
SCOTTISH STATUTORY INSTRUMENTS

2008 No. 11

The Bluetongue (Scotland) Order 2008

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—

“animal” means a ruminating animal, 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 (1);

“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;

“Restricted zone” means a zone consisting of both protection and surveillance zones established pursuant to Article 8(1) of Council Directive 2000/75/EC; and

“veterinary inspector”, except as provided for in article 21, 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.

(1) 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).

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

Licences

- 3.—(1) Licences granted under this Order—
- (a) may (unless specified otherwise) be general or specific;
 - (b) must be in writing;
 - (c) may be subject to conditions; and
 - (d) 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—
- (a) keep upon them the licence or a copy of it at all times during such movement;
 - (b) on demand by a veterinary inspector or other 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—
- (a) carry, at all times during that movement, a consignment note containing details of—
 - (i) what is being transported, including the quantity;
 - (ii) the date of the movement;
 - (iii) the name of the consignor;
 - (iv) the address of the premises from which the movement started;
 - (v) the name of the consignee; and
 - (vi) the address of the premises of destination; and
 - (b) on demand by a veterinary inspector or other officer of the Scottish Ministers, produce the consignment note and allow a copy or extract to be taken.

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—
- (a) bluetongue virus possessed under a licence issued under the Specified Animal Pathogens Order 1998⁽²⁾; or
 - (b) quarantine centres or quarantine facilities approved under the Animals and Animal Products (Import and Export) (Scotland) Regulations 2007⁽³⁾.

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.

(2) S.I.1998/463.

(3) S.S.I. 2007/194 as amended by S.S.I. 2007/375.