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SCOTTISH STATUTORY INSTRUMENTS

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**2006 No. 44**

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

**PART 5**

General and supplementary provisions

**Production of licences and unloading after certain licensed movements of susceptible animals**

**42.**—(1) Every person issued with a licence under this Order shall, while executing the activity permitted by that licence, carry the licence and produce it to an inspector on demand.

(2) Paragraphs (3) and (4) apply where any of the following licences are granted for movement of susceptible animals between premises, unless that licence provides otherwise—

- (a) a licence for movement to or from premises in a temporary control zone under article 16(2) or Schedule 2, paragraph 4 (movement of susceptible animals);
- (b) a licence for movement to a slaughterhouse under Schedule 4, paragraph 10 (movement of susceptible animals from or to premises within a protection zone);
- (c) a licence for movement to a slaughterhouse under Schedule 4, paragraph 26 (movement of animals from premises within a surveillance zone);
- (d) a licence for movement to or from premises in a restricted zone under Schedule 6, paragraph 1 (movement of susceptible animals in a restricted zone).

(3) Where this paragraph applies, no person shall unload susceptible animals at premises to which they are moved unless that person first gives the movement licence to the occupier of those premises or the occupier's authorised representative.

(4) Where this paragraph applies, the occupier of any premises to which susceptible animals are moved shall—

- (a) forward the movement licence without delay to the local authority and, in the case of a slaughterhouse, provide a copy to any official veterinary surgeon appointed for those premises;
- (b) retain a copy of the licence for a period of six months and produce it on request for inspection by an inspector; and
- (c) in the case of a collecting centre, ensure that sheep are marked or tagged in accordance with the directions of an inspector so as to enable the identity of the collecting centre and the premises from which they were moved to be established throughout their onward movement to a slaughterhouse.

**Further provision relating to certain premises**

**43.**—(1) This article applies to the following premises—

*Status: Point in time view as at 23/02/2006.*

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- (a) a laboratory, zoo, wildlife park or other premises where susceptible animals are kept principally for the purposes of display and education of the public, or an enclosed area principally used for shooting;
  - (b) premises not falling within sub paragraph (a) of a body, institute or centre which—
    - (i) keeps susceptible animals only for the purposes of conservation, display and education of the public, or scientific research or breeding of such animals for research; and
    - (ii) is approved in relation to those animals under regulation 9 of the Animal and Animal Products (Import and Export) (Scotland) Regulations 2000 <sup>F1</sup>;
  - (c) other premises where susceptible animals are kept for scientific purposes or purposes related to conservation of species or farm animal genetic resources.
- (2) The Scottish Ministers shall take such steps as they consider necessary to prevent the spread of disease to premises to which this article applies.
- (3) In taking such steps, the Scottish Ministers may—
- (a) require the detention and isolation of any vehicle, equipment or other thing on premises to which this article applies and its subsequent cleansing and disinfection by serving a notice requiring such action on the occupier, or on the person in charge of the vehicle, equipment or other thing;
  - (b) require the cleansing and disinfection of—
    - (i) any premises to which this article applies in accordance with Schedule 1 by serving a notice requiring it on the occupier; or
    - (ii) any person or that person's clothing or footwear by serving a notice on that person requiring it;
  - (c) require the removal, cleansing and disinfection or destruction of the clothing or footwear of any person by serving notice on that person requiring it;
  - (d) require any person to cleanse himself by serving a notice requiring it on him;
  - (e) require the detention or isolation in a specified place of any animal or poultry on premises to which this article applies by serving a notice requiring it on the occupier, or on its keeper;
  - (f) require the separation of any animal or poultry from other animals or poultry on premises to which this article applies by serving a notice requiring it on the occupier of the premises, or on its keeper;
  - (g) prohibit the movement of any animal on to or from premises to which this article applies, or make such movement subject to the grant of a licence by serving a notice on the occupier prohibiting it or prohibiting it except under licence;
  - (h) prohibit the movement of any person or persons on to premises to which this article applies and which are open to the public, or make such movement subject to the grant of a licence by serving a notice on the occupier prohibiting it or prohibiting it except under licence.

#### Textual Amendments

F1 [S.S.I. 2000/216](#).

