

## SCOTTISH STATUTORY INSTRUMENTS

# 2014 No. 71

## The Tuberculosis (Scotland) Amendment Order 2014

PROSPECTIVE

### Amendments to the Tuberculosis (Scotland) Order 2007

- 2.**—(1) The Tuberculosis (Scotland) Order 2007(1) is amended as follows.
- (2) In article 2 (interpretation), after the definition of “approved disinfectant” insert—
- ““approved veterinary surgeon” means a veterinary surgeon who is approved in accordance with article 2A;”.
- (3) After article 2 insert—

#### “Approval of veterinary surgeons

**2A.**—(1) The Scottish Ministers may approve any veterinary surgeon whom they consider competent to apply and read diagnostic tests for tuberculosis.

(2) For the purpose of deciding whether to grant an approval under this article, the Scottish Ministers may require a veterinary surgeon to complete such training as they consider necessary.

(3) The Scottish Ministers may by notice given to the veterinary surgeon revoke an approval granted under this article, giving reasons for the revocation.”.

- (4) In article 6 (veterinary inquiry)—
- (a) in paragraph (2), for “A veterinary inspector who has examined a bovine animal and is of the opinion that it”, substitute “A veterinary inspector who is of the opinion that a bovine animal”; and
- (b) for paragraph (3) substitute—
- “(3) A notice served under this article shall remain in force until the notice is withdrawn by a further notice served by a veterinary inspector.”.
- (5) In article 8(3)(b) (pre movement testing), for “a veterinary inspector” substitute “an approved veterinary surgeon”.
- (6) In article 10(1) (application of test), for “a veterinary inspector” substitute “an approved veterinary surgeon”.
- (7) For article 11 (restriction on movement after application of test) substitute—

#### “Restriction on movement after application of test

**11.** Unless under the authority of a licence issued by a veterinary inspector, no person shall move a bovine animal from the premises on which it is kept where—

- (a) a diagnostic test for tuberculosis has been applied; and

**Status:** This version of this provision is prospective.

**Changes to legislation:** There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Tuberculosis (Scotland) Amendment Order 2014. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (b) the results of the test have not yet been read.

### **Restriction on movement etc. on positive or inconclusive test results**

**11A.**—(1) Paragraph (2) applies where—

- (a) a diagnostic test for tuberculosis has been applied to a bovine animal;
- (b) the results of that test have been read by an inspector or an approved veterinary surgeon;
- (c) the inspector or, as the case may be, approved veterinary surgeon is satisfied that the test results reveal that the bovine animal is either a reactor, or an inconclusive reactor; and
- (d) the keeper is informed of the test results by a person who has received consent to test under article 26(a).

(2) Where this paragraph applies the keeper must ensure that—

- (a) the movement of bovine animals is restricted to the extent that no such animal may be moved on or off the premises on which it is kept at the point when this paragraph applies, except under the authority of a licence issued by a veterinary inspector;
- (b) every reactor and inconclusive reactor is isolated from other animals on the premises;
- (c) no milk from a reactor is placed in a bulk milk tank; and
- (d) where the reactor is kept on premises with a dairy herd of bovine animals, any commercial buyer of the milk from the herd in which the reactor was found is informed of the loss of tuberculosis-free status of the herd.

(3) Any restriction or requirement imposed by paragraph (2)(a) or (b) remains in force until a veterinary inspector serves a notice amending or withdrawing that restriction or requirement.

(4) Any restriction or requirement imposed by paragraph 2(c) or (d) remains in force until a veterinary inspector serves a notice withdrawing that restriction or requirement.

(5) In this article—

“inconclusive reactor” means a bovine animal whose test results from a first diagnostic test for tuberculosis are not negative, but whose results are not deemed to be positive; and

“loss of tuberculosis-free status” means the herd no longer satisfies the conditions laid down in Annex A, Section I, paragraphs 1 and 2 of Council [Directive 64/432/EEC](#) on animal health problems affecting intra-Community trade in bovine animals and swine<sup>(2)</sup>.”

(8) In article 20(2)(b) (notices, licences etc), for “a veterinary” substitute “an”.

(9) In article 21 (facilitating examination etc)—

- (a) after “an inspector” insert “or an approved veterinary surgeon”;
- (b) in sub-paragraph (a), after “veterinary inspector” insert “or an approved veterinary surgeon”; and
- (c) after “the inspector” insert “or, as the case may be, the approved veterinary surgeon”.

(10) In article 22(1) (default), after “an inspector” where it first occurs insert “or an approved veterinary surgeon”.

(2) OJ No L 121 29.7.1964, p.64, as last amended by Council Directive 2013/20/EU of 13 May 2013.

**Status:** This version of this provision is prospective.

**Changes to legislation:** There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Tuberculosis (Scotland) Amendment Order 2014. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

(11) In article 23 (marking of bovine animals)—

(a) in paragraph (1)—

(i) after “a veterinary inspector” insert “or an approved veterinary surgeon”; and

(ii) after “the veterinary inspector” insert “or, as the case may be, the approved veterinary surgeon”; and

(b) in paragraph (2), after “veterinary inspector” insert “or, as the case may be, approved veterinary surgeon”.

#### Commencement Information

**II** Art. 2 in force at 6.4.2014, see [art. 1](#)

**Status:**

This version of this provision is prospective.

**Changes to legislation:**

There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Tuberculosis (Scotland) Amendment Order 2014. Any changes that have already been made by the team appear in the content and are referenced with annotations.

[View outstanding changes](#)

**Changes and effects yet to be applied to :**

- art. 2 coming into force by [S.S.I. 2014/71 art. 1](#)

**Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:**

- Order revoked by [S.S.I. 2023/93 sch.](#)