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SCOTTISH STATUTORY INSTRUMENTS

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**2008 No. 11**

**ANIMALS**

**ANIMAL HEALTH**

**The Bluetongue (Scotland) Order 2008**

*Made* - - - - *16th January 2008*  
*Laid before the Scottish*  
*Parliament* - - - - *18th January 2008*  
*Coming into force* - - *11th February 2008*

The Scottish Ministers make the following Order in exercise of the powers conferred by section 2(2) of, and paragraph 1A of Schedule 2 to, the European Communities Act 1972<sup>M1</sup>, and sections 1, 7(1), 8(1), 15(4), 17(1), 23, 25, 28, 32(2), 35, 72, 83(2) and 88(2) of the Animal Health Act 1981<sup>M2</sup>, and all other powers enabling them to do so.

This Order makes provision for a purpose mentioned in section 2(2) of the European Communities Act 1972 and it appears to the Scottish Ministers that it is expedient for the reference to the Community instrument referred to in article 2(1) to be a reference to that instrument as amended from time to time.

**Marginal Citations**

- M1** 1972 c. 68. Section 2(2) was amended by Schedule 8, paragraph 15(3) of the [Scotland Act 1998 \(c. 46\)](#) and the [Legislative and Regulatory Reform Act 2006 \(c. 51\)](#), **section 27(1)**. The functions conferred upon the Minister of the Crown under section 2(2) of the European Communities Act 1972, insofar as within devolved competence, were transferred to the Scottish Ministers by virtue of section 53 of the 1998 Act. Paragraph 1A of Schedule 2 was inserted by section 28 of the 2006 Act.
- M2** 1981 c. 22. Powers to make Orders under these sections were originally conferred on “the Ministers”, as defined in section 86(1) of the Act. The functions of the Ministers were, insofar as within devolved competence, transferred to the Scottish Ministers by virtue of section 53 of the 1998 Act.

## PART 1

### Preliminary

#### Citation, commencement and extent

1.—(1) This Order may be cited as the Bluetongue (Scotland) Order 2008 and comes into force on 11th February 2008.

(2) This Order extends to Scotland only.

#### Interpretation

2.—(1) In this Order—

[<sup>F1</sup>“animal” means a ruminating animal or camelid, other than a wild animal, and “carcase”, “embryo”, “ovum” and “semen” mean the carcase, embryo, ovum and semen of such an animal;]

“Commission Regulation” means Commission Regulation (EC) No. 1266/2007 on implementing rules for Council Directive 2000/75/EC as regards the control, monitoring, surveillance and restrictions on movements of certain animals of susceptible species in relation to bluetongue, as amended from time to time <sup>M3</sup>;

“confirmation of bluetongue” means a declaration by the Scottish Ministers, based on laboratory results, that the bluetongue virus is circulating in a specific area or, in the event of an epidemic, confirmation by the Scottish Ministers of the presence of bluetongue based upon either or both of clinical or epidemiological results;

“Divisional Veterinary Manager” means the veterinary inspector authorised by the Scottish Ministers to receive information about animals or carcasses infected or suspected of being infected with bluetongue, for the area in which such animals or carcasses are situated;

“free area” means an area not subject to bluetongue restrictions under this Order;

“midge” means an insect of the genus *Culicoides*;

“premises” includes any place;

<sup>F2</sup> ...

“veterinary inspector”, [<sup>F3</sup>except as otherwise provided for in this Order], includes an inspector acting under the instruction of a veterinary inspector.

(2) Any authorisation, notice, designation or direction under this Order must be in writing, may be subject to conditions, and may unless specified otherwise be amended, suspended or revoked, by notice in writing at any time.

(3) Declarations of zones under this Order—

(a) must be in writing;

(b) must designate the extent of the zone being declared;

(c) may be subject to conditions [<sup>F4</sup>, requirements or other measures]; and

(d) may unless specified otherwise be amended, suspended or revoked, at any time, by way of further declaration.

[<sup>F5</sup>(4) A person must comply with any condition [<sup>F6</sup>, requirement or measure] contained in a declaration of zone under this Order related to an activity or role of that person.]

