

2021 No. 130

ANIMALS

**The Animal Health (Notification and Control Measures)
(Miscellaneous Amendments) (Scotland) Order 2021**

<i>Made</i> - - - -	<i>10th March 2021</i>
<i>Laid before the Scottish Parliament</i>	<i>12th March 2021</i>
<i>Coming into force</i> - -	<i>21st April 2021</i>

The Scottish Ministers make the following Order in exercise of the powers conferred on them by sections 1, 7(1), 8(1), 15(4), 15(5)(b), 17(1), 23, 29, 72, 87(2) and 88(2) 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 Animal Health (Notification and Control Measures) (Miscellaneous Amendments) (Scotland) Order 2021 and comes into force on 21 April 2021.

Amendment of the Zoonoses Order 1989

2.—(1) The Zoonoses Order 1989(b) is amended in accordance with this article.

(2) In article 3 (interpretation)(c), in the definition of “animal” after “by article 4(1A)” insert “(severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2)) or (1B) (*Coxiella burnetii*)”.

(3) In article 4 (designation of organisms for the purposes of section 29)(d)—

(a) after paragraph (1A) insert—

“(1B) *Coxiella burnetii*, being an organism carried in animals which constitutes a risk to human health, is designated for the purposes of section 29 of the Act.”,

(b) in paragraph (3)(e)—

(i) for “paragraph 3 of schedule 5” substitute “paragraph 5 of schedule 3”,

(ii) for “organism designated by paragraph (1A)” insert “organisms designated by paragraphs (1A) and (1B)”.

(4) In article 8 (reporting of presence of designated organisms)(f), in paragraph (5)(a)—

(a) for “a bull, cow, steer, heifer, calf” substitute “any cattle (including water buffalo and bison)”.

(a) 1981 c.22. Powers to make Orders under these sections were originally conferred on “the Minister” and “the Ministers”, as defined in section 86(1) of the Animal Health Act 1981. The functions of the Minister and the Ministers, insofar as within devolved competence, were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46).

(b) S.I. 1989/285.

(c) The definition of “animal” in article 3 was amended by S.S.I. 2021/83.

(d) Article 4(1A) was inserted by S.S.I. 2021/83.

(e) Article 4(3) was inserted by S.S.I. 2021/83.

(f) Article 8 was amended by S.S.I. 2021/83.

- (b) for “ or rabbit” substitute “, rabbit or dog”,
- (c) after “designated in article 4(1A)” insert “or (1B)”.

Amendment of the Specified Diseases (Notification) Order 1996

3.—(1) The Specified Diseases (Notification) Order 1996(a) is amended in accordance with this article.

- (2) In article 3 (notification of specified diseases)(b)—
 - (a) in paragraph (1)(b), after “Schedule 1” insert “and Schedule 1A”, and
 - (b) in paragraph (4), after “Schedule 1” insert “or Schedule 1A”.
- (3) After article 4 (notification of spongiform encephalopathy) insert—

“Notification of infection with *Batrachochytrium salamandrivorans*

4A.—(1) For the purposes of the Animal Health Act 1981 in its application to this article—

- (a) the definition of “animals” in section 87(1) is extended to comprise four-footed amphibians of the group Caudata (including the group Urodela),
- (b) the definition of “disease” in section 88(1) is extended to comprise infection with *Batrachochytrium salamandrivorans*.

(2) A person who—

- (a) has possession, or is in charge, of an amphibian of the type mentioned in paragraph (1)(a) or a carcase, and
- (b) knows or reasonably suspects that the amphibian or carcase is infected with *Batrachochytrium salamandrivorans*,

must give notice of that knowledge or reasonable suspicion as soon as practicable in accordance with article 5(1).

(3) A veterinary surgeon, or other person, who—

- (a) examines or inspects an amphibian of the type mentioned in paragraph 1(a) or a carcase in the course of the person’s duties, and
- (b) reasonably believes the amphibian or carcase to be infected with *Batrachochytrium salamandrivorans*,

must give notice of that belief as soon as practicable in accordance with article 5(1).

