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SCOTTISH STATUTORY INSTRUMENTS

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**2008 No. 158**

**The Products of Animal Origin (Disease Control) (Scotland) Order 2008**

**PART 1**

Introduction

**Citation, commencement and extent**

1.—(1) This Order may be cited as the Products of Animal Origin (Disease Control) (Scotland) Order 2008 and comes into force on 12th May 2008.

(2) This Order extends to Scotland only.

**Interpretation: general**

2. In this Order—

“the Act” means the Animal Health Act 1981;

“disease legislation” means any of the legislation listed in Schedule 1;

[<sup>F1</sup>“domestic market” is the market for the sale of poultry meat in England, Scotland, Wales and Northern Ireland;]

“establishment” means a slaughterhouse or a game handling establishment;

“game handling establishment” means an establishment where the preparation of wild game carcasses takes place;

“meat” means any part of the carcase of any animal or poultry intended for human consumption, and includes a product resulting from the processing of meat from that animal or poultry or a product resulting from the further processing of such processed meat product;

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

“premises” means any land, building, plant or place in business use, other than a slaughterhouse or game handling establishment;

[<sup>F2</sup>“Regulation No. 853/2004” means Regulation (EC) No 853/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific hygiene rules for food of animal origin]

<sup>F3</sup>  
...

[<sup>F4</sup>“seropositive pig” means a pig that is not a restricted animal but is required by the Scottish Ministers to be slaughtered in a slaughterhouse due to antibodies against swine vesicular disease virus being identified in that pig;

“seropositive pigmeat” is meat derived from a seropositive pig other than—

(a) restricted meat; and

- (b) meat treated in accordance with Schedule 2 at a designated treatment centre;]
- “slaughter” means killing for the production of food for human consumption but does not include killing wild game;
- “slaughterhouse” means an establishment where the slaughter and dressing of any animal or poultry takes place;
- “supply” means supply to the final consumer or to a person who then supplies to the final consumer and includes consignment for sale;
- “treatment centre” means premises designated under article 6 for the purpose of subjecting meat to a treatment listed in Schedule 2;
- “vehicle” includes—
- (a) a trailer, semi trailer or other thing designed or adapted to be towed by another vehicle;
  - (b) a detachable part of any vehicle;
  - (c) a container or other structure designed or adapted to be carried on a vehicle; and
- “wild game” means a wild animal or bird which is hunted for human consumption.

#### Textual Amendments

- F1** Words in art. 2 inserted (25.5.2009) by [The Products of Animal Origin \(Disease Control\) \(Scotland\) Amendment Order 2009 \(S.S.I. 2009/174\)](#), arts. 1, **3(a)**
- F2** Words in art. 2 inserted (28.3.2019) by [The Animal Health \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2019 \(S.S.I. 2019/71\)](#), regs. 1(1)(a), **9(2)**
- F3** Words in art. 2 omitted (25.5.2009) by virtue of [The Products of Animal Origin \(Disease Control\) \(Scotland\) Amendment Order 2009 \(S.S.I. 2009/174\)](#), arts. 1, **3(b)**
- F4** Words in art. 2 inserted (25.5.2009) by [The Products of Animal Origin \(Disease Control\) \(Scotland\) Amendment Order 2009 \(S.S.I. 2009/174\)](#), arts. 1, **3(c)**

### Disease, poultry and animals: definitions, and extensions of meaning

#### 3.—(1) In this Order—

“disease” means classical swine fever, African swine fever, swine vesicular disease, rinderpest, sheep and goat plague or Newcastle disease; and

“poultry” means all species of birds reared or kept in captivity for the—

- (a) production of meat or eggs for human consumption;
- (b) production of other commercial products for human consumption;
- (c) restocking of supplies of game; or
- (d) purposes of any breeding programme for the production of those categories of birds.

(2) The definition of “disease” in section 88(1) of the Act is extended to include swine vesicular disease for all of the purposes of that Act.