### Textual Amendments

- F1** Words in art. 2(1) substituted (6.6.2008) by [The Bluetongue \(Scotland\) Amendment Order 2008 \(S.S.I. 2008/234\)](#), arts. 1, **2(2)(a)**
- F2** Words in art. 2(1) omitted (4.10.2008) by virtue of [The Bluetongue \(Scotland\) Amendment \(No. 2\) Order 2008 \(S.S.I. 2008/327\)](#), arts. 1, **2(2)(a)**
- F3** Words in art. 2(1) substituted (6.6.2008) by [The Bluetongue \(Scotland\) Amendment Order 2008 \(S.S.I. 2008/234\)](#), arts. 1, **2(2)(b)**
- F4** Words in art. 2(3)(c) inserted (4.10.2008) by [The Bluetongue \(Scotland\) Amendment \(No. 2\) Order 2008 \(S.S.I. 2008/327\)](#), arts. 1, **2(2)(b)**
- F5** Art. 2(4) inserted (6.6.2008) by [The Bluetongue \(Scotland\) Amendment Order 2008 \(S.S.I. 2008/234\)](#), arts. 1, **2(3)**
- F6** Words in art. 2(4) inserted (4.10.2008) by [The Bluetongue \(Scotland\) Amendment \(No. 2\) Order 2008 \(S.S.I. 2008/327\)](#), arts. 1, **2(2)(c)**

### Marginal Citations

- M3** O.J. No. L 283, 27.10.2007, p.37 and O.J. No. L 327, 22.12.2000, p.74 respectively. At the date of making this order, this Directive last amended by Directive 2006/104/EC (O.J. No. L 363, 20.12.2006, p.352).

## Licences

- 3.—(1) Licences granted under this Order—
- may (unless specified otherwise) be general or specific;
  - must be in writing;
  - may be subject to conditions; and
  - may be amended, suspended or revoked in writing at any time.
- (2) Any person moving anything under the authority of a general or specific licence granted under this Order must—
- keep upon them the licence or a copy of it at all times during such movement;
  - on demand by a veterinary inspector<sup>[F7]</sup>, an inspector or an officer of the Scottish Ministers], produce the licence or a copy of it and allow a copy or extract to be taken.
- (3) Any person moving anything under the authority of a general licence granted under this Order must—
- carry, at all times during that movement, a consignment note containing details of—
    - what is being transported, including the quantity;
    - the date of the movement;
    - the name of the consignor;
    - the address of the premises from which the movement started;
    - the name of the consignee; and
    - the address of the premises of destination; and
  - on demand by a veterinary inspector<sup>[F8]</sup>, an inspector or an officer of the Scottish Ministers], produce the consignment note and allow a copy or extract to be taken.
- <sup>[F9]</sup>(4) A person to whom a specific licence is granted under this Order, or doing anything under the authority of a general licence granted under this Order, must comply with any condition contained in the licence.]

*Status: Point in time view as at 04/10/2008.*

*Changes to legislation: There are currently no known outstanding effects for the The Bluetongue (Scotland) Order 2008 (revoked). (See end of Document for details)*

#### Textual Amendments

- F7** Words in art. 3(2)(b) substituted (4.10.2008) by [The Bluetongue \(Scotland\) Amendment \(No. 2\) Order 2008 \(S.S.I. 2008/327\)](#), arts. 1, **2(3)**
- F8** Words in art. 3(3)(b) substituted (4.10.2008) by [The Bluetongue \(Scotland\) Amendment \(No. 2\) Order 2008 \(S.S.I. 2008/327\)](#), arts. 1, **2(3)**
- F9** Art. 3(4) inserted (6.6.2008) by [The Bluetongue \(Scotland\) Amendment Order 2008 \(S.S.I. 2008/234\)](#), arts. 1, **2(4)**

#### Licences granted outside Scotland

4.—(1) Except as otherwise directed by the Scottish Ministers, licences granted in England or Wales for activities which could be licensed in Scotland under this Order have effect in Scotland as if they were licences granted under this Order.

(2) Except as otherwise directed by the Scottish Ministers, premises in England or Wales designated respectively by the Secretary of State or the National Assembly for Wales for the same purposes as they may be designated under this Order are deemed to be designated by the Scottish Ministers for the purposes of this Order.

#### Extension of definition of “disease”

5. The definition of “disease” in section 88(1) of the Animal Health Act 1981 is extended to include bluetongue for all the purposes of that Act.

