or
- (b) dispose of it in such a way as to ensure destruction of disease virus.

**Notice of intention to slaughter animals**

**21.**—(1) Subject to paragraph (2), before causing the slaughter of animals as described in regulation 8(2) or 9(1) of the Regulations, the Scottish Ministers shall give notice of their intention to cause such slaughter—

- (a) to the occupier of the premises where the animals are kept; or
- (b) where the animals are in transit, to the person in charge of them.

(2) Paragraph (1) does not apply where the Scottish Ministers intend to cause the slaughter of a stray or feral animal detained by an inspector under article 17(2) or under Schedule 4, paragraph 2(2) or Schedule 6, paragraph 5(2).

**Sampling and clinical examination of susceptible animals before slaughter**

**22.** Where the Scottish Ministers give notice of their intention to cause slaughter of animals as described in regulation 8(2) or 9(1) of the Regulations, they shall ensure that any sampling and clinical examination they consider necessary to carry out the veterinary inquiry in article 11 is undertaken before, or immediately following, such slaughter.

**Place of slaughter**

**23.**—(1) This article applies where the Scottish Ministers give notice of their intention to cause slaughter of animals as described in regulation 8(2) or 9(1) of the Regulations.

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(2) Subject to paragraph (3), where the animals to be slaughtered are on premises, slaughter shall take place there without delay.

(3) Paragraph (3) shall not apply where—

- (a) in the opinion of the Scottish Ministers exceptional circumstances exist which would make slaughter on those premises an unsatisfactory method of disease control; or
- (b) the premises are a slaughterhouse or border inspection post,

in which case the Scottish Ministers may direct that slaughter be carried out at another place which they consider satisfactory for the purpose of preventing the spread of disease.

(4) Where the animals to be slaughtered are in transit, they shall be transported to another place at the direction of the Scottish Ministers as soon as is reasonably practicable and before slaughter.

(5) In directing transport to another place under this article the Scottish Ministers shall grant a licence under paragraphs 4(6), 7(d) and 10(b) of Schedule 2 authorising movement of the animals, persons and vehicles necessary for that action under such conditions as they think fit to minimise the risk of spread of disease.

#### **Slaughter: control of carcasses**

**24.**—(1) This article shall apply to premises where the Scottish Ministers have caused the slaughter of animals as described in regulation 8(2) or 9(1) of the Regulations.

(2) No person shall move any carcase of a susceptible animal from premises to which this article applies except for disposal and under the authority of a licence granted by the Scottish Ministers.

(3) The Scottish Ministers shall ensure that every carcase to which this article applies is disposed of without undue delay, and in so ensuring—

- (a) they may serve a notice on the occupier requiring immediate disposal or disposal within a specified period; and
- (b) they shall grant any necessary licence under paragraph (2).

#### **Slaughter: control of faecal material**

**25.**—(1) This article applies to premises where the Scottish Ministers have caused the slaughter of animals as described in regulation 8(2) or 9(1) of the Regulations.

(2) No person shall move any dung, manure, slurry or used litter of susceptible animals from premises to which this article applies except—

- (a) for disposal and under the authority of a licence granted by the Scottish Ministers after consulting the Chief Veterinary Officer (Scotland) and specifying a manner of disposal such as to ensure destruction of the disease virus; or
- (b) following disinfection, for treatment of such material from a slaughterhouse or border inspection post in accordance with [F1 Articles 15 and 32 of Regulation (EC) No 1069/2009 and Articles 10 and 22 of Regulation (EU) No 142/2011], and under the authority of a licence granted by the Scottish Ministers.

#### **Textual Amendments**

- F1** Words in art. 25(2)(b) substituted (4.3.2011) by [The Animal By-Products \(Enforcement\) \(Scotland\) Regulations 2011 \(revoked\) 2011 \(S.S.I. 2011/171\)](#), reg. 1(1), **sch. 2 para. 21**

### Slaughter: isolation of things liable to spread disease

26.—(1) This article applies to the occupier of any premises where the Scottish Ministers have caused the slaughter of animals as described in regulation 8(2) or 9(1) of the Regulations.

(2) Subject to paragraph (3) a person to whom this article applies shall isolate all milk, milk products, meat, meat products, carcasses, hides and skins, wool, semen, embryos, ova, slurry, manure, animal feed and litter on the premises until—

- (a) the Scottish Ministers certify all such items are free of contamination; or
- (b) all such items have been treated in accordance with the directions of an inspector; or
- (c) the Scottish Ministers grant a licence authorising any such item to be removed from the premises to be treated in accordance with Regulation [<sup>F2</sup>1069/2009], <sup>F3</sup>... following which any such item may then be removed and treated in that way and in accordance with the conditions of that licence.