(3) The definition of “animals” in section 87(1) of the Act is extended for all of the purposes of that Act in its application to this Order so as to comprise any kind of mammal except man.

### Restricted animal, restricted poultry and restricted meat: definitions

#### 4.—(1) In this Order the definitions in paragraphs (2) to (9) apply.

(2) A “restricted animal” is an animal which is—

- (a) at, in or from—

- (i) suspect premises;
  - (ii) an establishment where a disease is suspected;
  - (iii) infected premises;
  - (iv) an establishment where a disease is confirmed;
  - (v) an infected area;
  - (vi) a protection zone; or
  - (vii) a surveillance zone; and
- (b) of a species susceptible to the disease in respect of which restrictions have been imposed under disease legislation.
- (3) “Restricted poultry” is poultry which is at, in or from any of the following declared or notified under the Diseases of Poultry (Scotland) Order 2003<sup>M1</sup>—
- (a) suspect premises;
  - (b) a slaughterhouse where a disease is suspected;
  - (c) infected premises;
  - (d) a slaughterhouse where a disease is confirmed;
  - (e) an infected area;
  - (f) a protection zone; or
  - (g) a surveillance zone.
- (4) “Suspect premises” are premises where movement restrictions are in place under disease legislation because a disease is suspected there.
- (5) “Infected premises” are premises where a disease has been confirmed under disease legislation.
- (6) An “infected area” is an area of this name declared by the Scottish Ministers under disease legislation following confirmation of a disease.
- (7) A “protection zone” is an area of this name declared by the Scottish Ministers under disease legislation following confirmation of a disease.
- (8) A “surveillance zone” is an area of this name declared by the Scottish Ministers under disease legislation following confirmation of a disease.
- [<sup>F5</sup>(9) Subject to paragraph (10), “restricted meat” is meat, including meat that has come into contact with meat—
- (a) produced on or after the date that the protection zone or surveillance zone was declared, or an earlier date where the Scottish Ministers specify such a date for the purpose of disease control;
  - (b) from a restricted animal or restricted poultry that has come from an infected area, a protection zone or a surveillance zone; and
  - (c) from pigs that have been vaccinated to protect them from classical swine fever for 6 months (or any other specified period).]

[<sup>F6</sup>(10) Where restricted meat has been treated in accordance with Schedule 2 at a treatment centre it shall cease to be regarded as restricted meat.]

#### Textual Amendments

- F5** Art. 4(9) substituted (14.8.2014) by [The Diseases of Swine Regulations 2014 \(S.I. 2014/1894\)](#), regs. 1(1)(c), **43(7)(a)** (with [reg. 4\(1\)](#))
- F6** Art. 4(9) substituted (25.5.2009) by [The Products of Animal Origin \(Disease Control\) \(Scotland\) Amendment Order 2009 \(S.S.I. 2009/174\)](#), arts. 1, 4

#### Marginal Citations

- M1** [S.S.I. 2003/354](#).

#### Notices

##### 5. Notices under this Order—

- (a) must be in writing; and
- (b) may be amended, suspended or revoked, by further notice, at any time.

#### Designation of premises, slaughterhouses and game handling establishments

6.—(1) The Scottish Ministers may designate any premises or establishment for the purposes of slaughtering animals or poultry, or cutting, preparing, processing, packing, wrapping, storage or treatment of meat.

##### (2) Designations under this Order—

- (a) must be in writing;
- (b) may be subject to conditions; and
- (c) may be amended, suspended or revoked by notice at any time.

(3) Premises and establishments designated by the Secretary of State, the Welsh Ministers or the Department for Agriculture and Rural Development of Northern Ireland for the same purposes as they may be designated under this Order are designated premises or establishments for the purposes of this Order.

(4) In this Order, “designated” refers to premises and establishments which are designated under this article.

#### Restrictions relating to movements from England, Wales or Northern Ireland

7.—(1) Unless the Scottish Ministers direct otherwise in writing, measures in this Order applying in respect of anything moved from any of the premises, establishments, areas or zones referred to in article 4 also apply in respect of such a movement from any equivalent premises, establishment, area or zone in England, Wales or Northern Ireland.

