

2008 No. 234

ANIMALS

ANIMAL HEALTH

The Bluetongue (Scotland) Amendment Order 2008

Made - - - - *5th June 2008*
Coming into force - - *6th June 2008*

The Scottish Ministers make the following Order in exercise of the powers conferred by sections 1, 8(1), 17(1), 23 and 28 of the Animal Health Act 1981(a), and all other powers enabling them to do so.

Citation and commencement

1. This Order may be cited as the Bluetongue (Scotland) Amendment Order 2008 and comes into force on 6th June 2008.

Amendment of the Bluetongue (Scotland) Order 2008

- 2.—(1) The Bluetongue (Scotland) Order 2008 (b) is amended as follows.
- (2) In article 2(1) (interpretation)—
- (a) for the definition of “animal” substitute—
- ““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;” and
- (b) in the definition of “veterinary inspector”, for “except as provided for in article 21” substitute “except as otherwise provided for in this Order”.
- (3) In article 2 (interpretation), insert after paragraph (3)—
- “(4) A person must comply with any condition contained in a declaration of zone under this Order related to an activity or role of that person.”.
- (4) In article 3 (licences), insert after paragraph (3)—
- “(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.”.

(a) 1981c.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 Scotland Act 1998 (c.46).

(b) S.S.I. 2008/11.

(5) Omit articles 17 (powers of veterinary inspectors in restricted zones), 21 (powers of inspectors and officers), 22 (surveillance) and 25 (general powers of inspectors when entering premises) and insert—

“Powers of veterinary inspectors, officers and inspectors

16A.—(1) A veterinary inspector, or an inspector or 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 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 ensuring that this Order or the Commission Regulation are being complied with.

(3) A person entering premises, a vehicle or 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 vessel under paragraphs (1) or (2) may take with them—

- (a) any equipment; and
- (b) such other person as is appropriate.

(5) A person entering premises under paragraphs (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) mark for identification purposes any animal, carcass or thing;
- (d) detain or isolate any thing;
- (e) require the detention or isolation of any 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 the occupier of premises or keeper of animals on those 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 under this Order, in whatever form that record is held;
- (i) copy any record referred to in paragraph (h);
- (j) inspect and check the operation of any computer and associated apparatus or material used in the connection with the making and keeping of records under this Order.

(7) A veterinary inspector or an inspector or officer of the Scottish Ministers acting under the direction of a veterinary inspector may—

- (a) examine any carcass or thing;
- (b) require the treatment of any animal;
- (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, carcass or thing for the purpose of diagnosis or epidemiological investigation;
- (e) set traps for, and trap midges;
- (f) implement midge control measures;
- (g) require the destruction, burial, disposal or treatment of any thing;

- (h) require the cleansing and disinfection of any part of the premises or of any person, animal, vehicle, vessel or thing on the premises.
- (8) A veterinary inspector may—
- (a) on entering any premises, vehicle or vessel under this Order, examine or if in a protection zone vaccinate any animal;
 - (b) require, by notice, the occupier of premises or the keeper of animals on premises to—
 - (i) allow the vaccination of any animal kept on the premises if within a protection zone;
 - (ii) retain animals for use as sentinel animals or allow the introduction of sentinel animals onto those premises; or
 - (iii) move an animal which has been moved other than in accordance with articles 13, 14 or 19 to a place specified by the veterinary inspector.
- (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.”
- (6) In article 18 (slaughterhouses), after paragraph (2) insert—
- “(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.”
- (7) For article 19 (subsequent movement of animals), substitute—

“Movement of animals

19.—(1) If an animal is moved from a restricted zone to premises in a free area, whether by direct or indirect movement, the occupier of the premises at which the animal is received must notify the Scottish Ministers of such movement within 3 working days of it taking place.

(2) If an animal is moved from a restricted zone to premises in a free area, whether by direct or indirect movement, an inspector may serve a notice on the occupier of the premises or the keeper of any animal at the premises, prohibiting the movement of any animal from the premises except under the authority of a licence issued by an inspector.

(3) If a vaccinated animal is moved from any place in the United Kingdom to premises in a surveillance zone or a free area, it must be accompanied by a veterinary certificate.

(4) In this article—

“indirect movement” means that the animal has been within a restricted zone at any time within the period of 60 days immediately before it is received at the premises in a free area;

“restricted zone” means a zone in the United Kingdom consisting of both protection and surveillance zones;

“vaccinated animal” means an animal vaccinated against bluetongue;

“veterinary certificate” means a certificate by a veterinary surgeon, or a copy, 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; and

“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).”.

(8) Omit articles 23 (vaccination against bluetongue) and 24 (compliance with notices) and insert—

“Obtaining vaccine

22A. No person may obtain vaccine unless authorised to do so.

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.

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.

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.

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.”

RICHARD LOCHHEAD
A member of the Scottish Executive

St Andrew’s House,
Edinburgh
5th June 2008

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Bluetongue (Scotland) Order 2008 ('the principal Order'), mainly to make specific provision for vaccination of animals against bluetongue.

Article 2(2) makes minor amendments to definitions contained in the principal Order. The definition of 'animal' has been expanded to include camelids.

Article 2(3) adds to the existing provision made in relation to declarations of zones under the principal Order, requiring that any conditions in a declaration must be complied with.

Article 2(4) makes a similar adjustment to the existing provision made in relation to licences granted under the principal Order, requiring that any conditions in a licence must be complied with.

Article 2(5) combines provisions contained in various parts of the principal Order relating to powers of inspectors, within a single article. This takes account of what was previously contained within articles 17, 21, 22 and 25 of the principal Order. It also sets out powers available to a veterinary inspector in relation to vaccination within a protection zone (inserted article 16A(8)).

Article 2(6) expands article 18 of the principal Order which deals with the designation of slaughterhouses, providing that the operator of a slaughterhouse in a surveillance zone can only slaughter an animal from a protection zone if licensed to do so.

Article 2(7) makes more detailed provision in relation to animal movements from restricted zones to premises in a free area, and movement of vaccinated animals, replacing article 19 of the principal Order. Provision is made for specified movements to be notified, the requirement to do so being dependent on the nature of the movement and whether it has been made directly or indirectly.

Any vaccinated animal moved from anywhere in the United Kingdom to a surveillance zone or free area must be accompanied by a veterinary certificate, the requirements of such a certificate being set out in the new article 19(4).

Article 2(8) replaces articles 23 (vaccination against bluetongue) and 24 (compliance with notices) of the principal Order with new provisions relating to vaccination and compliance:

New article 22A provides that no person is able to obtain vaccine unless authorised to do so.

New article 22B sets out, with exceptions, the general prohibition on vaccination.

New article 22C enables Scottish Ministers to declare a vaccination zone, and sets out the action to be taken within such a zone. Separate vaccination provision is made for sheep and cattle, and for other animals. Any occupier of premises or keeper of animals is required to comply with conditions relating to vaccination set out in the declaration by Scottish Ministers.

New article 22D provides that costs incurred by any person in taking action, or refraining from taking any prohibited action, are, in normal circumstances, to be met by that person.

New article 22E sets out the powers of inspectors in cases of default, providing that they can take any necessary action to ensure that a requirement is met, and that the costs of such action are recoverable summarily by the Scottish Ministers from that person.

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