(3) Paragraph (2) shall not apply to milk on free units where this is authorised by a licence granted by the Scottish Ministers and such licence shall contain terms requiring that—

- (a) where it is for human consumption, milk is subjected to one of the treatments in paragraph 13 of Schedule 5; or
- (b) where it is not for human consumption, milk is subjected to one of the treatments in paragraph 14 of Schedule 5.

#### Textual Amendments

- F2** Words in art. 26(2)(c) substituted (4.3.2011) by [The Animal By-Products \(Enforcement\) \(Scotland\) Regulations 2011 \(revoked\) 2011 \(S.S.I. 2011/171\)](#), reg. 1(1), **sch. 2 para. 22**
- F3** Words in art. 26(2)(c) omitted (1.12.2013) by virtue of [The Animal By-Products \(Enforcement\) \(Scotland\) Regulations 2013 \(S.S.I. 2013/307\)](#), reg. 1(1), **sch. 2 para. 7**

### Slaughter: cleansing and disinfection of premises other than slaughterhouses and border inspection posts

27.—(1) This article applies to any premises other than a slaughterhouse or border inspection post, where the Scottish Ministers have caused the slaughter of animals as described in regulation 8(2) or 9(1) of the Regulations and to any vehicle on those premises, after the disposal of all carcasses in accordance with article 24 and isolation of the items referred to in article 26(2).

(2) The Scottish Ministers shall ensure that the following parts of premises to which this article applies, are cleansed and disinfected in accordance with Schedule 1—

- (a) all buildings, parts of the premises and vehicles used to carry susceptible animals and any other thing or place on the premises which may be contaminated are cleansed and disinfected in accordance with Schedule 1; and
- (b) where there is reasonable suspicion that any part of the premises normally used by humans to the exclusion of animals (including a dwelling) is contaminated with disease, that part of the premises is cleansed and disinfected in accordance with Schedule 1.

### Slaughter: cleansing and disinfection of slaughterhouses and border inspection posts

28.—(1) This article applies to a slaughterhouse or border inspection post where the Scottish Ministers have caused slaughter as described in regulation 8(2) or 9(1) of the Regulations, and to any vehicle there, after the disposal of all carcasses in accordance with article 24 and, if article 25(2)

(a) applies, removal for disposal of the items referred to in that paragraph.

- (2) The Scottish Ministers shall ensure that—
- (a) every building and place, and any equipment, vehicle and any other thing which may be contaminated on premises to which this article applies are cleansed and disinfected in accordance with Schedule 1; and
  - (b) no animal is brought on to the premises until at least 24 hours after completion of the final cleansing and disinfection measures in paragraphs 17 to 19 of Schedule 1.

### **Restocking of premises**

**29.**—(1) This article applies to any premises where the Scottish Ministers have caused the slaughter of animals as described in regulation 8(2) or 9(1) of the Regulations.

(2) No person shall restock premises to which this article applies except under the authority of a licence granted by the Scottish Ministers and in accordance with Schedule 9.

- (3) No licence shall be granted allowing restocking to commence—
- (a) on premises to which paragraph 24 of Schedule 1 applies until one year has elapsed following completion of such cleansing and disinfection as is undertaken; or
  - (b) on premises to which that paragraph does not apply, until 21 days after completion of the final cleansing and disinfection measures in paragraphs 17 to 19 of Schedule 1 on the premises.

### **Declaration of protection and surveillance zones on confirmation of the disease in Scotland**

**30.**—(1) The Scottish Ministers shall, on confirmation of the disease on premises in Scotland, other than—

- (a) a slaughterhouse or border inspection post; or
- (b) premises to which infected or contaminated animals have been transported under article 10(1)(b),

declare a protection zone and a surveillance zone in such part of Scotland as they think fit.

- (2) The Scottish Ministers may, on confirmation of the disease—
- (a) at a slaughterhouse or border inspection post in Scotland,
  - (b) at premises in Scotland to which infected or contaminated animals have been transported under article 10(1)(b),

declare a protection zone and a surveillance zone in such part of Scotland as they think fit to prevent the spread of the disease.

- (3) A declaration under this article shall designate—
- (a) the extent of the protection zone which shall be an area centred on the infected premises and of at least three kilometres radius; and
  - (b) the extent of the surveillance zone which shall be an area centred on the same premises and of at least ten kilometres radius.

### **Declaration of protection zones and surveillance zones on confirmation of the disease in England or Wales**

**31.**—(1) This article applies if the Scottish Ministers are satisfied that the disease is present in England or Wales.

(2) If the Scottish Ministers are satisfied that the disease is present at premises (other than a slaughterhouse or border inspection post) in England which are within 10km of the border with

Scotland they shall declare a surveillance zone in Scotland; if the premises are within 3km of the border they shall be under a duty also to declare a protection zone, otherwise, they may do so.

