
SCOTTISH STATUTORY INSTRUMENTS

2006 No. 45

**The Foot-and-Mouth Disease (Slaughter and
Vaccination) (Scotland) Regulations 2006**

PART 1

Introduction

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Foot-and-Mouth Disease (Slaughter and Vaccination) (Scotland) Regulations 2006 and come into force on 23rd February 2006.

(2) The Regulations extend to Scotland only.

Interpretation

2.—(1) In these Regulations—

“the Act” means the Animal Health Act 1981 ^{M1};

“animal product” means anything originating or made (whether in whole or in part) from an animal or from a carcase;

[^{F1}“authorised veterinary inspector” means a veterinary inspector authorised by the Scottish Ministers to receive information about animals or carcasses infected with the disease or suspected of being infected;]

[^{F2}“border control post” has the meaning in Article 3(38) of Regulation (EU) 2017/625 of the European Parliament and of the Council on official controls and other official activities performed to ensure the application of feed and food law, rules on animal health and welfare, plant health and plant protection products;]

“bovine animal” includes buffalo and bison;

“carcase” means the carcase of an animal and includes part of a carcase, and the meat, bones, hide, skin, hooves, offal or other part of an animal, separately or otherwise, or any portion thereof;

^{F3}
...

“contaminated” means directly or indirectly exposed to disease and “contamination” shall be construed accordingly;

“the Directive” means Council Directive [2003/85/EC](#)^{M2} on Community measures for the control of foot-and-mouth disease repealing Directive [85/511/EEC](#) and Decisions [89/531/EEC](#) and [91/665/EEC](#) and amending Directive [92/46/EEC](#)^{F4}, as last amended by Commission Implementing Decision (EU) 2018/1099];

“disease” means foot-and-mouth disease;

“dispose” means treat as Category 1, Category 2 or Category 3 material (as the case may be) under [^{F5}Regulation (EC) No 1069/2009 and Regulation (EU) No 142/2011] and “disposed” and “disposal” shall be construed accordingly;

^{F6} ...

[^{F7}“emergency vaccination” means vaccination undertaken as part of a programme of vaccination introduced by the Scottish Ministers, following consideration of any criteria considered by the Scottish Ministers to be relevant, when at least one of the following conditions applies:

- (a) outbreaks of foot-and-mouth disease have been confirmed and threaten to become widespread in Scotland;
- (b) Scotland is at risk due to the geographical situation of, or the prevailing meteorological conditions in relation to, reported outbreaks of foot-and-mouth disease outside Scotland;
- (c) Scotland is at risk due to epidemiologically relevant contacts between holdings on its territory and holdings keeping animals of susceptible species outside Scotland where there are outbreaks of foot-and-mouth disease;]

“fresh meat” means meat that has not undergone any preserving process other than chilling, freezing or quick-freezing, including meat that is vacuum wrapped or wrapped in a controlled atmosphere;

“health marked” means bearing the health mark [^{F8}as defined in Article 3(51) of Regulation EU 2017/625 of the European Parliament and of the Council on official controls and other official activities performed to ensure the application of feed and food law, rules on animal health and welfare, plant health and plant protection products] and “health mark” shall be construed accordingly;

[^{F9}“holding” means any agricultural or other premises, including circuses, where animals of susceptible species are being bred or kept on a permanent or temporary basis;]

“hyper-immune serum” means material containing anti-bodies to the disease, either produced from animals subject to repeated vaccination or by another method;

“identification marked” means bearing the identification mark required by article 5(1) of Regulation (EC) No. 853/2004 of the European Parliament and of the Council laying down specific hygiene rules for food of animal origin^{M3}[^{F10}, as last amended by Commission Regulation (EU) 2017/1981] and “identification mark” shall be construed accordingly;

“incubation period” means–

- (a) for cattle, pigs and other bovine animals and swine, 14 days; and
- (b) for other susceptible animals, 21 days;

“infected premises” means infected premises declared under article 11(11) of the Order;

“inspector” means an inspector appointed under the Act;

“keeper” means any person responsible for animals, whether on a permanent or temporary basis, but does not include any person who is responsible for animals solely because that person is transporting them;

“litter” means any substance which has been used for the bedding of animals;

“local authority” has the meaning assigned to that term by section 50(1) of the Act;

“meat preparation” means fresh meat, including meat that has been reduced to fragments, which has had foodstuffs, seasonings or additives added to it or which has undergone processes insufficient to modify the internal muscle fibre structure of the meat and thus to eliminate the characteristics of fresh meat;

“mechanically separated meat” means the product obtained by removing meat from flesh-bearing bones after boning, using mechanical means resulting in the loss or modification of the muscle fibre structure;

“milk” includes cream, separated milk, skimmed milk and buttermilk;

“milk product” includes butter, cheese, whey, yoghurt and any other product the main constituent of which is milk;

“minced meat” means boned meat that has been minced into fragments and contains less than 1% salt;

“occupier” means, in relation to any premises, the person in charge of those premises;

“the Order” means the Foot-and-Mouth Disease (Scotland) Order 2006 ^{M4};

“overstamped” means, in relation to the health marked or identification marked item, bearing an additional diagonal cross consisting of two straight lines intersecting at the centre of the health or identification mark and allowing the information there to remain legible (irrespective of whether that additional cross is applied by the same stamp as the mark);

“phase 1” means, in respect of a vaccination zone, the period of time commencing with declaration of that vaccination zone and ending with a declaration under regulation 18(3);

“phase 2” means, in respect of a vaccination zone, the period of time commencing with the end of phase 1 and ending with a declaration under regulation 18(4);

“phase 3” means, in respect of a vaccination zone, the period of time commencing with the end of phase 2 and ending with a declaration under regulation 18(6);

“premises” includes any land, building or other place;

“protection zone” means a protection zone declared under article 30 or 31 of the Order;

“protective vaccination” means vaccination carried out on premises in a vaccination zone to protect susceptible animals within that zone against airborne spread or spread through fomites of the disease virus, where the vaccinated animals are not intended to be slaughtered to prevent the spread of disease;

“public highway” means a highway maintainable at the public expense;

