

## SCHEDULE 1

Articles 27(2) and 28

### Cleansing and Disinfection of premises

#### PART 1

##### General procedures for cleansing and disinfection of premises

**1.** This Part applies to all cleansing and disinfection of premises (including cleansing and disinfection of vehicles, equipment and other things liable to spread disease on those premises).

**2.** The Scottish Ministers may by notice served on the occupier of any premises direct that any cleansing and disinfection operation shall be carried out by that person and such notice shall specify whether such cleansing and disinfection is to be carried out at the expense of that person or at the expense of the Scottish Ministers.

**3.** Every person carrying out cleansing or disinfection of premises under this Order shall do so in accordance with this Schedule and with any directions given by an inspector.

**4.** Disinfectants shall be—

- (a) approved for use for the purposes of this Order and the Foot-and-Mouth Disease (Slaughter and Vaccination) (Scotland) Regulations 2006 by the Diseases of Animals (Approved Disinfectants) Order 1978(1);
- (b) used at the concentration specified in that Order; and
- (c) used in accordance with the manufacturer's instructions or recommendations (if any) and in particular, if use is recommended before any date, used before that date.

**5.** Used litter and faecal matter shall be thoroughly soaked with disinfectant.

**6.** After carrying out operations described in paragraph 5, all surfaces which may be contaminated shall be subject to a further application of disinfectant for a minimum contact time as stipulated in the manufacturer's recommendations.

**7.** All surfaces which may be contaminated shall be brushed and scrubbed thoroughly, in particular floors, ramps, walls and the ground, followed by an application of disinfectant.

**8.** Equipment or other things obstructing thorough cleansing and disinfection shall be moved or dismantled where this is reasonably practicable.

**9.** Water used for cleansing shall be disposed of so as to minimise the risk of spread of the disease virus.

**10.** Washing of surfaces with liquids under pressure shall be carried out so as to minimise any risk of contamination.

**11.** Equipment, installations or other things which may be contaminated shall be cleansed and disinfected or destroyed.

**12.—(1)** All cleansing and disinfection operations shall be recorded in writing by the person carrying it out.

(2) The record shall include the date and time of the operation.

(3) The person in charge of a vehicle which is cleansed and disinfected under this Schedule shall ensure, so far as is possible, that the record is kept with the vehicle at all times.

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(1) S.I. 1978/32, amended by this Order; there are other amending instruments but none is relevant.

## PART 2

### Cleansing and disinfection of infected premises

13. This Part applies to the cleansing and disinfection of infected premises.

#### **Preliminary disinfection of infected premises**

14. Cleansing and disinfection shall be carried out during and immediately following slaughter so as to minimise the risk of disease spread and in accordance with the directions of an inspector.

15. Following slaughter—

- (a) every carcase shall be sprayed with disinfectant;
- (b) carcasses (together with any tissue, blood or contaminated material spilled during or immediately following slaughter) removed from the premises for disposal shall be contained in covered, leak-proof containers; and
- (c) all parts of the premises which housed susceptible animals, and any parts of buildings and yards and other surfaces which may have been contaminated during or after slaughter, shall be sprayed with disinfectant.

16. Disinfectant shall not be removed for at least 24 hours after application.

#### **Final cleansing and disinfection of infected premises**

17. Grease and dirt shall be removed from all surfaces by the application of a degreasing agent and washed with water.

18. Following degreasing and washing with water, disinfectant shall be reapplied.

19. At least seven days after the reapplication of disinfectant, the operations in paragraphs 17 and 18 shall be repeated, followed by final washing with water.

## PART 3

### Disinfection of contaminated used litter, manure and slurry

20. This Part shall apply to the disinfection of contaminated used litter, manure and slurry on premises except to the extent that it is varied by a notice served on the occupier by the Scottish Ministers.