(2) This article only applies if the person to whom the measure applies is aware or should reasonably have been aware that the movement is from such premises, establishment, area or zone.

## PART 2

### Control of meat from restricted animals or restricted poultry

#### Meat from suspect or infected premises

8.—(1) Any person in possession of meat from a restricted animal or restricted poultry originating from suspect premises on or after the relevant date, or meat that has come into contact with such meat, must detain that meat until those premises are no longer suspect premises.

(2) Paragraph (1) only applies if the person in possession of the meat is aware or should reasonably have been aware that the meat is from a restricted animal or restricted poultry originating from suspect premises on or after the relevant date, or is meat that has come into contact with such meat.

(3) Any person in possession of meat from a restricted animal or restricted poultry originating from infected premises on or after the relevant date, or meat that has come into contact with such meat, must destroy that meat without delay.

[<sup>F7</sup>(4) In this article “relevant date” means the date the suspect or infected premises became subject to disease restrictions, or an earlier date where the Scottish Ministers specify such a date for disease control purposes.]

#### Textual Amendments

**F7** Art. 8(4) inserted (25.5.2009) by [The Products of Animal Origin \(Disease Control\) \(Scotland\) Amendment Order 2009 \(S.S.I. 2009/174\)](#), arts. 1, 5

#### Tracing of meat from infected premises

9. Any person who has owned or been in possession of meat referred to in article 8(3) must—
- (a) use their best endeavours to trace that meat; and
  - (b) inform the recipient of that meat, other than where that recipient is a consumer, that the meat is from infected premises.

#### Prohibition on supply and export of meat

- 10.—(1) A person must not—
- (a) supply restricted meat; or
  - (b) export restricted meat [<sup>F8</sup>; or
  - (c) export seropositive pigmeat]

[<sup>F9</sup>(2) The prohibition in paragraph (1)(a) does not apply to restricted meat from restricted poultry intended for supply on the domestic market.]

<sup>F10</sup>(3) .....

#### Textual Amendments

**F8** Art. 10(1)(c) and word inserted (25.5.2009) by [The Products of Animal Origin \(Disease Control\) \(Scotland\) Amendment Order 2009 \(S.S.I. 2009/174\)](#), arts. 1, **6(a)**

**F9** Art. 10(2) substituted (25.5.2009) by [The Products of Animal Origin \(Disease Control\) \(Scotland\) Amendment Order 2009 \(S.S.I. 2009/174\)](#), arts. 1, **6(b)**

**F10** Art. 10(3) omitted (25.5.2009) by virtue of [The Products of Animal Origin \(Disease Control\) \(Scotland\) Amendment Order 2009 \(S.S.I. 2009/174\)](#), arts. 1, **6(c)**

## Slaughterhouses

**11.**—(1) The occupier of a slaughterhouse may only slaughter restricted animals [<sup>F11</sup>, seropositive pigs] or restricted poultry if the slaughterhouse is designated.

(2) The occupier of a slaughterhouse must ensure that—

- (a) restricted animals are kept separate from other animals;
- (b) restricted animals are slaughtered separately from other animals;
- (c) restricted poultry are kept separate from other poultry;
- (d) restricted poultry are slaughtered separately from other poultry [<sup>F12</sup>;
- (e) seropositive pigs are kept separately from other pigs; and
- (f) seropositive pigs are slaughtered separately from other pigs.]

(3) The occupier of a slaughterhouse who receives restricted animals that have not been kept separate from other animals or who has not kept restricted animals separate from other animals must, on being given notice by a veterinary inspector, deal with those other animals as restricted animals.

(4) The occupier of a slaughterhouse who receives restricted poultry that have not been kept separate from other poultry or who has not kept restricted poultry separate from other poultry must, on being given notice by a veterinary inspector, deal with that other poultry as restricted poultry.