- (3) If the Scottish Ministers are satisfied that the disease is present at—
- (a) any premises in England or Wales further than 10km from the border with Scotland; or
  - (b) a slaughterhouse or border inspection post in England within 10km of the border with Scotland,

they may declare a protection zone, a surveillance zone, or both, in Scotland.

(4) A zone declared under this article shall be of such size as the Scottish Ministers think fit so as to prevent the spread of disease.

(5) A declaration under this article shall designate the extent of any zone declared and such extent may include part of the border with England.

- (6) In this article border inspection post means
- (a) in relation to England, a place specified as a border inspection post in Schedule 2 to the Animals and Animal Products (Import and Export) (England) Regulations 2005 <sup>F4</sup>; and
  - (b) in relation to Wales, a place specified as a border inspection post in Schedule 2 to the Animals and Animal Products (Import and Export) (Wales) Regulations 2005 <sup>F5</sup>.

#### **Textual Amendments**

**F4** S.I. 2005/2002.

**F5** S.I. 2005/1158 (W.75).

#### **Protection zones and surveillance zones: general provisions**

**32.**—(1) The Scottish Ministers may, if they consider necessary, review the extent of any protection or surveillance zone declared.

(2) In determining the geographical extent of a protection zone and a surveillance zone, the Scottish Ministers shall take into account administrative boundaries, natural barriers, supervision facilities and information as to probable dispersion of the disease virus by air or other means.

(3) Any premises which are partly inside and partly outside a protection zone shall be deemed to be wholly inside that zone.

(4) Any premises (except premises which are also partly inside a protection zone) which are partly inside and partly outside a surveillance zone shall be deemed to be wholly inside that zone.

(5) Any protection zone or surveillance zone is an infected area for the purposes of the Act.

#### **Measures applicable in respect of protection zones and surveillance zones**

**33.**—(1) The measures in Parts 1 and 2 of Schedule 4 apply in respect of a protection zone and those in Parts 3 of Schedule 4 apply in respect of a surveillance zone.

(2) The Scottish Ministers may declare that any other measure they think fit so as to prevent the spread of disease shall apply in respect of the whole or any part of any protection zone or surveillance zone and any such measure shall then apply in respect of that protection zone or surveillance zone or that part of it.

(3) The Scottish Ministers shall not make a declaration under paragraph (2), unless they are satisfied that the measures to be applied by that declaration are—

- (a) necessary to prevent the spread of disease; and

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- (b) a proportionate method of preventing such spread, taking into account the epidemiological, animal husbandry, commercial and social conditions in the protection zone or surveillance zone.

(4) If the Scottish Ministers restrict the movement of horses in a surveillance zone by a declaration under paragraph (2), they shall take into account the recommended measures in paragraph 2.2 of Annex VI to the Directive.

(5) An area shall remain a protection zone or surveillance zone until the declaration creating it is amended or revoked in accordance with article 36.

#### **Veterinary inspection of premises in protection zones and surveillance zones**

**34.**—(1) The Scottish Ministers shall ensure that each premises within a protection zone or a surveillance zone keeping susceptible animals is inspected as regularly as they think fit by a veterinary inspector.

(2) A veterinary inspector inspecting premises under this article shall ensure that the inspection includes—

- (a) clinical inspection of all susceptible animals; and
- (b) inspection of the records required to be created and maintained by paragraph 1 of Schedule 4.

#### **Power to prohibit entry to land or agricultural buildings in a protection zone**

**35.**—(1) Subject to paragraph (2), and with the prior written consent of the Scottish Ministers, an inspector may, notwithstanding the existence of any public footpath or other right of way, prohibit the entry of any person—

- (a) on to any land (excluding buildings but including any common, unenclosed or waste land); or
- (b) into any agricultural building (excluding any dwellinghouse),

in a protection zone by causing a notice to that effect to be displayed at every entrance to that land or building.

(2) No person other than—

- (a) the owner of any animal on that land or in that building or a person authorised by him, who enters for the purpose of tending that animal; or
- (b) a person entering under the authority of a licence granted by an inspector,

shall enter any land or building in respect of which a notice is displayed under paragraph (1).

(3) No person shall remove or alter a notice displayed under this article except at the direction of an inspector.

(4) Any prohibition on entry to land or buildings imposed under this article is revoked if the declaration creating the protection zone is amended in accordance with article 36 so that the protection zone becomes part of a surveillance zone.

(5) Any prohibition on entry to land or buildings imposed under this article may be revoked in whole or in part by—

- (a) the removal of all relevant notices in accordance with the directions of an inspector; or
- (b) a declaration of the Scottish Ministers.

### **Amendment and revocation of declarations creating protection zones and surveillance zones**

**36.**—(1) The Scottish Ministers may, where they are satisfied that the conditions in paragraph (2) are met, amend the declaration creating a protection zone so that the area within its boundaries becomes part of the surveillance zone centred on the same premises.