#### Exemptions

6. This Order does not apply to—
- bluetongue virus possessed under a licence issued under the Specified Animal Pathogens Order 1998 <sup>M4</sup>; or
  - quarantine centres or quarantine facilities approved under the Animals and Animal Products (Import and Export) (Scotland) Regulations 2007 <sup>M5</sup>.

#### Marginal Citations

- M4** [S.I. 1998/463](#).
- M5** [S.S.I. 2007/194](#) as amended by [S.S.I. 2007/375](#).

#### Competent authority

7. The Scottish Ministers are the competent authority for the purposes of the Commission Regulation.

#### Reporting requirement under bluetongue surveillance programmes

8. It is an offence against the Animal Health Act 1981 for the owner or keeper of an animal, or a veterinarian, not to report promptly any suspicion of bluetongue in accordance with the first indent of point 2(1) of Annex 1 to the Commission Regulation.

## PART 2

### Suspicion of, and infection with, bluetongue

#### Notifications and initial requirements where bluetongue is suspected

9.—(1) The owner or keeper of any animal or carcass, or any person who examines or inspects any animal or carcass, who suspects that the animal or carcass is infected with bluetongue, must—

- (a) immediately notify the Divisional Veterinary Manager;
- (b) not move any animal or carcass off the premises where that animal or carcass is located; and
- (c) where there are means available for doing so, ensure that any animals located on those premises are confined indoors during any period of midge activity.

(2) Any person who analyses a sample taken from any animal or carcass and who finds evidence of antibodies to, or antigens or nucleic acids of, the bluetongue virus or any evidence of vaccination for bluetongue, must immediately notify the Divisional Veterinary Manager.

#### Suspect and contact premises

10.—(1) Where suspicion of bluetongue has been notified in respect of any animal or carcass, a veterinary inspector must serve a notice ('a suspect case notice') on either the occupier of, or keeper of any animal on, those premises ('the suspect premises'), or both, requiring that—

- (a) no animal enters or leaves the premises;
- (b) an inventory of all animals on the premises is made, recording, for each species—
  - (i) the number dead;
  - (ii) the number alive; and
  - (iii) the number of those alive which are infected or likely to be infected with bluetongue;
- (c) the inventory is kept up to date to take account of animals which are born or die, including details of the dates of birth and death of such animals;
- (d) all animals on the premises are confined indoors except as directed by a veterinary inspector; and
- (e) the premises and animals on them are subject to the midge control measures specified in the notice.

(2) The person making the inventory must also keep a record of it for at least two years from the date of the last entry.

(3) A veterinary inspector may serve a suspect case notice on the occupier of, or keeper of any animal at other premises ('the contact premises'), or both, in the event that the location of those premises, their geographical situation or contacts with the suspect premises provides grounds for suspecting the possibility of contamination with bluetongue at the contact premises.

(4) A notice under paragraph (1) or (3) must not be revoked until the suspected presence of bluetongue has been ruled out by the Scottish Ministers.

#### Temporary control zones

11.—<sup>F10</sup>(1) The Scottish Ministers may, on suspicion of bluetongue virus on premises, declare a temporary control zone.

(1A) If there is suspicion of bluetongue on premises outside Scotland, the Scottish Ministers may declare a temporary control zone in Scotland.]

*Status: Point in time view as at 04/10/2008.*

*Changes to legislation: There are currently no known outstanding effects for the The Bluetongue (Scotland) Order 2008 (revoked). (See end of Document for details)*

(3) The location and size of the temporary control zone shall be such as the Scottish Ministers consider appropriate to prevent the spread of bluetongue.

(4) The Scottish Ministers may apply such of the requirements as are referred to in article 10(1) (b) to (e) to premises within a temporary control zone as they consider appropriate.

(5) A temporary control zone ceases to exist in any area subsequently incorporated into a control zone or restricted zone.

(6) No person may move any animal, embryo, ovum or semen to or from premises in a temporary control zone except as authorised by a licence granted by the Scottish Ministers.