(5) The occupier of a slaughterhouse where disease is suspected or has been confirmed must detain all meat in the slaughterhouse until a veterinary inspector notifies that occupier that the inspector is satisfied that detention of all or some of that meat is no longer necessary to reduce the risk of transmission of disease.

[<sup>F13</sup>(6) The occupier of a slaughterhouse who has not complied with the requirements of paragraph (2)(e) or (f) must, on being given notice by a veterinary inspector, deal with those other pigs as seropositive pigs.

(7) The occupier of a slaughterhouse may only receive restricted meat if it is a designated slaughterhouse.]

### Textual Amendments

**F11** Words in art. 11(1) inserted (25.5.2009) by [The Products of Animal Origin \(Disease Control\) \(Scotland\) Amendment Order 2009 \(S.S.I. 2009/174\)](#), arts. 1, **7(a)**

**F12** Art. 11(2)(e)(f) and semicolon inserted (25.5.2009) by [The Products of Animal Origin \(Disease Control\) \(Scotland\) Amendment Order 2009 \(S.S.I. 2009/174\)](#), arts. 1, **7(b)**

**F13** Art. 11(6)(7) inserted (25.5.2009) by [The Products of Animal Origin \(Disease Control\) \(Scotland\) Amendment Order 2009 \(S.S.I. 2009/174\)](#), arts. 1, **7(c)**

## Game handling establishments

**12.**—(1) The occupier of a game handling establishment may only receive restricted meat if that establishment is designated.

(2) The occupier of a game handling establishment where disease is suspected or has been confirmed must detain all meat in the game handling establishment until a veterinary inspector notifies that occupier that the inspector is satisfied that detention of all or some of that meat is no longer necessary to reduce the risk of transmission of disease.

## Receipt and possession of restricted meat

**13.**—<sup>[F14]</sup>(1) The occupier of premises may only receive restricted meat if those premises are designated.]

(2) Any person in possession of restricted meat must keep it separate from other meat.

<sup>[F15]</sup>(3) Paragraph (1) does not apply when the restricted meat is from restricted poultry intended only for supply on the domestic market.]

### Textual Amendments

**F14** Art. 13(1) substituted (25.5.2009) by [The Products of Animal Origin \(Disease Control\) \(Scotland\) Amendment Order 2009 \(S.S.I. 2009/174\)](#), arts. 1, **8(a)**

**F15** Art. 13(3) inserted (25.5.2009) by [The Products of Animal Origin \(Disease Control\) \(Scotland\) Amendment Order 2009 \(S.S.I. 2009/174\)](#), arts. 1, **8(b)**

## Marking of meat

**14.**—(1) The occupier of an establishment must ensure that restricted meat [<sup>F16</sup>or seropositive pigmeat] is marked in accordance with Schedule 3.

(2) A person must not be in possession or control of restricted meat [<sup>F16</sup>or seropositive pigmeat] unless it is marked in accordance with Schedule 3.

(3) A person must not remove a mark applied under this article except to enable cutting, preparing, processing, packing or treatment of the restricted meat [<sup>F16</sup>or seropositive pigmeat].

(4) Any person who removes a mark applied under this article, other than a person treating meat at a treatment centre with a treatment listed in Schedule 2, must reapply the mark, with the appropriate plant approval number, after cutting, preparing, processing, packing or treatment of the meat.

### Textual Amendments

**F16** Words in art. 14(1)-(3) inserted (25.5.2009) by [The Products of Animal Origin \(Disease Control\) \(Scotland\) Amendment Order 2009 \(S.S.I. 2009/174\)](#), arts. 1, **9**

## <sup>[F17]</sup>Movement of restricted meat

**15.**—(1) No person may transport or arrange for the transport of restricted meat to premises or an establishment unless those premises are, or that establishment is, designated.

(2) Paragraph (1) does not apply when the restricted meat is from restricted poultry intended only for supply on the domestic market.]

