

ANIMAL HEALTH AND WELFARE (SCOTLAND) ACT 2006

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 1 – Animal Health

Section 5 – Tests and samples

23. Section 5 of the Act (inserting sections 6E and 6F into the 1981 Act) provides additional powers for inspectors, appointed or authorised by the Scottish Ministers, to enter any premises and to take samples and carry out tests, to ascertain whether there is any evidence that there is, or has been, a biological indicator of animal disease or such indicators of any causative agent of disease, on the premises. Subsection 6E(4) defines “biological indicator” and “causative agent”. Such samples and tests may be applied to any animal (meaning any mammal except man), bird or amphibian. Premises includes any land, building or any other place including a vehicle, vessel, tent or moveable structure.
24. Inserted section 6F also provides that Scottish Ministers may carry out other tests on a sample, already taken under existing legislation, for the purposes of monitoring, control or prevention of disease of animals (as defined by section 87 of the 1981 Act). In the event that the Scottish Ministers did not carry out the initial sampling and therefore do not possess the relevant sample, subsection (4) provides that they may instruct the person who does possess it to give it to them for the purposes of the further tests.