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SCOTTISH STATUTORY INSTRUMENTS

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**2007 No. 147**

**The Tuberculosis (Scotland) Order 2007**

**PART 6**

Administration and enforcement

**Notices, licences etc**

- 20.**—(1) Any notice, licence or approval issued or given under this Order—
- (a) shall be in writing;
  - (b) may be made subject to conditions; and
  - (c) may be amended, suspended or revoked in writing at any time.
- (2) Where a bovine animal is moved under the authority of a licence issued under this Order—
- (a) the animal shall be accompanied throughout such movement by the licence; and
  - (b) the person in charge of the animal being moved shall, on demand made under this Order by <sup>[F1]</sup>an] inspector—
    - (i) provide that person's name and address;
    - (ii) produce the licence; and
    - (iii) allow a copy of the licence to be taken.

**Textual Amendments**

- F1** Word in art. 20(2)(b) substituted (6.4.2014) by [The Tuberculosis \(Scotland\) Amendment Order 2014](#) (S.S.I. 2014/71), arts. 1, **2(8)**

**[F2]Tuberculosis testing and facilitating examinations etc.**

**21.**—(1) The Scottish Ministers may serve on the keeper of any bovine animal a notice (“a test notice”) requiring the keeper to have applied to the animal a diagnostic test for tuberculosis before a date specified in the notice.

(2) The keeper of any bovine animal must comply with all reasonable requirements of an inspector or an approved veterinary surgeon with a view to facilitating—

- (a) the examination of that animal by a veterinary inspector or an approved veterinary surgeon,
- (b) the application to the animal of a diagnostic test for tuberculosis (following the service of a notice under paragraph (1)), and
- (c) the valuation or slaughter of the animal when the Scottish Ministers intend to cause it to be slaughtered under section 32 of the Act in its application to tuberculosis.

*Status: Point in time view as at 12/12/2018.*

*Changes to legislation: There are currently no known outstanding effects for the The Tuberculosis (Scotland) Order 2007, PART 6. (See end of Document for details)*

(3) For the purposes of facilitating any examination, testing, valuation or slaughter as mentioned in paragraph (2), an inspector or an approved veterinary surgeon may require the keeper of the bovine animal to arrange—

- (a) for the collection, penning and securing of the animal, and
- (b) for the movement of the animal to and from any premises specified by the inspector or, as the case may be, the approved veterinary surgeon.]

#### Textual Amendments

**F2** Art. 21 substituted (12.12.2018) by [The Tuberculosis \(Miscellaneous Amendments\) \(Scotland\) \(No. 2\) Order 2018 \(S.S.I. 2018/333\)](#), arts. 1, **2(9)**

#### [<sup>F3</sup>Default

**22.**—(1) If any person fails to comply with a test notice under article 21(1) or any requirement as mentioned in article 21(2) or (3), the Scottish Ministers—

- (a) may take or cause to be taken all such steps as may be necessary to facilitate the examination, testing, valuation or slaughter of the bovine animal including, subject to paragraph (3), the movement of the animal to other premises, and
- (b) may by notice served on the keeper of the bovine animal prohibit the movement of any bovine animal on to or off the premises, except under the authority of a licence issued by an inspector.

(2) Paragraph (1) is without prejudice to any proceedings for an offence arising out of any failure to comply as mentioned in that paragraph.

(3) Where a bovine animal has been moved to other premises in accordance with subparagraph (1)(a), the Scottish Ministers must ensure the return of the animal to the premises from which it was moved within a reasonable time after the examination, testing or valuation has been carried out.

(4) Any expenses reasonably incurred by the Scottish Ministers for the purposes of making good any default are recoverable from the person in default.]

#### Textual Amendments

**F3** Art. 22 substituted (12.12.2018) by [The Tuberculosis \(Miscellaneous Amendments\) \(Scotland\) \(No. 2\) Order 2018 \(S.S.I. 2018/333\)](#), arts. 1, **2(10)**

#### Marking of bovine animals

**23.**—(1) If so required in writing by a veterinary inspector [<sup>F4</sup>or an approved veterinary surgeon], the keeper of bovine animals kept on any premises shall mark such animals in the manner required by the veterinary inspector [<sup>F5</sup>or, as the case may be, the approved veterinary surgeon].