(4) A person who—

- (a) analyses a sample taken from an amphibian of the type mentioned in paragraph 1(a) or carcase, and
- (b) reasonably suspects that the amphibian or carcase is infected with *Batrachochytrium salamandrivorans*,

must give notice of that suspicion as soon as practicable in accordance with article 5(1).

(5) In this article “carcase” means a carcase of the type of amphibian referred to in paragraph 1(a) and includes part of such a carcase or any portion thereof.

(a) S.I. 1996/2628.

(b) Article 3 was amended by S.S.I. 2016/41.

Notification of Ebola virus

4B.—(1) For the purposes of the Animal Health Act 1981 in its application to this article—

- (a) the definition of “animals” in section 87(1) is extended to comprise relevant primates,
- (b) the definition of “disease” in section 88(1) is extended to comprise infection with Ebola virus.

(2) A person who—

- (a) has possession, or is in charge, of a relevant primate or a carcase, and
- (b) knows or reasonably suspects that the relevant primate is infected with Ebola virus,

must give notice of that knowledge or reasonable suspicion as soon as practicable in accordance with article 5(1).

(3) A veterinary surgeon, or other person, who—

- (a) examines or inspects a relevant primate or a carcase in the course of the person’s duties, and
- (b) reasonably believes the relevant primate to be infected with Ebola virus,

must give notice of that belief as soon as practicable in accordance with article 5(1).

(4) A person who—

- (a) analyses a sample taken from a relevant primate or carcase, and
- (b) reasonably suspects that the relevant primate or carcase is infected with Ebola virus,

must give notice of that suspicion as soon as practicable in accordance with article 5(1).

(5) In this article—

“carcase” means a carcase of a relevant primate and includes part of such a carcase or any portion thereof,

“relevant primate” means a primate other than man.”.

(4) In article 6 (offences) for “article 3 or 4” insert “article 3, 4, 4A or 4B”.

(5) In the list of diseases in Part 1 of schedule 1 (specified diseases)(a)—

- (a) after the disease name “Contagious agalactia”, insert “Contagious caprine pleuropneumonia”,
- (b) after the disease name “Goat pox”, insert “Infection with *Burkholderia mallei* (glanders)”,
- (c) after the disease name “Rift Valley Fever”, insert “Surra (*Trypanosoma evansi*)”.

(6) After schedule 1 (specified diseases) insert—

“SCHEDULE 1A

Article 3

Further specified diseases

Bovine genital campylobacteriosis

Infection with porcine reproductive and respiratory syndrome virus

Infectious bovine rhinotracheitis/ infectious pustular vulvovaginitis

Paratuberculosis

(a) Part 1 of schedule 1 was relevantly amended by S.I. 1998/1645, S.S.I. 2003/91, S.S.I. 2012/178 and S.S.I. 2016/41.

Trichomonosis”.

Amendment of the Diseases of Poultry (Scotland) Order 2003

4.—(1) The Diseases of Poultry (Scotland) Order 2003(a) is amended in accordance with this article.

(2) After article 3 (interpretation)(b) insert—

“Notification procedures to be taken where infection with avian mycoplasmosis or avian chlamydiosis is suspected

3A. A person who—

- (a) analyses a sample taken from a bird or carcase, and
- (b) reasonably suspects that the bird or carcase is infected with avian mycoplasmosis (infection with *Mycoplasma gallisepticum* and *M. meleagridis*) or avian chlamydiosis,

must immediately inform an authorised veterinary inspector of that suspicion.”.

BEN MACPHERSON

Authorised to sign by the Scottish Ministers

St Andrew’s House,
Edinburgh
10th March 2021

(a) S.S.I. 2003/354.

(b) Article 3 was relevantly amended by S.S.I. 2013/173.

EXPLANATORY NOTE

(This note is not part of the Order)

Article 2 of this Order amends the Zoonoses Order 1989 (“the Zoonoses Order”), which makes provision for the control of organisms carried in animals which constitute a risk to human health.