21. The bedding and the solid phase of manure shall be stacked to heat. Unless otherwise directed by the Scottish Ministers this shall be achieved by adding 100kg granulated quick lime to each 1m<sup>3</sup> of material. The stack shall be heated to a temperature of at least 70°C throughout, sprayed with disinfectant and left for at least 42 days. During this period the stack shall either be covered or re-stacked so as to ensure thermic treatment of all layers.

22.—(1) The slurry and the liquid phase of manure shall be stored for at least the period in sub paragraph (2) after the last addition of infective material.

(2) The period for the purposes of sub paragraph (1) is 42 days or such other period as the Scottish Ministers directs by notice served on the occupier having taken into account—

- (a) the extent of the contamination;
- (b) the weather conditions; and
- (c) the pH of the substance after disinfection and its likely effect on the disease virus.

## PART 4

### Special cases

**23.** Where the Scottish Ministers are satisfied that, for technical or security reasons, cleansing and disinfection of premises cannot be completed in accordance with the preceding requirements of this Schedule, they shall serve a notice on the occupier notifying the occupier of that opinion and paragraph 24 then applies to those premises.

**24.** Cleansing and disinfection of premises served with a notice under paragraph 23 shall be carried out in accordance with the directions of an inspector in such a manner as to minimise the risk of the spread of the disease virus.

### SCHEDULE 2

Articles 8(3), 8(5), 9(1) and (2) 10(2),  
13(7) and 16(3)

#### Measures applicable to premises on suspicion or confirmation of disease

##### **Record keeping**

**1.**—(1) Subject to sub paragraph (4), the occupier shall create and maintain the following records in respect of the premises—

- (a) the number of each species of animal;
- (b) for each species of susceptible animal, the number of dead animals, the number suspected of being infected and the number suspected of being contaminated; and
- (c) the stock of milk, milk products, meat, meat products, carcasses, hides and skins, wool, semen, embryos, ova, slurry, manure, fodder and used litter,

and immediately communicate such records to the Divisional Veterinary Manager in the form required.

(2) Records shall be kept in a form approved for the purpose by the Scottish Ministers.

(3) The occupier shall—

- (a) maintain the records kept under sub paragraph (1)(a) and by updating them within 24 hours of any change;
- (b) communicate changes to the records kept under sub paragraphs (1)(a) and (b) (including new births and deaths) within 24 hours; and
- (c) make all such records available to an inspector on demand, for verification by such inspector, at each visit to the premises.

(4) This paragraph does not apply to any person subject to paragraph 1 of Schedule 4.

##### **Signs publicising infection or suspicion**

**2.** The occupier shall ensure that—

- (a) any signs supplied by the Department are displayed in a conspicuous place at the main entrance to the premises or as directed by an inspector; or
- (b) if no signs have been supplied by the Department, a sign reading “FOOT-AND-MOUTH DISEASE KEEP OUT” in block letters at least 10cm high is erected and maintained at every entrance to the premises.

### **Isolation, removal and detention of susceptible animals**

3.—(1) The occupier shall ensure that susceptible animals are kept in their living quarters or otherwise isolated from persons not attending them and from non-susceptible animals.

(2) On service of a notice by an inspector requiring it the occupier shall—

- (a) isolate any specified animal or group of animals from all other animals on such part of the premises as is specified; or
- (b) remove any specified animal or group of animals from such part of the premises as is specified and detain that animal or those animals on such other part of the premises as is specified.

(3) No person shall move any animal isolated or detained under a notice served under sub paragraph (2) except under the authority of a licence granted by an inspector.

### **Movement of susceptible animals**

4.—(1) Subject to the provisions of this paragraph no person shall move any susceptible animal on to or off the premises.

(2) The prohibition in sub paragraph (1) does not apply to susceptible animals leaving contact premises (other than contact premises in a temporary control zone)—

- (a) under the authority of a licence granted by an inspector and after the incubation periods for all susceptible animals on the premises have elapsed, calculated from the date of imposition of the measures in this Schedule; or
- (b) where the movement is direct to a slaughterhouse for emergency slaughter and is under the authority of a licence granted by an inspector.