“raw milk” means milk that has not been heated to more than 40 degrees centigrade or undergone any treatment that has an equivalent effect;

“reactor premises” means premises declared to be reactor premises under regulation 28(1)(b) (ii);

[^{F11}“Regulation (EC) No 1069/2009” means Regulation (EC) No 1069/2009 of the European Parliament and of the Council laying down health rules as regards animal by-products and derived products not intended for human consumption and repealing Regulation (EC) No 1774/2002 (Animal by-products Regulation), [^{F12}as last amended by Regulation (EU) 2017/625];

“Regulation (EU) No 142/2011” means Commission Regulation (EU) No 142/2011 implementing Regulation (EC) No 1069/2009 of the European Parliament and of the Council laying down health rules as regards animal by-products and derived products not intended for human consumption and implementing Council Directive 97/78/EC as regards certain samples and items exempt from veterinary checks at the border under that Directive [^{F13}, ^{F14}... as amended from time to time];]

“restricted zone” means a restricted zone declared under article 37 of the Order;

“sell” means sell to the final consumer or user and “sale” in the expression “consign for sale” shall be construed accordingly;

“slaughterhouse” means an establishment used for slaughtering and dressing animals, the meat of which is intended for human consumption and which—

- (a) is approved or conditionally approved [^{F15}in accordance with Regulation EU 2017/625 of the European Parliament and of the Council on official controls and other official activities performed to ensure the application of feed and food law, rules on animal health and welfare, plant health and plant protection products], or
- (b) although lacking the approval or conditional approval that it requires under article 4(3) of Regulation (EC) No. 853/2004 [^{F16}, as last amended by Commission Regulation (EU) 2017/1981 was], on 31st December 2005, operating as a licensed slaughterhouse under the Fresh Meat (Hygiene and Inspection) Regulations 1995 ^{M5} or the Poultry Meat, Farmed Game Bird Meat and Rabbit Meat (Hygiene and Inspection) Regulations 1995 ^{M6},

“slaughter” includes [^{F17}causing the death of an animal by any process other than slaughter];

“supplementary movement control zone” means a supplementary movement control zone declared under article 18 of the Order;

“suppressive vaccination” means vaccination carried out in premises or in an area where there is an urgent need to prevent the spread of disease outside the premises or area by reducing the quantity of circulating disease virus there, and where the vaccinated animals are intended for slaughter to prevent the spread of disease;

“surveillance zone” means a surveillance zone declared under article 30 or 31 of the Order;

“susceptible animal” means a cow, bull, sheep, goat, deer, camel, llama, alpaca, guanaco, vicuna and any other ruminant, any swine (that is a member of the suborder Suina of the order Artiodactyla) elephant or rodent (other than a pet rodent);

“suspected of being infected” means exhibiting clinical symptoms or showing post-mortem lesions or reactions to laboratory tests such that the presence of disease may reasonably be suspected;

“temporary control zone” means a temporary control zone declared under article 15 of the Order;

“vaccinate” means treat a susceptible animal with vaccine or hyper-immune serum against the disease swiftly and in accordance with the rules of hygiene and bio security so as to avoid the spread of disease virus and “vaccinated” and “vaccination” shall be construed accordingly;

“vaccination surveillance zone” means a vaccination surveillance zone declared under regulation 15 or 16;

“vaccination zone” means a vaccination zone declared under regulation 15 or 16;

“vehicle” includes—

- (a) a trailer, semi-trailer or other thing which is designed or adapted to be towed by another vehicle;
- (b) a detachable part of a vehicle;
- (c) a container or other structure designed or adapted to be carried by or on a vehicle;

“veterinary inspector” means a veterinary inspector appointed under the Act; and

“wild animal infected zone” means a wild animal infected zone declared under article 39 of the Order.

(2) In these Regulations “specified for vaccination” means specified as an animal to be vaccinated in a decision to undertake a vaccination programme made in accordance with regulation 12(2).

(3) References in these Regulations to “animals originating in” in respect of a vaccination zone mean—

- (a) animals kept in the vaccination zone after declaration of the zone; and
- (b) animals which were kept within the boundaries of the vaccination zone at any time during the period—
 - (i) beginning 21 days before the declaration of the vaccination zone; and
 - (ii) ending with that declaration,and the expression “susceptible animals originating in” shall be construed accordingly.