### Textual Amendments

**F17** Art. 15 substituted (25.5.2009) by [The Products of Animal Origin \(Disease Control\) \(Scotland\) Amendment Order 2009 \(S.S.I. 2009/174\)](#), arts. 1, **10**

## Record keeping

**16.**—(1) The occupier of a slaughterhouse where a restricted animal [<sup>F18</sup>, seropositive pig] or restricted poultry is slaughtered must make records of the following—

- (a) the number and species of restricted animals [<sup>F19</sup>, seropositive pigs] or restricted poultry slaughtered;
  - (b) the date of such slaughter;
  - (c) the disease which caused the animals or poultry to be subject to restrictions under the disease legislation.
- (2) Any person who is in possession of restricted meat [<sup>F20</sup> or seropositive pigmeat] must make records of the following—
- (a) the quantity of [<sup>F21</sup> such] meat handled;
  - (b) the disease which caused the meat to be subject to restrictions under [<sup>F22</sup> such] disease legislation;
  - (c) the quantity of [<sup>F23</sup> such] meat placed into and removed from cold storage;
  - (d) the date of such movement into or out of cold storage;
  - [<sup>F24</sup>(e) the quantity of such meat that is no longer intended for human consumption.]
- [<sup>F25</sup>(2A) Paragraph (2) does not apply to any wholesale distributor, retail distributor, retailer or consumer when—
- (a) the restricted meat is from restricted poultry intended only for supply on the domestic market; or
  - (b) the meat is seropositive pigmeat.]
- (3) The occupier of a treatment centre where restricted meat is treated must make records of the following—
- (a) the date of the treatment;
  - (b) the species of animal from which the meat came;
  - (c) the quantity of meat treated; and
  - (d) the treatment applied.
- (4) Records made under this article must be retained for at least 3 years from the date of the slaughter, movement or treatment to which they refer.

#### Textual Amendments

- F18** Words in art. 16(1) inserted (25.5.2009) by [The Products of Animal Origin \(Disease Control\) \(Scotland\) Amendment Order 2009 \(S.S.I. 2009/174\)](#), arts. 1, **11(a)**
- F19** Words in art. 16(1)(a) inserted (25.5.2009) by [The Products of Animal Origin \(Disease Control\) \(Scotland\) Amendment Order 2009 \(S.S.I. 2009/174\)](#), arts. 1, **11(b)**
- F20** Words in art. 16(2) inserted (25.5.2009) by [The Products of Animal Origin \(Disease Control\) \(Scotland\) Amendment Order 2009 \(S.S.I. 2009/174\)](#), arts. 1, **11(c)**
- F21** Word in art. 16(2)(a) substituted (25.5.2009) by [The Products of Animal Origin \(Disease Control\) \(Scotland\) Amendment Order 2009 \(S.S.I. 2009/174\)](#), arts. 1, **11(d)**
- F22** Word in art. 16(2)(b) substituted (25.5.2009) by [The Products of Animal Origin \(Disease Control\) \(Scotland\) Amendment Order 2009 \(S.S.I. 2009/174\)](#), arts. 1, **11(e)**
- F23** Word in art. 16(2)(c) substituted (25.5.2009) by [The Products of Animal Origin \(Disease Control\) \(Scotland\) Amendment Order 2009 \(S.S.I. 2009/174\)](#), arts. 1, **11(d)**
- F24** Art. 16(2)(e) substituted (25.5.2009) by [The Products of Animal Origin \(Disease Control\) \(Scotland\) Amendment Order 2009 \(S.S.I. 2009/174\)](#), arts. 1, **11(f)**
- F25** Art. 16(2A) inserted (25.5.2009) by [The Products of Animal Origin \(Disease Control\) \(Scotland\) Amendment Order 2009 \(S.S.I. 2009/174\)](#), arts. 1, **11(g)**



## PART 3

### Inspection, offences and enforcement

#### Powers and duties of inspectors

17.—(1) An inspector may require a person in possession of any meat to detain that meat at a place specified by the inspector.

(2) An inspector may require a person in possession of meat to dispose of that meat.

(3) An inspector may require a person in possession of meat to treat that meat.