#### Duty of the local authority to erect signs

44. The local authority shall ensure that the boundaries of the following zones are indicated by signs erected in a conspicuous position on those roads entering the zones on which it considers

susceptible animals are likely to be moved as soon as is reasonably practicable after declaration of the zones—

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

### **Cleansing and disinfection of vehicles transporting susceptible animals**

45.—(1) Subject to paragraph (3), where cleansing and disinfection of any vehicle in accordance with this article is required, it shall be carried out in accordance with Schedule 2 of the Transport of Animals (Cleansing and Disinfection) (Scotland) Order 2005 and with any additional directions an inspector may give by serving a notice on the person in charge of the vehicle.

(2) Such cleansing and disinfection shall be undertaken—

- (a) before loading; and
- (b) after unloading and before leaving the premises of destination.

(3) Such cleansing and disinfection shall also be undertaken after loading and before leaving the premises of origin in respect of the wheels and wheel arches only of the vehicle to ensure they are clean on leaving the premises.

### **Cleansing and disinfection of vehicles: provision of facilities, equipment and materials**

46. Where cleansing and disinfection of vehicles is required at any premises by this Order or by virtue of a licence granted or directions given under it, the occupier of those premises shall, at that person's own expense, provide adequate facilities and proper equipment and materials for that cleansing and disinfection.

### **Marks applied under this Order**

47. No person shall remove, obscure or erase a mark applied to any animal, carcase, animal product, vehicle or other thing under this Order unless an inspector has given written authority.

### **Change of occupation of premises under restriction**

48.—(1) This article applies if the keeper of any animal or poultry is unable to move it from premises on the termination of the keeper's right of occupation because of a restriction imposed by or under this Order and continues to apply for 7 days after the last such restriction is removed.

(2) Where this article applies, the person entitled to occupation of the premises on that termination shall—

- (a) provide such facilities for feeding, tending or otherwise using such animal or poultry (including selling it) as the keeper may reasonably require; and
- (b) allow entry to the premises to that keeper and any person authorised by that keeper at reasonable times for feeding, tending or otherwise using such animal or poultry.

(3) If the keeper is unable or unwilling to feed or tend such animal or poultry, the person entitled to occupation of the premises shall take such steps as are necessary to ensure the animal or poultry is properly fed and tended.

(4) The keeper of the animal or poultry is liable to pay the reasonable costs incurred under this article by any person feeding or tending that animal or poultry, or providing facilities for feeding, tending or otherwise using it under this article.

#### **Reasonable assistance**

**49.** Any person required to give reasonable assistance or information to a person acting in the execution of this Order for the performance of the latter person's functions under it shall, unless that person has reasonable cause, do so without delay.

#### **False information**

**50.** No person shall furnish information which that person knows to be false or misleading to a person acting in the execution of this Order.

#### **Production of records**

**51.—(1)** Any person required to produce a record by a person acting under this Order shall do so without delay.

(2) On such production, a person acting under this Order may—

- (a) copy any records, in whatever form they may be held;
- (b) remove any records to enable them to be copied, or where they are kept electronically; require them to be produced in a form which may be taken away.

(3) A person removing records under this article shall give a written receipt to the person in charge of them.

#### **Compliance with notices and directions**

**52.—(1)** Any notice served under this Order shall be complied with at the expense of the person on whom it is served, except where otherwise provided in that notice.

(2) Any direction given under this Order shall be complied with at the expense of the person to whom it is given, except where otherwise provided in a written direction of the Scottish Ministers.

#### **Retention of records**

**53.** Any person making a record required by this Order shall retain it for the following period—

- (a) for a record made under paragraph 12 of Schedule 1, six years unless the record relates solely to the cleansing and disinfection of a vehicle, in which case six months;
- (b) for a record made under—
  - (i) paragraph 1 of Schedule 2;
  - (ii) paragraph 1 of Schedule 4; or
  - (iii) paragraph 2 of Schedule 7,

three years after the requirement to maintain records in the relevant paragraph ceases to have effect in relation to the premises.