Textual Amendments

- F1** Words in reg. 2(1) inserted (28.6.2013) by The Animal Health (Miscellaneous Amendments) (Scotland) Order 2013 (S.S.I. 2013/173), arts. 1(1), **18(2)(c)**
- F2** Words in reg. 2(1) substituted (14.12.2019) by The Official Controls (Agriculture etc.) (Scotland) Regulations 2019 (S.S.I. 2019/412), regs. 1(1), **18(2)(a)**
- F3** Words in reg. 2(1) omitted (28.6.2013) by virtue of The Animal Health (Miscellaneous Amendments) (Scotland) Order 2013 (S.S.I. 2013/173), arts. 1(1), **18(2)(a)**
- F4** Words in reg. 2(1) inserted (28.3.2019) by The Animal Health (EU Exit) (Scotland) (Amendment) Regulations 2019 (S.S.I. 2019/71), regs. 1(1)(a), **3(a)**
- F5** Words in reg. 2 substituted (4.3.2011) by The Animal By-Products (Enforcement) (Scotland) Regulations 2011 (S.S.I. 2011/171), reg. 1(1), **sch. 2 para. 26(a)**
- F6** Words in reg. 2(1) omitted (28.6.2013) by virtue of The Animal Health (Miscellaneous Amendments) (Scotland) Order 2013 (S.S.I. 2013/173), arts. 1(1), **18(2)(b)**
- F7** Words in reg. 2(1) substituted (31.12.2020) by The Animal Health (EU Exit) (Scotland) (Amendment) Regulations 2019 (S.S.I. 2019/71), regs. 1(1)(b), **15(2)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F8** Words in reg. 2(1) substituted (14.12.2019) by The Official Controls (Agriculture etc.) (Scotland) Regulations 2019 (S.S.I. 2019/412), regs. 1(1), **18(2)(b)**
- F9** Words in reg. 2(1) inserted (31.12.2020) by The Animal Health (EU Exit) (Scotland) (Amendment) Regulations 2019 (S.S.I. 2019/71), regs. 1(1)(b), **15(2)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F10** Words in reg. 2(1) inserted (28.3.2019) by The Animal Health (EU Exit) (Scotland) (Amendment) Regulations 2019 (S.S.I. 2019/71), regs. 1(1)(a), **3(c)**
- F11** Words in reg. 2 inserted (4.3.2011) by The Animal By-Products (Enforcement) (Scotland) Regulations 2011 (S.S.I. 2011/171), reg. 1(1), **sch. 2 para. 26(b)**
- F12** Words in reg. 2(1) substituted (14.12.2019) by The Official Controls (Agriculture etc.) (Scotland) Regulations 2019 (S.S.I. 2019/412), regs. 1(1), **18(2)(c)**
- F13** Words in reg. 2(1) inserted (1.12.2013) by The Animal By-Products (Enforcement) (Scotland) Regulations 2013 (S.S.I. 2013/307), reg. 1(1), **sch. 2 para. 10**
- F14** Words in reg. 2(1) omitted (28.2.2019) by virtue of The Environment, Food and Rural Affairs (Miscellaneous Amendments and Revocations) (Scotland) Regulations 2018 (S.S.I. 2018/391), regs. 1(1), **26(2)(b)**
- F15** Words in reg. 2(1) substituted (14.12.2019) by The Official Controls (Agriculture etc.) (Scotland) Regulations 2019 (S.S.I. 2019/412), regs. 1(1), **18(2)(d)**
- F16** Words in reg. 2(1) substituted (28.3.2019) by The Animal Health (EU Exit) (Scotland) (Amendment) Regulations 2019 (S.S.I. 2019/71), regs. 1(1)(a), **3(d)(ii)**
- F17** Words in reg. 2(1) substituted (1.1.2013) by The Welfare of Animals at the Time of Killing (Scotland) Regulations 2012 (S.S.I. 2012/321), reg. 1(b), **sch. 4 para. 3**

Marginal Citations

- M1** 1981 c. 22, amended by the Animal Health Act 1981 (Amendment) Regulations 1992 (S.I. 1992/3293).
- M2** O.J. No. L 306, 22.11.2003, p1.

- M3** O.J. No. L139, 30.4.2004, p55. The revised text of the Regulation is contained in a corrigendum (O.J. No. L226, 25.6.2004, p22).
- M4** [S.S.I. 2006/44](#).
- M5** [S.I. 1995/539](#), revoked in England by [S.I. 2005/2059](#), in Scotland by [S.S.I. 2005/505](#) and in Wales by [S.I. 2005/3292](#).
- M6** [S.I. 1995/540](#), revoked in England by [S.I. 2005/2059](#), in Scotland by [S.S.I. 2005/505](#) and in Wales by [S.I. 2005/3292](#).

Premises comprising common or unenclosed land

3. For the purposes of these Regulations—
- (a) common or unenclosed land forms separate premises from other land unless—
 - (i) the parcels of land adjoin; and
 - (ii) all animals kept on each parcel of land are in the charge of the same keeper;
 - (b) a notice which is to be served on the occupier of premises wholly or partially comprising any common or unenclosed land is validly served if served on every keeper of animals kept there (so far as those persons are reasonably ascertainable); and
 - (c) a requirement or restriction imposed on the occupier of premises wholly or partially comprising any common or unenclosed land applies to every keeper of animals kept there.

Licences and declarations

- 4.—(1) Licences granted under these Regulations—
- (a) shall be in writing;
 - (b) may, in addition to any conditions required by these Regulations, be made subject to such conditions as the Scottish Ministers consider necessary to control the disease; and
 - (c) may be amended, suspended or revoked in writing at any time.
- (2) Declarations under these Regulations shall be in writing and may be amended or revoked by further declaration at any time.
- (3) Except where otherwise directed by the Scottish Ministers, a licence granted in England or Wales for the same purpose as a licence which may be granted under these Regulations shall be valid for that purpose in Scotland and its conditions shall apply in Scotland as if it was a licence granted under these Regulations.

Notices

- 5.—(1) Notices issued under these Regulations—
- (a) shall be in writing; and
 - (b) may be amended or revoked in writing at any time.
- (2) A notice which—
- (a) is served on the occupier of premises; and
 - (b) imposes a requirement or restriction in respect of those premises,
- shall contain a description of the premises sufficient to enable the extent of the premises to be ascertained.
- (3) Such a description may be amended by a veterinary inspector if the veterinary inspector is satisfied that it does not describe an appropriate area for the purposes of investigating and monitoring the spread of disease in respect of animals which are usually kept together.

Dissemination of information concerning restrictions and requirements

6. The Scottish Ministers shall take such steps as they consider fit to ensure that licences, declarations and notices are brought to the attention of those who may be affected by them as soon as is reasonably practicable, and in particular, shall ensure that the extent of any zone declared under these Regulations, the nature of the restrictions and requirements applicable within it, the date of its declaration and the date that declaration ceases to have effect in respect of the zone or any part of it, are publicised.

Disinfection

7. Disinfection under these Regulations shall be carried out with a disinfectant which is—
- (a) approved for use for the purpose of these Regulations and the Order by [^{F18}the Diseases of Animals (Approved Disinfectants) (Scotland) Order 2008 (“the 2008 Order”)];
 - (b) used at the concentration specified in [^{F19}the 2008 Order]; and
 - (c) used in accordance with the manufacturer's instructions or recommendations (if any) and in particular, if use is recommended before any date, used before that date.

Textual Amendments

- F18** Words in reg. 7(a) substituted (28.2.2019) by [The Environment, Food and Rural Affairs \(Miscellaneous Amendments and Revocations\) \(Scotland\) Regulations 2018 \(S.S.I. 2018/391\)](#), regs. 1(1), **26(3)(a)**
- F19** Words in reg. 7(b) substituted (28.2.2019) by [The Environment, Food and Rural Affairs \(Miscellaneous Amendments and Revocations\) \(Scotland\) Regulations 2018 \(S.S.I. 2018/391\)](#), regs. 1(1), **26(3)(b)**

PART 2

Powers of Slaughter

Preventive eradication programme

8.—(1) The Scottish Ministers may, where they consider appropriate on the basis of epidemiological information or other evidence, implement a preventive eradication programme of the disease.