(3) No inspector shall grant a licence under sub paragraph (2)(b) unless the inspector is satisfied that the animals to be moved have been clinically examined by a veterinary inspector with a negative result and the slaughterhouse is the nearest slaughterhouse to the premises with capacity to slaughter the animals.

(4) The person in charge of any vehicle used to move susceptible animals under the authority of a licence granted under sub paragraph (2)(b) shall ensure that it is cleansed and disinfected without delay in accordance with article 45.

(5) The prohibition in sub paragraph (1) shall not apply to animals entering or leaving free units (other than free units in a temporary control zone).

(6) The prohibition in sub paragraph (1) shall not apply to the movement of animals from infected premises for slaughter under the authority of a licence granted by the Scottish Ministers due to the existence of exceptional circumstances.

(7) The prohibition in sub paragraph (1) shall not apply to movement from one part of premises to another part of the same premises using a public highway if it is authorised by a licence granted by a veterinary inspector or by an inspector at the direction of a veterinary inspector.

### **Movement of things liable to transmit disease**

5.—(1) Subject to the provisions of this paragraph, no person shall move from the premises any meat, carcase, meat product, milk, milk product, semen, ovum or embryo of a susceptible animal.

(2) Where the Scottish Ministers are satisfied that, due to storage difficulties, it is not reasonable to require milk to be kept on the premises, they may—

- (a) serve a notice requiring that milk is destroyed on the premises; or
- (b) grant a licence authorising milk to be transported under veterinary supervision from the premises to the nearest place available for disposal or treatment to destroy disease.

(3) Transport of milk under the authority of a licence granted under sub paragraph (2)(b) shall be carried out in a vehicle which an inspector has approved as equipped to ensure that there is no risk of spreading disease.

(4) If the Scottish Ministers grant a licence under sub-paragraph (2)(b), they shall serve a notice on the person in charge of the premises to which milk is transported directing the method of disposal or treatment.

#### **Movement of fodder**

6. No person shall move from the premises or cause or permit to be moved any fodder, utensils, wool, hide or skin, bristles, animal waste, slurry, manure or any other thing liable to transmit disease except under the authority of a licence granted by the Scottish Ministers.

#### **Movement of persons on to or off the premises**

7. No person shall enter or leave the premises unless—
- (a) his principal residence is a dwelling on the premises;
  - (b) his place of employment is the premises;
  - (c) it is necessary for the provision of emergency services; or
  - (d) he is authorised to do so by a licence granted by the Scottish Ministers.

#### **Cleansing and disinfection of clothing, etc**

- 8.—(1) No person shall enter or leave the premises—
- (a) wearing clothes or boots which are visibly contaminated with mud, slurry, animal faeces, droppings, excretions or any similar matter; or
  - (b) without cleansing and disinfecting the outer surfaces of that person's footwear in accordance with the directions of an inspector.
- (2) No person shall enter any part of the premises—
- (a) in which an animal which is infected or suspected of being infected is being kept or has recently been kept; or
  - (b) in order to attend to or treat an animal,
- unless wearing clothing and footwear approved by an inspector.

(3) No person shall leave any such part of the premises without having cleansed and disinfected that person's hands to the satisfaction of an inspector and having either—

- (a) cleansed and disinfected that person's clothing and footwear to the satisfaction of an inspector; or
- (b) removed such clothing and footwear for laundering, cleansing and disinfection or destruction as an inspector reasonably directs by notice served on that person.

(4) A notice under sub paragraph (3)(b) shall specify the required method of laundering, cleansing and disinfection or disposal.

#### **Disinfection**

9.—(1) The occupier shall provide and renew such clean water and means of disinfection as an inspector directs at every entrance to the premises and at every entrance to a building where susceptible animals are kept.

(2) The occupier shall ensure that any slurry or shed washings are disinfected in accordance with the directions of an inspector before they are permitted to drain or escape from any part of the premises where an infected animal or an animal suspected of being infected or contaminated is or has been kept.