#### Textual Amendments

**F10** Art. 11(1)(1A) substituted for art. 11(1)(2) (4.10.2008) by [The Bluetongue \(Scotland\) Amendment \(No. 2\) Order 2008 \(S.S.I. 2008/327\)](#), arts. 1, **2(4)**

#### Notices on infection with bluetongue

**12.**—(1) If a veterinary inspector is satisfied that the bluetongue virus is present in any animal or at any premises (‘the infected premises’) the veterinary inspector may serve a notice, doing one or more of the following things, on the occupier of or keeper of any animals on the infected premises, or both—

- (a) stating that the virus is present;
- (b) suspending the requirement under article 9 to notify any further suspected cases of bluetongue on the premises to the Divisional Veterinary Manager;
- (c) removing or altering a requirement imposed by article 10 or by a notice served under that article.

(2) The veterinary inspector may also serve a notice on the occupier of any laboratory analysing samples for bluetongue, suspending the requirement under article 9 to notify the Divisional Veterinary Manager of any further evidence of bluetongue, or vaccination for bluetongue, from the infected premises.

## PART 3

### Confirmation of bluetongue

#### Control zones

**13.**—<sup>F11</sup>(1) The Scottish Ministers must, on confirmation of bluetongue on premises in Scotland, declare a control zone.

(2) The Scottish Ministers may, if bluetongue is confirmed outside Scotland by a competent authority other than the Scottish Ministers, declare a control zone in Scotland.

(2A) The control zone must include any infected premises in Scotland, and be of such size as the Scottish Ministers consider necessary to reduce the spread of bluetongue.]

(3) No person may move an animal, into, out of, or within a control zone declared under paragraph (1) or (2).

(4) A control zone declared under paragraph (1) or (2) may be extended or reduced by the Scottish Ministers on the basis of epidemiological, geographical, ecological or meteorological circumstances.

(5) The Scottish Ministers may, in declaring a control zone under paragraph (1) or (2), specify such other measures as they consider necessary to reduce the risk of the spread of bluetongue.

**Textual Amendments**

**F11** Art. 13(1)-(2A) substituted for art. 13(1)(2) (4.10.2008) by [The Bluetongue \(Scotland\) Amendment \(No. 2\) Order 2008 \(S.S.I. 2008/327\)](#), arts. 1, **2(5)**

**[<sup>F12</sup>Restricted, protection and surveillance zones**

**14.**—(1) The Scottish Ministers, on confirmation of bluetongue—

- (a) must declare an appropriate area to be a restricted zone;
- (b) may, within a restricted zone, declare any area around an infected premises to be a protection zone, and any area beyond such protection zone to be a surveillance zone;

(2) The Scottish Ministers may, if bluetongue is confirmed outside Scotland, declare a restricted zone in Scotland, and may within that zone declare any area to be a protection zone or a surveillance zone.

(3) A surveillance zone must not include any area in which vaccination against bluetongue has been carried out in the twelve month period before confirmation of bluetongue.

(4) No person shall move an animal out of a protection zone except as authorised by a licence granted by the Scottish Ministers.

(5) No person shall move an animal, embryo, ovum or semen out of a restricted zone except as authorised by a licence granted by the Scottish Ministers.

(6) No person shall move an animal out of or within a restricted zone if it is showing clinical signs of bluetongue on the day of movement.

(7) The Scottish Ministers must grant a licence under paragraphs (4) and (5) if the movement is permitted under the Commission Regulation, and the conditions of such a licence must be such as to ensure that the movement is made in accordance with the Commission Regulation.]

**Textual Amendments**

**F12** Art. 14 substituted (4.10.2008) by [The Bluetongue \(Scotland\) Amendment \(No. 2\) Order 2008 \(S.S.I. 2008/327\)](#), arts. 1, **2(6)**

**Protection zone or surveillance zone where bluetongue confirmed outside Scotland**

**[<sup>F13</sup>15.** . . . . .

**Textual Amendments**

**F13** Art. 15 omitted (4.10.2008) by virtue of [The Bluetongue \(Scotland\) Amendment \(No. 2\) Order 2008 \(S.S.I. 2008/327\)](#), arts. 1, **2(7)**

**[<sup>F14</sup>Premises straddling zones**

**16.**—(1) Premises partly inside a temporary control zone and partly inside a free area are treated as being wholly inside the temporary control zone.