- (2) As part of such a programme, the Scottish Ministers may cause to be slaughtered—
- (a) in exercise of their powers under Schedule 3, paragraph 3(1) to the Act, all cattle, sheep, goats, other ruminating animals and swine—
 - (i) which are affected or suspected of being affected with the disease; or
 - (ii) which are or have been in the same field, shed, or other place, or in the same herd or flock, or otherwise in contact with animals affected with the disease, or which appear to the Scottish Ministers to have been in any way exposed to the disease;
 - (b) any other susceptible animals likely to be contaminated with the disease virus; and
 - (c) if they consider it necessary with a view to preventing the spread of the disease, susceptible animals from epidemiologically linked production units or adjoining premises.
- (3) Slaughter shall be carried out in such a way as to minimise the dispersal of disease virus.

(4) Compensation shall be payable for any susceptible animal slaughtered under paragraph (2) (b) or (c) above as if that animal had been slaughtered under the powers conferred by Schedule 3, paragraph 3(1) to the Act.

Slaughter of animals

9.—(1) Subject to regulation 8, where the disease is confirmed on premises, the Scottish Ministers—

(a) shall cause to be slaughtered—

(i) in exercise of their powers under Schedule 3, paragraph 3(1) to the Act, all cattle, sheep, goats, other ruminating animals and swine on the premises—

(aa) which are affected with the disease or suspected of being so affected; or

(bb) which are or have been in the same field, shed, or other place, or in the same herd or flock as, or otherwise in contact with, animals affected with the disease, or which appear to the Scottish Ministers to have been in any way exposed to the disease; and

(ii) all other susceptible animals on the premises; and

(b) may cause to be slaughtered any non-susceptible animals on the premises other than those which the Scottish Ministers consider are capable of being isolated, effectively cleansed and disinfected, and which are individually identifiable so as to allow the control of their movement.

(2) Slaughter shall be carried out in such a way as to minimise the dispersal of disease virus.

(3) Compensation shall be payable for any animal slaughtered under paragraph (1)(a)(ii) or (1)(b) above as if that animal had been slaughtered under the powers conferred by Schedule 3, paragraph 3(1) to the Act.

Exemption from slaughter for certain susceptible animals

10.—(1) The Scottish Ministers may, after consulting the Chief Veterinary Officer (Scotland), decide not to slaughter susceptible animals kept in—

(a) a laboratory, zoo, wildlife park or other premises keeping animals principally for the purposes of display or education of the public, or an enclosed area principally used for shooting;

(b) the premises of a body, institute or centre which—

(i) keeps animals only for the purposes of conservation, display and education of the public, or scientific research or breeding of such animals for research; and

[^{F20}(ii) is approved by the Scottish Ministers in relation to those animals in accordance with the Trade in Animals and Related Products (Scotland) Regulations 2012 ^{F21}];

(c) other premises keeping susceptible animals for scientific purposes or purposes related to conservation of species or farm animal genetic resources.

(2) The Scottish Ministers shall not make a decision under paragraph (1) unless they are satisfied that—

(a) basic European Community interests are not endangered (and in particular they shall take into account any threat of the spread of foot-and-mouth disease to other member States); and

(b) the measures in place to prevent any risk of spreading the disease virus are adequate.

(3) If the premises consist of two or more separate production units (by virtue of a declaration under article 12(1) of the Order), the Scottish Ministers may decide not to slaughter susceptible animals on free units of those premises.

Textual Amendments

- F20** Reg. 10(1)(b)(ii) substituted (31.12.2020) by [The Animal Health \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2019](#) (S.S.I. 2019/71), regs. 1(1)(b), **15(3)**; 2020 c. 1, Sch. 5 para. 1(1)
- F21** S.S.I. 2012/177, amended by S.S.I. 2012/198, S.S.I. 2012/199, S.S.I. 2014/3158, S.S.I. 2015/100, S.S.I. 2015/401, S.S.I. 2018/391 and S.S.I. 2019/5. The amendments made by S.S.I. 2018/391 come into force on 28 February 2019 and the amendments made by S.S.I. 2019/5 come into force on 7 March 2019.

PART 3

The vaccination programme

Prohibition on vaccination except under licence

11.—(1) Subject to paragraph (2), no person shall vaccinate an animal against the disease or administer hyper immune serum to it except under the authority of a licence granted by the Scottish Ministers permitting suppressive vaccination or protective vaccination.

(2) Paragraph (1) does not apply to—

- (a) anything done under the authority of a licence granted under article 4 of [^{F22}the Specified Animal Pathogens (Scotland) Order 2009]; or
- (b) the administration of a vaccine in accordance with an animal test certificate issued in accordance with [^{F23}paragraph 9 of schedule 4 of the Veterinary Medicines Regulations 2013].

Textual Amendments

- F22** Words in reg. 11(2)(a) substituted (28.2.2019) by [The Environment, Food and Rural Affairs \(Miscellaneous Amendments and Revocations\) \(Scotland\) Regulations 2018](#) (S.S.I. 2018/391), regs. 1(1), **26(5)(a)**
- F23** Words in reg. 11(2)(b) substituted (28.2.2019) by [The Environment, Food and Rural Affairs \(Miscellaneous Amendments and Revocations\) \(Scotland\) Regulations 2018](#) (S.S.I. 2018/391), regs. 1(1), **26(5)(b)**

Factors informing a decision to permit suppressive vaccination or protective vaccination

12.—(1) The Scottish Ministers shall take into account the following factors in deciding whether to permit suppressive vaccination or protective vaccination—

- (a) the risk of an outbreak of the disease—
 - (i) in the United Kingdom becoming widespread in any part of the country;
 - (ii) spreading to Scotland with imported susceptible animals, carcasses or other things liable to spread disease;
 - (iii) spreading from Scotland with exported susceptible animals, carcasses or other things liable to spread disease;

- (iv) spreading to or from Scotland because of the prevailing meteorological conditions;
- (b) any threat from the disease to animals in—
 - (i) 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;
 - (ii) premises not falling within (i) of a body, institute or centre which—
 - (aa) 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
 - (bb) is approved in relation to those animals under [F24] paragraph 4 of Part 1 of schedule 2 to the Trade in Animals and Related Products (Scotland) Regulations 2012]; or
 - (iii) other premises where susceptible animals are kept for scientific purposes or purposes related to conservation of species or farm animal genetic resources; and
- (c) the criteria in Annex X of the Directive [F25, with the reference to “Member States” in paragraph 3.1 in Annex X being read as a reference to the Scottish Ministers].

