

**2007 No. 423**

**ANIMALS**

**ANIMAL HEALTH**

**The Disease Control (Interim Measures) (Scotland) Amendment  
(No. 3) Order 2007**

*Made* - - - - *7th September 2007*

*Coming into force in accordance with article 1*

The Scottish Ministers make the following Order in exercise of the powers conferred by sections 1, 7, 8(1) and 83(2) of the Animal Health Act 1981<sup>(a)</sup> and all other powers enabling them to do so.

**Citation, commencement and extent**

**1.**—(1) This Order may be cited as the Disease Control (Interim Measures) (Scotland) Amendment (No. 3) Order 2007, and comes into force at 1200 hours on 8th September 2007.

(2) This Order extends to Scotland only.

**Amendment of principal Order**

**2.**—(1) The Disease Control (Interim Measures) (Scotland) Order 2002<sup>(b)</sup> is amended in accordance with this article.

(2) In article 2—

(a) omit the definition of the “Islands area”; and

(b) for the definition of “standstill period”, substitute—

““the standstill period” means a period of 13 days;”.

(3) In article 3, for paragraph (2) substitute—

“(2) The requirement in paragraph 1(b) shall not apply if—

(a) the premises from which the animal to be moved is a market, artificial insemination centre, exhibition, show, place for veterinary treatment or research, or a slaughterhouse;

(b) the separation condition and the condition specified in paragraph (2A) are met; or

(c) a condition in paragraphs 1 to 19 of Schedule 1 is met.

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<sup>(a)</sup> 1981 c.22. Section 8 was amended by paragraph 1 of schedule 2 to the Animal Health and Welfare (Scotland) Act 2006 (ASP 11). The functions conferred under the Animal Health Act 1981 (the “1981 Act”) on “the Ministers” (as defined in section 86 of the 1981 Act) are now exercisable by the Scottish Ministers. They were transferred, so far as within devolved competence, by virtue of section 53 of the Scotland Act 1998 (c.46).

<sup>(b)</sup> S.S.I. 2002/34, as amended by S.S.I. 2002/221, 369 and 530, 2003/228, 2006/44 and 73 and 291, and 2007/387 and 400.

- (2A) The condition referred to in paragraph 2(b) is that the—
- (a) owner of the premises, or the keeper of the animal to be moved, has made a declaration to the Scottish Ministers in the form specified in Schedule 2 (or as near to that form as circumstances may allow); and
  - (b) Scottish Ministers have authorised the premises for the purpose of the separation condition.”.
- (4) In the heading to article 4 omit “in the Islands area”.
- (5) Omit article 6B.
- (6) After article 11 insert—

**“Transitional provision**

**12.**—(1) The movement of an animal shall not require a licence in accordance with article 3(1)(a) for so long as that movement would have been authorised under a licence granted by the Scottish Ministers before 25th August 2007 (in this article “the second licence”) under the Foot-and-Mouth Disease Order 2006(a), but for the revocation of a declaration made under that Order, and provided that the conditions applying to the second licence are met.”.

- (7) Omit paragraph (3) of article 7.
- (8) Renumber Schedule 1 as Schedule 2.
- (9) In Schedule 1 (as renumbered)—
- (a) in paragraph 19(b), for “20” substitute “13”; and
  - (b) insert at the end—
- “20.** In this Schedule, the “Islands area” means that part of Scotland comprising—
- (a) in the area of Argyll and Bute Council, the islands of Coll, Colonsay, Gigha, Iona, Islay, Jura and Mull;
  - (b) in the area of the Highland Council, the islands of Eigg, Muck, Rum and Skye;
  - (c) the area of the Orkney Islands Council;
  - (d) in the area of North Ayrshire Council, the islands of Arran, Bute, Great Cumbrae and Little Cumbrae;
  - (e) the area of the Shetland Islands Council;
  - (f) the area of the Comhairle nan Eilan Siar; and
  - (g) in the areas of Argyll and Bute Council and Highlands Council, the islands in the sea adjacent to the mainland parts of those areas that are not specified in paragraphs (a) and (b).”.
- (10) Renumber Schedule 2 as Schedule 1.
- (11) Omit paragraph 12 of Schedule 3.

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(a) S.S.I. 2006/44.

**Revocation**

3. Article 2(9) of the Disease Control (Interim Measures) (Scotland) Amendment (No. 2) Order 2007<sup>(a)</sup> is revoked.

Pentland House  
Edinburgh  
7th September 2007

*NEIL RITCHIE*  
A member of the staff of the Scottish Ministers

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<sup>(a)</sup> S.S.I. 2007/400.

## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order amends the Disease Control (Interim Measures) (Scotland) Order 2002 (“the 2002 Order”).

The 2002 Order imposes movement controls on cattle, sheep, goats, all other ruminating animals (other than camelids) and swine. It also regulates the holding of some forms of animal gathering (shows, exhibitions and markets).

The main control in the 2002 Order is a bar on moving an animal away from premises unless no other animal has been moved onto those premises for a specified period (the standstill period) before.

A restricted zone was declared in Scotland by the Scottish Ministers under article 37 of the Foot-and-Mouth Disease (Scotland) Order 2006 (S.S.I. 2006/44) on 3rd August 2007, and finally revoked on 24th August 2007. The effect of that declaration was to impose general restrictions on animal movements and gatherings.

The 2002 Order was amended, at the same time as the restricted zone was revoked, by the Disease Control (Interim Measures) (Scotland) Amendment (No. 2) Order 2007 (“the first 2007 Order”). The first 2007 Order came into force on 24th August 2007.

The 2002 Order was further amended by the Disease Control (Interim Measures) (Scotland) Amendment (No. 2) Order 2007 (“the second 2007 Order”). The second 2007 Order came into force on 31st August 2007.

The first 2007 Order—

- (a) increased the standstill period from 13 days to 20 days;
- (b) disapplied certain of the exceptions in the 2002 Order;
- (c) provided that gatherings (until that time restricted by the Declaration) should not resume until 27th August;
- (d) provided for a minimum 24 hour notice of the holding of a gathering; and
- (e) provided for veterinary checks at markets.

The second 2007 Order reinstated the 13 day standstill period for movements in the Islands of Scotland, and returned (with one exception) the regulation of gatherings in the Islands to the position applying before the 2002 Order was amended by the first 2007 Order. That exception was the continuing requirement for 24 hours prior notice of a show or exhibition.

This Order—

- (a) reinstates the 13 day standstill period across Scotland;
- (b) reinstates all the exceptions in the 2002 Order (subject to the minor amendments made by the first and second 2007 Orders); and
- (c) disapplies across Scotland the additional controls on gatherings imposed by the first and second 2007 Orders (again, subject to the 24 hour notice exception referred to above).

This Order also revokes and reinstates the transitional provisions made by the second 2007 Order, in order to correct a minor drafting error in that Order.

A regulatory impact assessment has not been prepared for this Order.

**£3.00**

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