*Status: Point in time view as at 04/10/2008.*

*Changes to legislation: There are currently no known outstanding effects for the The Bluetongue (Scotland) Order 2008 (revoked). (See end of Document for details)*

- (2) Premises partly inside a control zone are treated as being wholly inside that zone.
- (3) Premises partly inside a vaccination zone declared under article 22C are treated as being wholly inside that zone.
- (4) Otherwise—
  - (a) if a restricted zone has been divided into a protection zone and a surveillance zone premises partly inside the protection zone and partly inside the surveillance zone are treated as being wholly inside the protection zone;
  - (b) premises partly inside a restricted zone and partly inside a free area are treated as being wholly inside the restricted zone; and
  - (c) premises partly inside a restricted zone and partly inside a temporary control zone are treated as being wholly inside the restricted zone.]

#### Textual Amendments

**F14** Art. 16 substituted (4.10.2008) by [The Bluetongue \(Scotland\) Amendment \(No. 2\) Order 2008 \(S.S.I. 2008/327\)](#), arts. 1, 2(8)

#### [<sup>F15</sup>Powers of veterinary inspectors, officers and inspectors

**16A.**—(1) A veterinary inspector, or an officer of the Scottish Ministers acting under the direction of a veterinary inspector may, at all reasonable hours, enter any premises, vehicle or vessel for the purpose of monitoring or surveillance for the bluetongue virus, antibodies to the bluetongue virus or midges.

(2) A veterinary inspector or an inspector or an officer of the Scottish Ministers may, at all reasonable hours, enter any premises, vehicle or vessel for the purpose of ensuring that this Order, or the Commission Regulation, is being complied with.

(3) A person entering premises, a vehicle or a vessel under paragraphs (1) or (2) must produce, if required, a duly authenticated document showing their authority to enter.

(4) A person entering premises, a vehicle or a vessel under paragraphs (1) or (2) may—

- (a) take with them any equipment; and
- (b) be accompanied by—
  - (i) such other person as they consider necessary; and
  - (ii) a representative of the European Commission acting for the purpose of the enforcement of a Community obligation.

(5) A person entering premises under paragraph (1) or (2) may take a vehicle with them.

(6) An inspector or an officer of the Scottish Ministers may—

- (a) detain, isolate or restrain any animal;
- (b) require the detention, isolation or restraint of any animal;
- (c) detain, examine or isolate any thing;
- (d) require the detention or isolation of any thing;
- (e) mark for identification purposes any animal, carcase or thing;
- (f) require any person who knows about the movement of an animal to give details of that movement, and the details of any other animal with which it has been in contact;



- (g) require any occupier of premises or keeper of animals on premises to give details of animals either on those premises or on other premises where the occupier or keeper has animals;
  - (h) require the production of any record kept, in whatever form that record is held;
  - (i) copy any record referred to in sub-paragraph (h);
  - (j) inspect and check the operation of any computer and associated apparatus or material used in connection with the making and keeping of records.
- (7) A veterinary inspector may–
- (a) require the cleansing and disinfection of any part of any premises, or of any person, animal, vehicle, vessel or thing on premises;
  - (b) require the testing of any animal;
  - (c) require the treatment of any animal;
  - (d) require any occupier of premises or the keeper of animals on premises to–
    - (i) vaccinate, or allow the vaccination of, an animal within a protection zone;
    - (ii) retain an animal for use as a sentinel animal, or allow the introduction of a sentinel animal onto premises;
    - (iii) move an animal which has been moved other than in accordance with articles 11, 13, 14, 19 or 19A to a place specified by the veterinary inspector;
  - (e) set traps for, and trap, midges;
  - (f) require, or implement, midge control measures;
  - (g) require the destruction, burial, disposal or treatment of any thing.
- (8) A veterinary inspector, only, may–
- (a) examine any animal or carcase,
  - (b) vaccinate any animal within a protection zone;
  - (c) carry out an epidemiological investigation relevant to the control of bluetongue;
  - (d) carry out tests, and take samples (including blood samples) from any animal, carcase or thing, for the purpose of diagnosis or epidemiological investigation.

(9) In this article–  
“sentinel animal” means an animal that is used for the purpose of surveillance for the bluetongue virus which, when first introduced or retained at any premises for that purpose, does not have antibodies to the bluetongue virus of the strain in respect of which surveillance is being carried out.]