(2) That veterinary inspector [<sup>F6</sup>or, as the case may be, approved veterinary surgeon] may paint, stamp, clip, tag or otherwise mark bovine animals kept on any premises.

(3) No person shall without reasonable excuse alter, remove, obliterate, or deface any mark or identification applied in accordance with paragraphs (1) and (2).

#### Textual Amendments

- F4** Words in art. 23(1) inserted (6.4.2014) by [The Tuberculosis \(Scotland\) Amendment Order 2014 \(S.S.I. 2014/71\)](#), arts. 1, **2(11)(a)(i)**
- F5** Words in art. 23(1) inserted (6.4.2014) by [The Tuberculosis \(Scotland\) Amendment Order 2014 \(S.S.I. 2014/71\)](#), arts. 1, **2(11)(a)(ii)**
- F6** Words in art. 23(2) inserted (6.4.2014) by [The Tuberculosis \(Scotland\) Amendment Order 2014 \(S.S.I. 2014/71\)](#), arts. 1, **2(11)(b)**

#### Prohibition on movement of bovine animals

**24.** A veterinary inspector may by notice in writing served on the keeper of bovine animals kept on such premises as are specified in the notice, prohibit the movement of bovine animals on to or off such premises or any part of such premises, except under the authority of a licence issued by an inspector.

#### Prohibition on removal of manure, slurry etc.

**25.** Where a notice has been served under the provisions of article 24, no manure, slurry or other animal waste shall be removed from such premises except under the authority of a licence issued by an inspector.

#### Prohibition on testing, vaccination and therapeutic treatment

**26.** No person shall—

- [<sup>F7</sup>(a) apply a diagnostic test for tuberculosis to a bovine animal,]  
(b) vaccinate a bovine animal against tuberculosis; or  
(c) treat a bovine animal for tuberculosis,

without the written consent of the Scottish Ministers.

#### Textual Amendments

- F7** Art. 26(a) substituted (12.12.2018) by [The Tuberculosis \(Miscellaneous Amendments\) \(Scotland\) \(No. 2\) Order 2018 \(S.S.I. 2018/333\)](#), arts. 1, **2(11)**

#### Isolation of *M. bovis* in a laboratory

**27.—**(1) Subject to paragraph (2), where the presence of the organism *M. bovis* is identified by a laboratory examination of a sample taken from any kind of mammal except man or from the carcase, products or surroundings of any such mammal, the person in charge of that laboratory shall immediately notify a laboratory approved by the Scottish Ministers to carry out further investigations.

(2) The duty to notify set out in paragraph (1) shall not apply where *M. bovis* is present in the sample as a result of its deliberate introduction as part of research involving the use of that organism.

#### Enforcement by local authority

**28.—**(1) Subject to paragraph (2), this Order shall be enforced by the local authority.

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(2) The Scottish Ministers may direct in any particular case or class of case that they will enforce the Order instead.

### **Offences by bodies corporate**

**29.**—(1) Where a body corporate is guilty of an offence under the Act by virtue of this Order 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, the provisions of paragraph (1) shall apply in relation to the acts and defaults of a member in connection with the member's functions of management as if the member were a director of the body corporate.

(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.

### **Revocations**

**30.** The instruments specified in the first column of the Schedule are revoked to the extent specified in the corresponding entry in the third column, subject to any savings provision in article 31.

### **Savings**

**31.** The provisions of the Brucellosis and Tuberculosis Compensation (Scotland) Order 1978<sup>M1</sup> shall continue to apply to any bovine animal for which compensation is determined before 6th April 2007 in accordance with article 3 of that Order.

#### **Marginal Citations**

**M1** [S.I. 1978/1485](#); amended by [S.I. 1996/1358](#) and [S.I. 1998/2181](#).

**Status:**

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**Changes to legislation:**

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