Article 2(2) of the Order amends the definition of “animal” within article 3 (interpretation) of the Zoonoses Order. Article 2(3) amends article 4 (designation of organisms for the purposes of section 29 of the Animal Health Act 1981) of the Zoonoses Order. It designates *Coxiella burnetii* as an organism carried in animals which constitutes a risk to human health and provides for provisions of that Act to apply in relation to the presence of *Coxiella burnetii* in any kind of mammal (except man) as if the presence of *Coxiella burnetii* were a disease to which that Act applied.

Article 2(4) of this Order amends article 8 of the Zoonoses Order (reporting of presence of designated organisms). Article 8 contains a duty to make a report to a veterinary officer of the Scottish Ministers where the presence or former presence of the organism mentioned in article 4 of the Zoonoses Order is identified in certain animals by laboratory or other examination (“the zoonoses reporting duty”). Article 8 is amended so that the zoonoses reporting duty applies in relation to the presence or former presence of *Coxiella burnetii* in any kind of mammal (except man). Article 8 is also amended so that the zoonoses reporting duty, insofar as relating to organisms of the genera *Salmonella* and *Brucella*, applies when the presence or former presence of the organism is identified in any cattle (including water buffalo and bison) or any dog.

Article 3 of the Order amends the Specified Diseases (Notification) Order 1996 (“the Specified Diseases Order”), which makes provision regarding duties of notification regarding animal diseases.

Article 3(2) amends article 3 (notification of specified diseases) of the Specified Diseases Order to extend, for the purposes of the Animal Health Act 1981 in its application to article 3 of the Specified Diseases Order, the definition of disease in section 88(1) of the Animal Health Act 1981 to comprise the five diseases listed in the new schedule 1A (further specified diseases) of the Specified Diseases Order. New schedule 1A is inserted into the Specified Diseases Order by article 3(6) of the Order. Article 3(2) of the Order also amends article 3(4) of the Specified Diseases Order to require that a person who, following analysis of a sample taken from any cattle, sheep, goats, ruminating animals, swine or ungulates (or a carcass of such an animal), suspects that the animal or carcass is infected with any disease listed in new schedule 1A must give notice to an veterinary inspector authorised by the Scottish Ministers, an inspector or a constable.

Article 3(3) inserts a new article 4A (notification of infection with *Batrachochytrium salamandrivorans*) into the Specified Diseases Order. The new article 4A contains notification duties regarding the suspicion, belief and knowledge of infection with *Batrachochytrium salamandrivorans* in four-footed amphibians of the group Caudata. Article 3(3) also inserts new article 4B (notification of Ebola virus) into the Specified Diseases Order. The new article 4B contains notification duties regarding the suspicion, belief and knowledge of and infection with Ebola virus in primates (other than man). Article 3(4) amends article 6 (offences) of the Specified Diseases Order to provide that breach of either of new articles 4A and 4B is an offence.

Article 3(5) amends the list of diseases in schedule 1 (specified diseases) of the Specified Diseases Order. This has the effect of extending the duties of notification in article 3 of the Specified Diseases Order so that they apply in relation to the suspicion, belief and knowledge of infection with contagious caprine pleuropneumonia, infection with *Burkholderia mallei* (glanders) and surra.

Article 4 of the Order amends the Diseases of Poultry (Scotland) Order 2003 (“the Diseases of Poultry Order”), which makes provision for the control of diseases in birds. Article 4(2) inserts a new article 3A (notification procedures to be taken where infection with avian mycoplasmosis or avian chlamydiosis is suspected) into the Diseases of Poultry Order. The new article 3A places a duty to give notice to a veterinary inspector authorised by the Scottish Ministers on any person

who, following analysis of a sample taken from a bird or carcase of a bird, suspects that the bird or carcase is infected with avian mycoplasmosis or avian chlamydiosis.

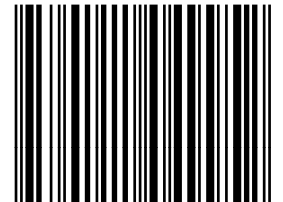
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