**Textual Amendments**

**F15** Art. 16A substituted (4.10.2008) by [The Bluetongue \(Scotland\) Amendment \(No. 2\) Order 2008 \(S.S.I. 2008/327\)](#), arts. 1, **2(9)**

**Powers of veterinary inspectors in restricted zones**

<sup>F16</sup>17. ....

*Status: Point in time view as at 04/10/2008.*

*Changes to legislation: There are currently no known outstanding effects for the The Bluetongue (Scotland) Order 2008 (revoked). (See end of Document for details)*

#### Textual Amendments

**F16** Art. 17 omitted (6.6.2008) by virtue of [The Bluetongue \(Scotland\) Amendment Order 2008 \(S.S.I. 2008/234\)](#), arts. 1, **2(5)**

#### Slaughterhouses

**18.**—(1) The Scottish Ministers may designate slaughterhouses for the purposes of slaughtering animals transported out of a restricted zone.

(2) The conditions of any designation must be such as to ensure that the slaughterhouse operates in accordance with the Commission Regulation.

[<sup>F17</sup>(3) The operator of a slaughterhouse in a surveillance zone may only slaughter an animal from a protection zone if licensed to do so by the Scottish Ministers.]

#### Textual Amendments

**F17** Art. 18(3) inserted (6.6.2008) by [The Bluetongue \(Scotland\) Amendment Order 2008 \(S.S.I. 2008/234\)](#), arts. 1, **2(6)**

## PART 4

### Enforcement and offences

#### [<sup>F18</sup>Movement of animals from a restricted zone

**19.**—(1) This article applies where an animal has been within a restricted zone at any time within the 60 day period before it is moved to premises in a free area.

(2) The occupier of premises in a free area to which an animal to which this article applies has been moved must notify the movement to the Scottish Ministers within 3 working days from the arrival of the animal.

(3) An inspector may, by notice served on the occupier of any premises referred to in paragraph (2), or on the keeper of an animal at such premises, prohibit the movement of any animal from the premises except under the authority of a licence issued by an inspector.

(4) In this article and in article 19A, “restricted zone” means a zone anywhere in the Community consisting either or both of protection and surveillance zones.

#### Textual Amendments

**F18** Arts. 19, 19A substituted for art. 19 (4.10.2008) by [The Bluetongue \(Scotland\) Amendment \(No. 2\) Order 2008 \(S.S.I. 2008/327\)](#), arts. 1, **2(10)**

#### Movement of vaccinated animals

**19A.**—(1) This article applies to an animal that has been within a restricted zone at any time within the 60 day period before the animal is moved from a place in the United Kingdom to—

- (a) free area; or
- (b) surveillance zone declared under article 14.

(2) The occupier of the premises where such an animal is received, and the keeper of such an animal, must ensure that the animal is accompanied by a veterinary certificate.

(3) In this article—

“animal” means an animal that is moved from a protection or restricted zone on the ground that it is exempt from the exit ban established pursuant to Article 9(1)(c) and point 1 of Article 10 of Council Directive 2000/75/EC laying down specific provisions for the control and eradication of bluetongue<sup>M6</sup> by reason that the animal complies with the condition set out in point 5 of Part A of Annex III to the Commission Regulation;

“veterinary certificate” means a—

- (a) certificate by a veterinary surgeon confirming that an animal identified in the certificate has been vaccinated by the veterinary surgeon, and that any supplementary vaccinations or boosters required at the date of the certificate to maintain immunity against bluetongue have been administered, or a copy; or
- (b) health certificate as referred to in point 5 of Part A of Annex III to the Commission Regulation, with the additional wording required to be added by that paragraph, or a copy;

“veterinary surgeon” means a person registered in the register of veterinary surgeons, or the supplementary register, kept under the Veterinary Surgeons Act 1966 (c. 36).]

**Textual Amendments**

**F18** Arts. 19, 19A substituted for art. 19 (4.10.2008) by [The Bluetongue \(Scotland\) Amendment \(No. 2\) Order 2008 \(S.S.I. 2008/327\)](#), arts. 1, **2(10)**

**Marginal Citations**

**M6** O.J. No. L 327, 22.12.2000, p.74. Amended by Commission Decision 2006/911/EC (O.J. No. L 346, 9.12.2006, p.41), Council Directive 2006/104/EC (O.J. No. L 363, 20.12.2006, p.352) and Commission Decision 2007/729/EC (O.J. No. L 294, 13.11.2007, p.26).