(2) Where, having taken those factors into account, the Scottish Ministers consider that permitting suppressive vaccination or protective vaccination is the most appropriate means of preventing the spread of disease, they shall undertake a vaccination programme.

(3) If the Scottish Ministers decide to undertake a vaccination programme they shall grant one or more licences permitting suppressive vaccination or protective vaccination.

Textual Amendments

- F24** Words in reg. 12(1)(b)(ii)(bb) substituted (28.2.2019) by [The Environment, Food and Rural Affairs \(Miscellaneous Amendments and Revocations\) \(Scotland\) Regulations 2018 \(S.S.I. 2018/391\)](#), regs. 1(1), **26(6)**
- F25** Words in reg. 12(1)(c) inserted (31.12.2020) by [The Animal Health \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2019 \(S.S.I. 2019/71\)](#), regs. 1(1)(b), **15(4)**; 2020 c. 1, Sch. 5 para. 1(1)

Form of the decision to undertake a vaccination programme

- 13.**—(1) The decision to undertake a vaccination programme shall be given in writing.
- (2) The decision shall contain the following information about the vaccination programme—
- (a) whether it is a programme of suppressive or of protective vaccination;
 - (b) the place or geographical area where it is to be undertaken;
 - (c) specification of the animals to be vaccinated (including their species and age);
 - (d) the intended duration of the programme;
 - (e) notification of the prohibition on movement of animals and animal products in regulation 18(1) and 19;
 - (f) the form of the eartags to be affixed and vaccination records to be made under regulation 22; and
 - (g) such other information (if any) as the Scottish Ministers think necessary to inform those who may be affected by the vaccination programme.
- (3) Any decision of the Scottish Ministers which results in a change to the information in sub paragraph (2) shall also be given in writing.

(4) The Scottish Ministers shall take such steps as they consider fit to bring any decision required to be given in writing by this regulation to the attention of those who may be affected by it.

Licences permitting suppressive vaccination or protective vaccination

14.—(1) No licence permitting suppressive vaccination shall authorise vaccination outside a protection zone.

(2) No licence permitting protective vaccination shall authorise vaccination in a vaccination surveillance zone.

Declaration of vaccination zone and of a vaccination surveillance zone for protective vaccination in Scotland

15.—(1) If they decide to undertake a programme of protective vaccination, the Scottish Ministers shall at the same time declare any part of Scotland where it is to be undertaken to be a vaccination zone and shall also declare a vaccination surveillance zone.

(2) A declaration under paragraph (1) shall designate—

- (a) the extent of the vaccination zone; and
- (b) the extent of the vaccination surveillance zone which shall extend from the vaccination zone for at least 10km and shall be of such size as the Scottish Ministers consider fit to prevent the spread of disease.

(3) If they decide to vary the place or geographical area where a programme of protective vaccination is to be undertaken, the Scottish Ministers shall amend the declaration under paragraph (1) so that the vaccination zone comprises the place or geographical area as varied.

(4) Any premises which are partly inside and partly outside a vaccination zone shall be deemed to be wholly within it.

Declaration of vaccination zone and of a vaccination surveillance zone for protective vaccination in England

16.—(1) This regulation applies where a programme of protective vaccination is to be undertaken in England.

(2) Where this regulation applies and any part of the programme of protective vaccination is to be undertaken within ten kilometres of the border with Scotland, the Scottish Ministers shall declare a vaccination surveillance zone in Scotland.

(3) Where this regulation applies and a zone having equivalent effect to a vaccination surveillance zone has been declared in England, the Scottish Ministers may declare a vaccination surveillance zone in Scotland.

(4) Subject to paragraph (4), a vaccination surveillance zone declared under this regulation shall be of such size as the Scottish Ministers think fit to prevent the spread of disease.

(5) A declaration under this regulation shall specify the extent of the vaccination surveillance zone and the Scottish Ministers shall ensure that any such zone—

- (a) abuts the border with England; and
- (b) extends from that border such that its boundary is at least ten kilometres from the perimeter of any zone having equivalent effect to a vaccination zone in England.

Vaccination zones and vaccination surveillance zones: general provisions

17.—(1) Any premises which are partly inside and partly outside a vaccination zone shall be deemed to be wholly within it.

(2) Any premises which are partly inside and partly outside a vaccination surveillance zone shall be deemed to be wholly within it (except premises which are also partly within a vaccination zone).

(3) An area shall remain a vaccination zone or a vaccination surveillance zone (or part of one) until the Scottish Ministers—

- (a) amend the declaration creating it so as to exclude that area; or
- (b) revoke that declaration.

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

Time phases and measures applicable to the vaccination zone

18.—(1) Subject to regulation 29, the provisions of the Schedule apply in respect of a vaccination zone in addition to any requirements or restrictions applying in any part of it because that part falls within a protection zone or a surveillance zone.

(2) Phase 1 shall commence on declaration of a vaccination zone.

(3) After 30 days have elapsed since all animals in a vaccination zone specified for vaccination in a decision to undertake a programme of protective vaccination have been vaccinated, the Scottish Ministers may declare the end of phase 1 and the commencement of phase 2 and such declaration shall specify the date and time it is to take effect.

(4) On completion of all measures in regulation 29 (a) to (d) in every reactor premises in a vaccination zone, the Scottish Ministers shall declare the end of phase 2 and the commencement of phase 3 and such declaration shall specify the date and time it is to take effect.

(5) Notwithstanding paragraph (4), the Scottish Ministers may, before completion of the measures in regulation 29(a) to (d) in every reactor premises in a vaccination zone, serve a notice on any premises classified as free of disease under regulation 28(1)(b)(iii) stating that they shall enter phase 3, and phase 3 shall be deemed to have commenced in respect of those premises on such service.