(4) An inspector may carry out such inquiries, examinations and tests and take such samples as that inspector considers necessary.

(5) An inspector may mark any animal, meat or other thing for identification purposes.

(6) An inspector may, by notice to the occupier of any premises or establishment, require the marking of any meat.

(7) An inspector may, by notice to the occupier of any premises or establishment, require the tracing of any meat that the occupier has handled.

(8) An inspector may, by notice to the occupier of any premises or establishment, require the cleansing and disinfection of any part of those premises or that establishment.

(9) An inspector may, by notice to the person in charge of any thing, require the cleansing and disinfection of that thing.

(10) An inspector may, by notice to the occupier of any premises or establishment or the person in charge of any animal, or thing, require—

(a) the isolation of the animal, or thing, in a specified place;

(b) the separation of any animal, or thing, from any other animal, or thing.

(11) An inspector may inspect and copy any records (in whatever form they are held) kept under this Order and remove such records so they may be copied.

(12) An inspector may inspect and check the operation of any computer and associated apparatus or material used in connection with the making and keeping of records under this Order.

(13) An inspector may require computer records to be produced in a form which may be taken away.

(14) An inspector who enters any premises, establishment or vehicle may be accompanied by—

(a) such other persons as that inspector considers necessary; <sup>F26</sup> ...

<sup>F27</sup>(b) .....

(15) An inspector who enters any unoccupied premises or unoccupied establishment must leave them as effectively secured against unauthorised entry as the inspector found them.

#### Textual Amendments

**F26** Word in art. 17(14) omitted (31.12.2020) by virtue of [The Animal Health \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2019 \(S.S.I. 2019/71\)](#), regs. 1(1)(b), **24(2)(a)**; 2020 c. 1, Sch. 5 para. 1(1)

**F27** Art. 17(14)(b) omitted (31.12.2020) by virtue of [The Animal Health \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2019 \(S.S.I. 2019/71\)](#), regs. 1(1)(b), **24(2)(b)**; 2020 c. 1, Sch. 5 para. 1(1)

### **Provision of reasonable assistance, information and cooperation**

18. Any person required to give reasonable assistance or information to a person executing this Order must, unless the person has reasonable cause, do so without delay.

### **Costs of compliance**

19. The costs incurred by any person in taking any action required under this Order, or of refraining from taking action prohibited under it, must be met by that person unless the Scottish Ministers direct otherwise in writing.

### **Powers of inspectors in case of default**

20. If any person fails to comply with a requirement of or made under this Order, an inspector may take such steps as the inspector considers necessary to ensure the requirement is met, at the expense of that person.

### **Offences by bodies corporate**

21.—(1) If an offence committed by a body corporate is shown—

- (a) to have been committed with the consent or connivance of an officer of the body corporate; or
- (b) to be attributable to any neglect on the officer's part,

the officer as well as the body corporate is guilty of the offence and 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 members in connection with their functions of management as if they were directors of the body.

(3) “Officer”, in relation to a body corporate, means a director, member of the committee of management, chief executive, manager, secretary or other similar officer of the body, or a person purporting to act in any such capacity.

(4) “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.

### **Disapplication of provisions to any person executing or enforcing this Order**

22. Any prohibition or restriction on the movement or use of any thing under this Order does not apply to the following in their execution or enforcement of this Order—

- (a) the Scottish Ministers;
- (b) an inspector of the local authority;
- (c) any other person authorised by the Scottish Ministers or by the local authority to carry out such execution or enforcement.

### **Enforcement**

23. This Order is to be enforced by—

- (a) the Scottish Ministers in any establishment or cutting plant; or
- (b) the local authority, unless the Scottish Ministers direct otherwise.

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**Changes to legislation:** There are currently no known outstanding effects for the The Products of Animal Origin (Disease Control) (Scotland) Order 2008. (See end of Document for details)

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St Andrew's House,  
Edinburgh

*RICHARD LOCHHEAD*  
A member of the Scottish Executive

**Changes to legislation:**

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