

ANIMAL HEALTH AND WELFARE (SCOTLAND) ACT 2006

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 1 – Animal Health

Section 4 – Biosecurity codes

16. Section 4 of the Act (inserting sections 6C and 6D into the 1981 Act) provides a power to allow Scottish Ministers to issue “Biosecurity codes”.
17. Subsections (4) and (7) of section 6C clarify that the Scottish Ministers may make biosecurity codes to deal with a range of scenarios in respect of particular diseases of animals (as defined by section 87 of the 1981 Act) and groups/species of animals (meaning any mammal except man), birds or amphibians. For example, the Scottish Ministers may issue a separate code for cattle and a separate one for sheep. Similarly, it allows for the issue of separate codes for individual diseases. Any code issued applies to persons who own, keep or are in charge of any creature of a kind to which the code relates. To that extent it is irrelevant whether the creatures are kept on agricultural land or not. The code may specify mandatory requirements, the breach of which would result in a criminal offence being committed. There could be other parts of the code which would be for guidance only.
18. Subsection (2) provides that biosecurity measures are measures for preventing the spread of diseases of animals, the spread of causative agents of diseases of animals among animals, bird or amphibians, between those creatures or from any of those creatures to humans. Subsection (3) defines “causative agent” in relation to a disease.
19. Subsection (6) provides that biosecurity codes may prescribe general or detailed requirements for persons who own, keep or are in charge of any creature to which the code applies.
20. Subsection (11) provides that biosecurity codes will be subject to consultation with the appropriate bodies. The resulting statutory instrument must be laid before and approved by the Scottish Parliament.
21. Where there has been an outbreak of a disease specified in Schedule 2B (see section 9) or some other emergency relating to a disease of animals (as defined by section 87 of the 1981 Act) which requires either a new code or an amendment to an existing code to help combat the outbreak, the Scottish Ministers have the power to make an emergency order under section 6D(1).
22. An emergency order allows the Scottish Ministers to make the statutory instrument at a time of animal disease emergency without the requirement to consult interested parties. It must include a description of the emergency giving rise to the need to use the emergency procedure. The emergency order would cease to have effect at the end of

*These notes relate to the Animal Health and Welfare (Scotland)
Act 2006 (asp 11) which received Royal Assent on 11 July 2006*

28 days beginning with the date on which it was made unless, before the expiry of that period, the order had been approved by the Scottish Parliament.