#### **General powers of veterinary inspectors to take action to prevent the spread of disease**

**54.—(1)** This article applies—

- (a) in any zone declared under this Order, that is to say—

- (i) a temporary control zone;
  - (ii) a supplementary movement control zone;
  - (iii) a protection zone;
  - (iv) a surveillance zone;
  - (v) a restricted zone; and
  - (vi) a wild animal infected zone; and
- (b) on any premises subject to restriction under this Order, that is to say—
- (i) premises subject to Schedule 2 by virtue of article 8(3), 8(5), 9 or 10(2),
  - (ii) suspect premises;
  - (iii) contact premises; and
  - (iv) infected premises.
- (2) Where this article applies, a veterinary inspector may, if the veterinary inspector considers it necessary to prevent the spread of disease require—
- (a) the detention and isolation of any vehicle, equipment or other thing and its subsequent cleansing and disinfection by serving a notice requiring such action on the occupier of the premises where it is present, or on the person in charge of it;
  - (b) the cleansing and disinfection of—
    - (i) any premises in accordance with Schedule 1 by serving a notice requiring it on the occupier of those premises; or
    - (ii) any person or the person's clothing or footwear by serving a notice on that person requiring it;
  - (c) the removal, laundering, cleansing and disinfection or destruction of the clothing or footwear of any person by serving a notice on that person requiring it;
  - (d) a person to cleanse himself by serving a notice on that person requiring it;
  - (e) the detention or isolation in a specified place of any animal or poultry by serving a notice requiring it on the occupier of the premises where it is present, or on its keeper;
  - (f) the separation of any animal or poultry from other animals or poultry by serving a notice requiring it on the occupier of the premises where it is present, or on its keeper.
- (3) A notice under this article may contain such directions and conditions as the person serving it considers necessary to prevent the spread of disease.
- (4) The powers conferred on a veterinary inspector by this article are without prejudice to powers conferred by any other provision of this Order.

### **Powers of inspectors in case of default**

**55.**—(1) Where a person fails to comply with a requirement of this Order or a licence granted, notice served or direction given under it, an inspector may take any steps which the inspector considers necessary to ensure the requirement is met.

(2) Where a person fails to comply with a requirement of this Order or a licence granted, notice served or direction given under it an inspector may take any steps which the inspector considers necessary to rectify the situation so as to prevent the spread of disease.

(3) In taking steps under paragraph (1) or (2), an inspector may seize any animal moved, kept or otherwise dealt with in contravention of this Order or a notice served, licence granted or direction made under it and detain or dispose of it.

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(4) In taking steps under paragraph (2), an inspector may by notice served on any person direct that person to take or refrain from specified action in respect of any place, animal, poultry, vehicle, animal product or other thing.

(5) Any steps taken are without prejudice to proceedings for an offence arising out of the default.

(6) The person in default shall reimburse any reasonable expenses incurred by the Scottish Ministers or the local authority in taking such steps.

### **Offences by body corporate**

**56.**—(1) Where a body corporate is guilty of an offence against the Act, 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 or other similar officer of the body corporate; or

(b) any person who was purporting to act in any capacity,

he as well as the body corporate shall be guilty of an offence and be liable to be proceeded against and punished accordingly.

(2) For the purposes of paragraph (1), “director” in relation to a body corporate whose affairs are managed by its members, means a member of the body corporate and “body corporate” includes a partnership in Scotland, and, in relation to such a partnership, a reference to a director or other officer of a body corporate is a reference to a partner.

### **Offences: no knowledge of restriction or requirement**

**57.** No person shall be guilty of failing to comply with a restriction or requirement imposed by declaration of—

(a) a temporary control zone;

(b) a supplementary movement control zone;

(c) a protection zone;

(d) a surveillance zone;

(e) a restricted zone; or

(f) a wild animal infected zone

if that person shows to the court's satisfaction that the person did not know of that restriction or requirement and that the person could not with reasonable diligence have obtained knowledge of it.

### **Enforcement**

**58.**—(1) Subject to paragraphs (2) and (3), this Order shall be enforced by the local authority.

(2) This Order shall be enforced in relation to slaughterhouses by the Scottish Ministers.

(3) The Scottish Ministers may direct, in relation to cases of a particular description or any particular case, that an enforcement duty imposed on a local authority under this Order shall be discharged by the Scottish Ministers and not by the local authority.

**Status:**

Point in time view as at 23/02/2006.

**Changes to legislation:**

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