#### **Movement of vehicles on to or off the premises**

- 10.** No person shall move any vehicle on to or off the premises unless the movement is—
- (a) necessary for the provision of emergency services; or
  - (b) authorised by a licence granted by the Scottish Ministers specifying conditions necessary to minimise the risk of spread of the disease virus.

#### **Movement of non-susceptible animals**

**11.** No person shall move from the premises any non-susceptible animal unless authorised to do so by a licence granted by the Scottish Ministers.

#### **Control of rodents**

**12.** The occupier shall take steps to destroy any rats, mice and other rodents on the premises (other than pet rats, mice and other rodents) so far as this is possible.

### SCHEDULE 3

Article 11(11)

#### Criteria for confirming the disease

**1.** Disease virus has been isolated from an animal, any product derived from that animal, or its environment.

**2.** Clinical signs consistent with the disease are observed in a susceptible animal, and the viral antigen or viral ribonucleic acid (RNA) specific to one or more of the serotypes of the disease virus has been detected and identified in samples collected from the animal or animals of the same epidemiological group.

**3.** Clinical signs consistent with the disease are observed in a susceptible animal and the animal or its cohorts have tested positive for antibody to the disease virus structural or non structural proteins, provided that previous vaccination, residual maternal antibodies or non-specific reactions can be excluded as possible causes of seropositivity.

**4.** Viral antigen or viral RNA specific to one or more of the serotypes of the disease virus has been detected and identified in samples collected from susceptible animals and the animals are positive for antibody to disease virus structural or non-structural proteins, provided that in the case of antibodies to structural proteins previous vaccination, residual maternal antibodies or non-specific reactions can be excluded as possible causes of seropositivity.

**5.** An epidemiological link has been established to infected premises and at least one of the following conditions applies—

- (a) one or more animals are positive for antibody to the disease virus structural or non-structural proteins, provided that previous vaccination, residual maternal antibodies or non-specific reactions can be excluded as possible causes of seropositivity;
- (b) viral antigen or viral RNA specific to one of the serotypes of the disease virus has been detected and identified in samples collected from one or more susceptible animals;

- (c) serological evidence of active infection with the disease has been established in one or more susceptible animals, and previous vaccination, residual maternal antibodies or non-specific reactions can be excluded as possible causes of seropositivity by detection of seroconversion from negative to positive for antibody to the disease virus structural or non structural proteins (where a previous seronegative status cannot reasonably be expected, carried out in paired samples collected from the same animals on two or more occasions at least 5 days apart, in the case of structural proteins, and at least 21 days apart, in the case of non-structural proteins);
- (d) clinical signs consistent with the disease are observed in a susceptible animal.

#### SCHEDULE 4

Article 21(2), 33(1) and paragraph 1 of  
Schedule 2

#### Measures applicable in protection zones and surveillance zones

### PART 1

#### Measures applicable in both protection zones and surveillance zones

##### **Record keeping in protection and surveillance zones**

1.—(1) The occupier of each premises keeping susceptible animals within a protection zone or a surveillance zone shall create and maintain the following records in respect of the premises—

- (a) the number of each species of animal kept;
- (b) for each species of susceptible animal, the number of dead, the number suspected of being infected and the number suspected of being contaminated;
- (c) the stock of milk, milk products, meat, meat products, carcasses, hides and skins, wool, semen, embryos, ova, slurry, manure, fodder and used litter.

(2) Records shall be kept in a form approved for the purpose by the Scottish Ministers.

(3) The occupier shall maintain the records kept under sub paragraphs (1)(a) and (1)(b) by updating them within 24 hours of any change.

##### **Straying of susceptible animals**

2.—(1) The keeper of a susceptible animal in a protection zone or a surveillance zone shall take all such steps as are necessary to prevent it from straying from the premises on which it is kept.

(2) An inspector may detain any stray or feral susceptible animal found in a protection zone or a surveillance zone and if, having made reasonable inquiries, the inspector cannot ascertain the owner, the inspector may arrange for its destruction.