(2) The conditions for amendment of a declaration creating a protection zone are—

- (a) at least 15 days have elapsed since the completion of any preliminary cleansing and disinfection in that protection zone; and
- (b) a survey of all susceptible animals to substantiate the absence of infection has been carried out on behalf of the Scottish Ministers in that protection zone with negative results.

(3) The Scottish Ministers may, where they are satisfied that the conditions in paragraph (4) are met, revoke the declaration creating a surveillance zone.

(4) The conditions for revocation of a declaration creating a surveillance zone are—

- (a) at least 30 days have elapsed since completion of any preliminary cleansing and disinfection in the area within the boundaries of that surveillance zone;
- (b) if the declaration creating that surveillance zone also created a protection zone centred on the same premises, it has previously been amended so that the protection zone has become part of the surveillance zone;
- (c) if the declaration creating that surveillance zone did not create a protection zone centred on the same premises, any zone in England or Wales having equivalent effect to a protection zone and centred on the same premises as that surveillance zone is no longer in effect; and
- (d) a survey of susceptible animals to substantiate the absence of infection has been carried out in that surveillance zone since that amendment on behalf of the Scottish Ministers with negative results.

(5) An amendment or revocation under this article shall refer to the declaration creating the protection zone and surveillance zone and specify the date and time the amendment or revocation is to take effect.

(6) In this article, “preliminary cleansing and disinfection” means cleansing and disinfection required by articles 27 and 28, undertaken in accordance with paragraphs 14 and 15 of Schedule 1 and ending 24 hours after the application of disinfectant.

### **Declaration of restricted zone**

**37.**—(1) The Scottish Ministers may, on confirmation of the disease on premises in Great Britain, declare a restricted zone in such part of Scotland of such size as they think fit to prevent the spread of the disease—

- (a) where, following a thorough epidemiological assessment, the Scottish Ministers, having consulted the Chief Veterinary Officer (Scotland), are of the opinion that, despite the measures already taken, the disease appears to be spreading; or
- (b) when emergency vaccination is implemented in Great Britain or any part thereof.

(2) Where paragraph (1)(b) applies, the restricted zone shall cover at least the vaccination zone insofar as it is within Scotland.

(3) The epidemiological assessment shall include consideration of the possible time and probable location of the introduction of disease to Great Britain, its possible spread and the probable period of time necessary to eradicate it.

(4) An area shall remain a restricted zone (or part of one) until—

- (a) such date as may be stated in the declaration;

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- (b) the Scottish Ministers amend the declaration to exclude that area; or
- (c) the Scottish Ministers revoke the declaration.

(5) Any amendment or revocation of a declaration creating a restricted zone shall refer to that declaration and state the date and time it is to take effect.

(6) Any premises which are partly inside and partly outside a restricted zone shall be deemed to be wholly inside that zone except premises which are also partly inside—

- (a) a temporary control zone;
- (b) a supplementary movement control zone;
- (c) a protection zone;
- (d) a surveillance zone;
- (e) a vaccination zone;
- (f) a vaccination surveillance zone; or
- (g) a wild animal infected zone.

#### **Measures applicable in restricted zones**

**38.**—(1) The measures in Schedule 6 to this Order apply to a restricted zone in addition to any requirements or restriction applying in any part of it because of a zone listed in paragraph 37(6).

(2) The Scottish Ministers may declare that any other measure they think fit so as to prevent the spread of disease applies in respect of the whole or any part of any restricted zone and any such measure shall then apply in respect of that restricted zone or that part of it.

#### **Confirmation of the disease in wild animals and declaration of a wild animal infected zone**

**39.**—(1) The Scottish Ministers shall, on confirmation of the disease in any wild animal in Great Britain declare an area to be a wild animal infected zone in such part of Scotland and of such size as they think fit to prevent the spread of disease.

- (2) A wild animal infected zone shall remain in effect until—
- (a) the Scottish Ministers amend the declaration to exclude that area; or
  - (b) the Scottish Ministers revoke the declaration.

(3) Any amendment or revocation of a declaration creating a wild animal infected zone shall refer to that declaration and state the date and time it is to take effect.

(4) Any premises which are partly inside and partly outside a wild animal infected zone shall be deemed to be wholly inside that zone.

- (5) Any wild animal infected zone is an infected area for the purposes of the Act.

#### **Measures applicable in wild animal infected zones**

**40.**—(1) The measures in Schedule 7 of this Order apply in a wild animal infected zone in addition to any measures applying in any part of it because of—

- (i) a protection zone;
- (ii) a surveillance zone;
- (iii) a vaccination zone; or
- (iv) a vaccination surveillance zone.



(2) The Scottish Ministers may declare that any other measure they think fit so as to prevent the spread of disease applies in respect of the whole or any part of any wild animal infected zone and any such measure shall then apply in respect of that wild animal infected zone or part of it.

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