(6) The Scottish Ministers may declare the end of phase 3 where they are satisfied that the disease has been eradicated in Scotland.

Measures applying in a vaccination surveillance zone

19.—(1) No person shall move any susceptible animal within or out of a vaccination surveillance zone except—

- (a) within the premises on which it is kept; or
- (b) under the authority of a licence granted by the Scottish Ministers.

(2) This regulation applies in addition to any requirements or restrictions applying in any part of a vaccination surveillance zone because that part falls within a protection zone or a surveillance zone.

Extension of the power to cause vaccination

20. Notwithstanding section 16(1) of the Act, the Scottish Ministers may cause vaccination of animals which do not fall within that subsection where they are in a vaccination zone and section 16 of the Act shall apply as if such vaccination was carried out in exercise of the power in section 16(1).

Facilitation of vaccination

21.—(1) The keeper of any animal specified in a decision to undertake a vaccination programme shall, where required by an inspector or a person acting at an inspector's direction—

- (a) state (if required, in writing) the species, ages, and numbers of the animals for which the keeper is responsible; and
- (b) submit any such animal for vaccination at such time and in such place as required by that inspector or that person.

(2) Except under the authority of a licence granted by the Scottish Ministers, no person shall move the following from any premises where any animal specified in a decision to undertake a vaccination programme is kept before all such animals have been vaccinated—

- (a) any animal; or
- (b) any animal product produced on the premises from a susceptible animal.

Identification of vaccinated animals

22.—(1) The Scottish Ministers shall provide every person issued with a licence permitting suppressive vaccination or protective vaccination with sufficient eartags for every animal which may be vaccinated under that licence.

(2) Each eartag shall carry such information as the Scottish Ministers consider necessary to identify the animal to which it is affixed as a vaccinated animal.

(3) Any person vaccinating an animal shall—

- (a) identify it immediately after vaccination by affixing an eartag;
- (b) make a written record of that vaccination containing the following information—
 - (i) the date;
 - (ii) the place;
 - (iii) a description of the animal and the details of its eartag; and
 - (iv) the product and dosage administered;
- (c) ensure that the Scottish Ministers and the keeper of the animal receive a copy of that vaccination record; and
- (d) retain that vaccination record for a period of six years.

(4) Vaccination records shall each be in a form approved by the Scottish Ministers.

(5) Every person provided with eartags under this regulation shall return unused eartags to the Scottish Ministers on demand and without delay.

Marking of cattle passports

23.—(1) This paragraph applies to any animal specified for vaccination which is issued with—

- (a) a cattle passport under the Cattle Passports Order 1996^{M7};
- (b) a cattle passport under the Cattle Identification Regulations 1998^{M8}; ^{F26}...
- (c) a registration certificate under the Cattle (Identification of Older Animals) (Scotland) Regulations 2001^{M9}^{F27}, or
- (d) a cattle passport issued under Council Regulation (EC) No 820/97 establishing a system for the identification and registration of bovine animals and regarding the labelling of beef and beef products or Regulation (EC) No 1760/2000 of the European Parliament and of the Council establishing a system for the identification and registration of bovine animals

and regarding the labelling of beef and beef products and repealing Council Regulation (EC) No 820/97, as last [^{F28}relevantly] amended by Regulation (EU) No 653/2014 of the European Parliament and of the Council.]

(2) If the keeper of any animal to which paragraph (1) applies has its cattle passport or registration certificate in that person's possession at the time of vaccination that person shall give it to the person carrying out the vaccination at that time.

(3) The person carrying out the vaccination shall ensure that any cattle passport or registration certificate given to that person at the time of vaccination is marked at that time to indicate that the animal has been vaccinated and then returned to the keeper.

(4) If the cattle passport or registration certificate of any animal to which paragraph (1) applies is not in the possession of its keeper at the time of vaccination, the Scottish Ministers shall serve a notice on that keeper requiring that keeper to submit it to the Scottish Ministers without delay on its return to that keeper's possession for marking to indicate that the animal has been vaccinated.

Textual Amendments

- F26** Word in reg. 23(1) omitted (28.2.2019) by virtue of [The Environment, Food and Rural Affairs \(Miscellaneous Amendments and Revocations\) \(Scotland\) Regulations 2018 \(S.S.I. 2018/391\)](#), regs. 1(1), **26(7)(a)**
- F27** Reg. 23(1)(d) and word inserted (28.2.2019) by [The Environment, Food and Rural Affairs \(Miscellaneous Amendments and Revocations\) \(Scotland\) Regulations 2018 \(S.S.I. 2018/391\)](#), regs. 1(1), **26(7)(b)**
- F28** Word in reg. 23(1)(d) inserted (1.7.2019) by [The Environment \(EU Exit\) \(Miscellaneous Amendments\) \(Scotland\) Regulations 2019 \(S.S.I. 2019/175\)](#), regs. 1(1)(a), **6**

Marginal Citations

- M7** [S.I. 1996/1686](#).
- M8** [S.I. 1998/871](#), to which there are amendments not relevant to these Regulations.
- M9** [S.S.I. 2001/1](#), to which there are amendments not relevant to these Regulations.

Removal of eartags and missing or illegible eartags

24.—(1) No person shall intentionally remove an eartag affixed under regulation 22 unless it is removed to prevent unnecessary pain and suffering.

(2) If the keeper of a vaccinated animal removes its eartag in accordance with paragraph 9 or discovers that its eartag is missing or illegible (whether wholly or partially), the keeper shall notify the Scottish Ministers in writing without delay.

(3) On receipt of a notification under this regulation, the Scottish Ministers shall—

- (a) arrange for a new eartag to be affixed to the vaccinated animal; or
- (b) if affixing an eartag would cause unnecessary pain and suffering, arrange for the animal to be identified as vaccinated by applying a permanent indelible mark.

(4) Any person who knows or suspects that an animal has been vaccinated but is not bearing an eartag or a mark applied under paragraph (3)(b) shall immediately notify the keeper of that animal and [^{F29}an authorised veterinary inspector].