##### **Control of dogs and poultry in protection zones and surveillance zones**

3.—(1) The owner of any dog in a protection zone or a surveillance zone shall keep it under control by—

- (a) confining it in a dwellinghouse, kennel or other enclosure;
- (b) securing it to a fixed object by a collar and chain; or
- (c) accompanying it or ensuring that it is accompanied by a responsible person.

*Status: This is the original version (as it was originally made).*

(2) An inspector may seize any dog which is not kept under control in accordance with sub paragraph (1) and deal with it as if it was a dog seized under the powers conferred by section 149 of the Environmental Protection Act 1990(2).

(3) An inspector may, if the inspector considers any dog or poultry not to be under control, by notice served on the occupier of any premises where it is kept, require the occupier to keep such dog or poultry under control, or to confine it to the part of the premises specified in the notice.

#### **Shearing or dipping sheep in a protection zone or a surveillance zone**

4.—(1) Subject to the provisions of this paragraph, no person shall—

- (a) shear or dip sheep; or
- (b) handle fleeces or sheep during shearing or dipping,

in a protection zone or a surveillance zone except where authorised by a licence granted by an inspector.

(2) The prohibition in sub paragraph (1) does not apply to the occupier of any premises or the occupier’s employees (other than any person employed by the occupier primarily for the purpose of shearing or dipping sheep) in respect of the shearing or dipping of sheep kept on those premises.

(3) In this article—

- (a) “shearing” includes clipping and dagging; and
- (b) “dipping” includes showering and jetting sheep with sheep dip.

#### **Ultrasound scanning of susceptible animals in a protection zone or a surveillance zone**

5.—(1) Subject to the provisions of this paragraph, no person shall carry out ultrasound scanning, clipping, foot paring, freeze branding or other livestock service of susceptible animals in a protection zone or a surveillance zone except where authorised by a licence granted by an inspector.

(2) The prohibition in sub paragraph (1) shall not apply to the occupier of any premises or the occupier’s employees (other than any person employed by the occupier primarily for the purpose of carrying out the livestock service in question) in respect of the carrying out of ultrasound scanning clipping, foot paring, freeze branding or other livestock service of susceptible animals kept on those premises using equipment of which the occupier is the owner or person in charge.

#### **Semen, ova and embryos collected in a protection zone or a surveillance zone**

6.—(1) This paragraph applies to semen, ova and embryos collected from susceptible animals originating in a protection zone or surveillance zone.

(2) No person shall sell or consign for sale—

- (a) any ova or embryos unless they comply with sub paragraph (3); or
- (b) any semen unless it complies with sub paragraph (3) or (4).

(3) Semen, ova and embryos comply with this sub paragraph if they satisfy the following requirements—

- (a) they are frozen;
- (b) they were collected and stored more than 21 days before the earliest infection date in the protection zone, or in the case of a surveillance zone, the associated protection zone; and
- (c) they have at all times been stored separately from semen, ova and embryos which were not so collected and stored.

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(2) 1990, c. 43.



- (4) Semen complies with this sub paragraph if it satisfies the following requirements—
- (a) it is frozen;
  - (b) it was collected and stored 21 or fewer days before the earliest infection date in the protection zone, or in the case of a surveillance zone, the associated protection zone, or on or after that infection date;
  - (c) it was at all times stored separately from semen which was not so collected and stored;
  - (d) it is not sold or consigned for sale until the premises on which it was collected is no longer in a protection or surveillance zone; and
  - (e) a veterinary inspector certifies by notice served on the owner of the semen that the veterinary inspector has—
    - (i) clinically examined all susceptible animals on the premises on which it was collected;
    - (ii) subjected a serological sample from each such animal to a test with the result that infection is not suspected; and
    - (iii) subjected a serological sample taken from the donor animal 28 days or more after collection of the semen to a test for the detection of antibodies against disease with a negative result.

**Hides and skins of susceptible animals originating in a protection zone or a surveillance zone**

7.—(1) This paragraph applies to hides and skins of susceptible animals originating in a protection zone or a surveillance zone.