**Slaughter of animals**

**20.** Section 32 of the Animal Health Act 1981 (which relates to slaughter and compensation) applies to bluetongue.

**Powers of inspectors and officers**

<sup>F19</sup>**21.** . . . . .

**Textual Amendments**

**F19** Art. 21 omitted (6.6.2008) by virtue of [The Bluetongue \(Scotland\) Amendment Order 2008 \(S.S.I. 2008/234\)](#), arts. 1, **2(5)**

**Surveillance**

<sup>F20</sup>**22.** . . . . .

*Status: Point in time view as at 04/10/2008.*

*Changes to legislation: There are currently no known outstanding effects for the The Bluetongue (Scotland) Order 2008 (revoked). (See end of Document for details)*

**Textual Amendments**

**F20** Art. 22 omitted (6.6.2008) by virtue of [The Bluetongue \(Scotland\) Amendment Order 2008 \(S.S.I. 2008/234\)](#), arts. 1, **2(5)**

**Obtaining vaccine**

<sup>F21</sup>**22A.** . . . . .

**Textual Amendments**

**F21** Art. 22A omitted (4.10.2008) by virtue of [The Bluetongue \(Scotland\) Amendment \(No. 2\) Order 2008 \(S.S.I. 2008/327\)](#), arts. 1, **2(11)**

**[<sup>F22</sup>Prohibition on vaccination**

**22B.** Except where article 22C applies, no person may vaccinate an animal against bluetongue unless under the authority of a licence granted by the Scottish Ministers or as otherwise provided in this Order.

**Textual Amendments**

**F22** Arts. 22A-22E inserted (6.6.2008) by [The Bluetongue \(Scotland\) Amendment Order 2008 \(S.S.I. 2008/234\)](#), arts. 1, **2(8)**

**Compulsory vaccination**

- 22C.**—(1) The Scottish Ministers may declare a vaccination zone.
- (2) Within a vaccination zone—
- (a) any occupier of or keeper of sheep or cattle on premises there must, unless specified otherwise in the declaration, ensure the vaccination of said sheep or cattle;
  - (b) any occupier of or keeper of any other animals on premises there may have such animals vaccinated.
- (3) Any occupier of premises or keeper of animals must comply with any conditions related to vaccination or vaccine specified in the declaration.

**Textual Amendments**

**F22** Arts. 22A-22E inserted (6.6.2008) by [The Bluetongue \(Scotland\) Amendment Order 2008 \(S.S.I. 2008/234\)](#), arts. 1, **2(8)**

**Costs of compliance**

**22D.** Unless the Scottish Ministers direct otherwise in writing, the costs incurred by any person in taking any action required, or in refraining from taking action that is prohibited, by or under this Order must be met by that person.

**Textual Amendments**

**F22** Arts. 22A-22E inserted (6.6.2008) by [The Bluetongue \(Scotland\) Amendment Order 2008 \(S.S.I. 2008/234\)](#), arts. 1, **2(8)**

**Powers of inspectors in case of default**

**22E.** If any person fails to comply with any notice or other requirement in or under this Order, a veterinary inspector, inspector or officer of the Scottish Ministers as appropriate may take such steps as they consider necessary to ensure the notice or requirement is met, and the cost of such steps shall be recoverable summarily by the Scottish Ministers from that person.]

**Textual Amendments**

**F22** Arts. 22A-22E inserted (6.6.2008) by [The Bluetongue \(Scotland\) Amendment Order 2008 \(S.S.I. 2008/234\)](#), arts. 1, **2(8)**

**Vaccination against bluetongue**

<sup>F23</sup>**23.** . . . . .

**Textual Amendments**

**F23** Art. 23 omitted (6.6.2008) by virtue of [The Bluetongue \(Scotland\) Amendment Order 2008 \(S.S.I. 2008/234\)](#), arts. 1, **2(8)**

**Compliance with notices**

<sup>F24</sup>**24.** . . . . .