Textual Amendments

- F29** Words in [reg. 24\(4\)](#) substituted (28.6.2013) by [The Animal Health \(Miscellaneous Amendments\) \(Scotland\) Order 2013 \(S.S.I. 2013/173\)](#), arts. 1(1), **18(3)**

Sale and slaughter of vaccinated animals

25. No person shall sell a vaccinated animal or send such an animal for slaughter unless it bears an eartag affixed under these Regulations, or a mark applied under regulation 24(3)(b).

Failure to vaccinate animals specified for vaccination

26.—(1) Any person (other than an inspector) who knows or suspects that an animal has been specified for vaccination but was not vaccinated at the time when it should have been, shall immediately notify the keeper of that animal and [^{F30}an authorised veterinary inspector].

(2) If an inspector suspects that an animal has been specified for vaccination but was not vaccinated at that time, the inspector shall arrange for that animal to be vaccinated as soon as is reasonably practicable (but not sooner than 21 days after the date it should have been vaccinated).

Textual Amendments

- F30** Words in [reg. 26\(1\)](#) substituted (28.6.2013) by [The Animal Health \(Miscellaneous Amendments\) \(Scotland\) Order 2013 \(S.S.I. 2013/173\)](#), arts. 1(1), **18(3)**

Carcases of animals specified for vaccination

27.—(1) If an inspector knows or suspects that a carcass is the carcass of a vaccinated animal and is intended for sale (whether before or after processing into an animal product), but is not being dealt with as the carcass of a vaccinated animal the inspector may serve a notice on the person in charge of the carcass requiring that person to arrange for its disposal.

(2) If an inspector knows or suspects that a carcass is the carcass of an animal specified for vaccination which has not been vaccinated and is intended for sale (whether before or after processing into an animal product), the inspector shall serve a notice on the person in charge of the carcass requiring that person to deal with it at all times as if it was the carcass of a vaccinated animal.

(3) In this regulation “specified for vaccination” means specified as an animal to be vaccinated in a decision to undertake a vaccination programme.

Survey and classification of premises during phase 2

28.—(1) The Scottish Ministers shall ensure that during phase 2—

- (a) a clinical and serological survey of all premises in the vaccination zone keeping susceptible animals is carried out in accordance with the following method—
- (i) all susceptible animals in the vaccination zone are clinically inspected; and
 - (ii) either—
 - (aa) testing for infection with the disease virus by an assay for antibodies against non-structural proteins of the disease virus is carried out on a selection of susceptible animals pursuant to a sampling protocol suitable to detect 5% prevalence with at least 95% level of confidence; or

- (bb) testing for antibodies against non-structural proteins of the disease virus is carried out on samples from all vaccinated animals and their unvaccinated offspring; and
- (b) each premises in the vaccination zone where susceptible animals are kept is classified according to the outcome of the survey and the criteria in Schedule 3 of the Order—
- (i) as infected premises, where the premises contained at least one susceptible animal where the presence of the disease virus is confirmed;
 - (ii) as reactor premises, where the premises contained at least one susceptible animal suspected of being infected but where further testing including all susceptible animals on the premises confirmed the absence of circulating disease virus; or
 - (iii) as free of disease.
- (2) Where premises are classified as reactor premises under paragraph (1)(b)(ii), the Scottish Ministers shall serve a notice on the occupier declaring the premises to be reactor premises.
- (3) Where premises are classified as free of disease under paragraph (1)(b)(iii), the Scottish Ministers shall serve a notice on the occupier declaring the premises to be free of disease.

Measures applicable to reactor premises

- 29.** The following measures shall apply to reactor premises—
- (a) the Scottish Ministers shall arrange for susceptible animals which have tested positive to at least one of the tests in regulation 28(1)(a)(ii) shall be slaughtered on the premises;
 - (b) the Scottish Ministers may by notice served on the occupier direct that other susceptible animals on the premises shall be slaughtered;
 - (c) the occupier shall dispose of the carcasses of any susceptible animals slaughtered on the premises in accordance with the directions of an inspector;
 - (d) the Scottish Ministers shall arrange for the premises to be cleansed and disinfected in accordance with Schedule 1 of the Order; and
 - (e) no person shall restock the premises except under the authority of a licence granted by the Scottish Ministers and in accordance with Schedule 9 of the Order.

Duty of the local authority to erect signs

30. The local authority shall ensure that the boundaries of every vaccination zone and vaccination surveillance zone 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.

Intra-Community trade of vaccinated animals

31. No person shall send any vaccinated animal for [^{F31}trade with a member State, Norway, Iceland or Liechtenstein].

Textual Amendments

F31 Words in reg. 31 substituted (31.12.2020) by *The Animal Health (EU Exit) (Scotland) (Amendment) Regulations 2019* (S.S.I. 2019/71), regs. 1(1)(b), **15(5)**; 2020 c. 1, Sch. 5 para. 1(1)

PART 4

General and supplementary provisions

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

32. Where cleansing and disinfection of vehicles is required at any premises by these Regulations or by virtue of a licence granted or directions given under them, the occupier of those premises shall provide adequate facilities and proper equipment and materials for that cleansing and disinfection.

Marks applied under these Regulations

33. No person shall remove, obscure or erase a mark applied to any animal, carcase, animal product, vehicle or other thing under these Regulations without the written authority of an inspector.

Change of occupation of premises under restriction

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

(2) Where this regulation 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 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 regulation by any person feeding or tending an animal or poultry under this regulation, or providing facilities for feeding, tending or otherwise using it under this regulation.

Reasonable assistance

35. Any person required to give reasonable assistance or information to a person acting in the execution of these Regulations for the performance of that person's functions under them shall, unless that person has reasonable cause, do so without delay.

False information

36. No person shall furnish information which that person knows to be false or misleading to a person acting in the execution of these Regulations.

Production of records

37.—(1) Any person required to produce a record by a person acting in the execution of these Regulations shall do so without delay.

(2) On such production, a person acting in the execution of these Regulations may—

- (a) copy any records, in whatever form they may be held; or
- (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 regulation shall give a written receipt for them.