**Textual Amendments**

**F24** Art. 24 omitted (6.6.2008) by virtue of [The Bluetongue \(Scotland\) Amendment Order 2008 \(S.S.I. 2008/234\)](#), arts. 1, **2(8)**

**General powers of inspectors when entering premises**

<sup>F25</sup>**25.** . . . . .

**Textual Amendments**

**F25** Art. 25 omitted (6.6.2008) by virtue of [The Bluetongue \(Scotland\) Amendment Order 2008 \(S.S.I. 2008/234\)](#), arts. 1, **2(5)**

**Damage**

**26.** No person may—

*Status: Point in time view as at 04/10/2008.*

*Changes to legislation: There are currently no known outstanding effects for the  
The Bluetongue (Scotland) Order 2008 (revoked). (See end of Document for details)*

- (a) damage, interfere with or remove any traps set for midges as provided for under this Order;  
or
- (b) deface, obliterate or remove any mark made by any person as provided for under this Order.

### **Provision of assistance**

27.—(1) Any person required to give reasonable assistance or information to a person acting under this Order must, unless having reasonable cause to do otherwise, do so without delay.

(2) No person shall provide information, knowing it to be false or misleading, to anyone acting under this Order.

### **Offences by bodies corporate**

28.—(1) Where a body corporate is guilty of an offence, 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, officer or other similar person 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, is guilty of the offence.

(2) For the purposes of this article, “director”, in relation to a body corporate whose affairs are managed by its members, means a member of the body corporate.

(3) “Body corporate” includes a partnership in Scotland and, in relation to such a partnership, a reference to an officer of a body corporate is a reference to a partner.

### **Enforcement**

29.—(1) This Order and the Commission Regulation is enforced by the local authority.

(2) But the Scottish Ministers may direct, in relation to cases of a particular description or to particular cases, that they will enforce this Order and the Commission Regulation.

### **Revocation**

30. The Bluetongue (Scotland) Order 2003 <sup>M7</sup> is revoked.

#### **Marginal Citations**

M7 [S.S.I. 2003/91](#).

St Andrew's House,  
Edinburgh

*RICHARD LOCHHEAD*  
A member of the Scottish Executive

## EXPLANATORY NOTE

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

This Order continues to implement Council Directive [2000/75/EC](#) (“the Directive”) laying down specific provisions for the control and eradication of bluetongue. It revokes and remakes the Bluetongue (Scotland) Order 2003 in order also to enforce Commission Regulation (EC) [No. 1266/2007](#).

The Order provides that references to the Commission Regulation are references to it as amended from time to time.

The principal difference from the 2003 Order is that movement licences in zones controlled or restricted for the purposes of bluetongue control must be in accordance with the Commission Regulation rather than Commission Decision [2005/393/EC](#) (O.J. L 130, 24.5.2005, p.22 as last amended by Decision [2007/357/EC](#) (O.J. L 133, 25.5.2007, p.44)), which it replaces.

Part 2 of the Order provides for notification of and other procedural requirements on suspicion of bluetongue. Part 3 provides for the establishment of various zones on confirmation of bluetongue. Unlike in the previous Order, these zones can now be of a size appropriate for the control of bluetongue. It controls the movement of animals from those zones. It also provides for the separation of a restricted zone into a protection zone and a surveillance zone, and controls movement between these zones. In that regard, while article 13 of the Order provides that no animal movements may take place in a control zone, Article 6(2) of the Directive does allow for provisions applicable to such movements being adopted in accordance with the comitology procedure set out in Article 20 of the Directive. It may therefore be possible in such circumstances for a licence authorising movement to be issued. In relation to movements from a place where bluetongue control measures are operating to a bluetongue free area there is a requirement (article 19) that Scottish Ministers be immediately informed of such movements.

Part 4 of the Order covers a range of matters. It provides for surveillance for bluetongue (article 22) and prohibits vaccination against bluetongue without authorisation by the Scottish Ministers (article 23). It also makes provision for enforcement, which is the responsibility of the local authority, or the Scottish Ministers where they direct to that effect.

Failure to comply with this Order is an offence under section 73 of the Animal Health Act 1981. A Regulatory Impact Assessment has not been prepared for this Order.

**Status:**

Point in time view as at 04/10/2008.

**Changes to legislation:**

There are currently no known outstanding effects for the The Bluetongue (Scotland) Order 2008 (revoked).