Compliance with notices and directions

38.—(1) Any notice served under these Regulations 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 these Regulations 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.

Powers of inspectors

39. The following provisions of the Act apply as if these Regulations were an Order made under the Act and as if the definition of animal in section 87 of the Act was extended to comprise every susceptible animal—

- (a) section 63 (general powers of inspectors);
- (b) section 64A ^{M10}[^{F32}(powers of inspectors relating to retained EU law)]; and
- (c) section 65(1) to (3) (power to detain vessels and aircraft).

Textual Amendments

F32 Words in [reg. 39\(b\)](#) substituted (31.12.2020) by [The Animal Health \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2019 \(S.S.I. 2019/71\)](#), regs. 1(1)(b), **15(6)**; 2020 c. 1, Sch. 5 para. 1(1)

Marginal Citations

M10 Section 64A was inserted by the [Animal Health Act 1981 \(Amendment\) Regulations 1992 \(S.I. 1992/3293\)](#), [regulation 2](#).

Inspection of vehicles

40.—(1) If each of the conditions in subsection (2) is satisfied, an inspector may stop, detain and inspect any vehicle to ascertain whether the provisions of these Regulations or the Order or of any licence, declaration or notice under these Regulations or the Order, are being complied with.

(2) The conditions are that—

- (a) the vehicle is in—
 - (i) any temporary control zone for the duration of its existence;
 - (ii) any supplementary movement control zone for the duration of its existence;
 - (iii) any protection zone for the duration of its existence;
 - (iv) any surveillance zone for the duration of its existence;
 - (v) any restricted zone for the duration of its existence; or
 - (vi) any wild animal infected zone for the duration of its existence; and
- (b) the inspector is accompanied by a constable in uniform.

Offences and proceedings

41.—(1) The following provisions of the Act shall apply as if these Regulations were an Order made under the Act—

- (a) section 60 (duties and authorities of constables);

- (b) section 66 (refusal and obstruction);
- (c) section 67 (issue of false licences etc.);
- (d) section 68 (issue of licences etc. in blank);
- (e) section 70 (alteration of licences);
- (f) section 71 (other offences as to licences);
- (g) section 73 (general offences);
- (h) section 77 (money recoverable summarily); and
- (i) section 79(1) to (4) (evidence and procedure),

and as if the definition of “animals” in section 87 of the Act was extended to comprise every susceptible animal.

(2) Section 69 of the Act (falsely obtaining licences etc.) shall apply as if licences granted or issued under these Regulations were granted or issued under an Order made under the Act.

(3) Section 75 (penalties for certain summary offences) applies as if these Regulations were an Order made under the Act except that any term of imprisonment on summary conviction shall not exceed three months.

Production of licences

42. Every person issued with a licence under these Regulations shall, while executing the licensed activity, carry the licence and produce it to an inspector on demand.

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

43.—(1) This regulation applies to every vaccination zone or vaccination surveillance zone.

(2) Where this regulation 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 any premises or other place in accordance with Schedule 1 of the Order by serving a notice requiring such action on the occupier of those premises or that place;
- (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 such action;
- (d) any person to cleanse themselves by serving a notice requiring such action;
- (e) the detention or isolation in a specified place of any animal or poultry by serving a notice requiring such action 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 such action on the occupier of the premises where it is present, or on its keeper.

(3) A notice under this regulation may contain such directions and conditions as the person serving it considers necessary to prevent the spread of disease.

Powers of inspectors in case of default

44.—(1) Where a person fails to comply with a requirement imposed by or under these Regulations, an inspector may take any steps the inspector considers necessary to ensure the requirement is met.

(2) Where a person acts in contravention of a requirement imposed by or under these Regulations, an inspector may take any steps 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, detain and dispose of any animal moved, kept or otherwise dealt with in contravention of a restriction or requirement imposed by or under these Regulations.

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

(6) Any steps taken under this regulation are without prejudice to proceedings for an offence arising out of the default.

Offences by body corporate

45.—(1) Where a body corporate is guilty of an offence under these Regulations, and that offence is shown 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 such capacity,

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

(2) If the affairs of a body corporate are managed by its members, paragraph (1) applies in relation to the acts and defaults of a member in connection with the member's functions of management as if that person were a director of the body.

(3) 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

46. A person shall not be guilty of failing to comply with a restriction or requirement which applies because of the declaration of—

- (a) a vaccination zone; or
- (b) a vaccination surveillance 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

47.—(1) Subject to paragraphs (2) and (3), these Regulations shall be enforced by the local authority.

(2) These Regulations 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 these Regulations shall be discharged by the Scottish Ministers and not by the local authority.

Amendments

48. In the Transport of Animals (Cleansing and Disinfection) (Scotland) Regulations 2005, after paragraph 4 of Schedule 2 insert—

“Additional method of disinfection against foot-and-mouth disease

5.—(1) In addition to the requirements of paragraph 4, if disinfection in accordance with this Schedule is required by the Foot-and-Mouth Disease (Scotland) Order 2006 or the Foot-and-Mouth Disease (Slaughter and Vaccination) Regulations 2006, that disinfection shall be carried out after cleansing has been completed and using a disinfectant approved under the Diseases of Animals (Approved Disinfectants) Order 1978 at the concentration required under that Order for “Foot-and-Mouth Disease Orders”.

(2) Nothing in sub-paragraph (1) shall prevent the use of a single disinfectant approved for both “General Orders” and “Foot-and-Mouth Disease Orders” if it is used at a sufficient concentration to satisfy both requirements.”.

Revocations

49. The following instruments are revoked:—

- (a) the Foot-and-Mouth Disease (Infected Areas) (Vaccination) Order 1972 ^{M11} (insofar as the Order applies to Scotland); and
- (b) the Foot-and-Mouth Disease (Control of Vaccination) (Scotland) Regulations 2001 ^{M12}.

Marginal Citations

M11 [S.I. 1972/1509](#).

M12 [S.S.I. 2001/261](#).

St Andrew's House,
Edinburgh

ROSS FINNIE
A member of the Scottish Executive

Changes to legislation:

There are currently no known outstanding effects for the The Foot-and-Mouth Disease (Slaughter and Vaccination) (Scotland) Regulations 2006.