(2) No person shall sell or consign for sale any animal product to which this paragraph applies unless either—

- (a) it was—
  - (i) produced more than 21 days before the earliest infection date in the protection zone, or in the case of a surveillance zone, the associated protection zone; and
  - (ii) at all times stored separately from hides and skins which were not so produced; or
- (b) it has been treated so that it falls within paragraph 2 of Schedule 5.

**Wool, ruminant hair and pig bristles from animals originating in a protection zone or a surveillance zone**

8.—(1) This paragraph applies to wool, ruminant hair and pig bristles from animals originating in a protection zone or a surveillance zone.

(2) No person shall sell or consign for sale any animal product to which this paragraph applies unless either—

- (a) it was—
  - (i) produced more than 21 days before the earliest infection date in the protection zone, or in the case of a surveillance zone, the associated protection zone, and
  - (ii) at all times stored separately from wool, ruminant hair and pig bristles which were not so produced; or
- (b) it has been treated so that it falls within paragraph 3 of Schedule 5.

*Status: This is the original version (as it was originally made).*

**Other animal products produced in a protection zone or a surveillance zone or from animals originating in such a zone**

9.—(1) This paragraph applies to animal products other than—

- (a) fresh meat, minced meat, mechanically separated meat and any meat preparation;
- (b) milk and any milk product;
- (c) semen, ova and embryos;
- (d) hides and skins; and
- (e) wool, ruminant hair and pig bristles,

if it is produced in a protection zone or surveillance zone from susceptible animals, or from susceptible animals originating in a protection zone or surveillance zone.

(2) No person shall sell or consign for sale any animal product to which this paragraph applies unless it satisfies one of the following requirements—

- (a) it was—
  - (i) produced more than 21 days before the earliest infection date within the protection zone, or in the case of a surveillance zone, the associated protection zone, and
  - (ii) at all times stored and transported separately from animal products not so produced;
- (b) it has been treated so that it falls within paragraph 4 of Schedule 5;
- (c) where it is referred to in one of paragraphs 5 to 9 of Schedule 5, has been treated so that it falls within that paragraph;
- (d) it forms part of a composite product (that is, a manufactured or processed product containing more than one ingredient at least one of which is an animal product) not subject to further treatment and has either—
  - (i) been treated to ensure the destruction of disease, or
  - (ii) not been produced from susceptible animals originating on infected premises, suspect premises or contact premises or in a temporary control zone, protection zone or surveillance zone or vaccination zone;
- (e) it is a packaged product ready for use—
  - (i) as a reagent, reagent product, calibrator, kit or any other system (whether used alone or in combination),
  - (ii) in vitro for the examination of samples of human or animal origin (with the exception of donated organs or blood), and
  - (iii) solely or principally with a view to the diagnosis of a physiological state, state of health, disease or genetic abnormality or to determine safety and compatibility with reagents.

## PART 2

### Measures applicable only in a protection zone

**Movement of susceptible animals from premises or to premises within a protection zone**

10.—(1) Subject to the provisions of this paragraph, no person shall move any susceptible animal from or to premises within a protection zone.

(2) The prohibition in sub paragraph (1) does not apply to the transport of susceptible animals for emergency slaughter under the authority of a licence granted by an inspector from premises in a protection zone direct to a slaughterhouse—

- (a) in the same protection zone; or
- (b) if there is no slaughterhouse in that protection zone, outside the protection zone.

(3) No inspector shall grant a licence under sub paragraph (2) unless the inspector is satisfied that—

- (a) a veterinary inspector has within the previous 24 hours carried out a clinical examination on every susceptible animal on the premises, and
- (b) there is no suspicion of infection or contamination on the premises.

(4) The person in charge of any vehicle used to move susceptible animals under the authority of a licence granted under sub paragraph (2) shall ensure that it is cleansed and disinfected without delay in accordance with article 45.

(5) The prohibition in sub paragraph (1) does not apply to the movement of animals leaving infected premises for slaughter under the authority of a licence granted under paragraph 4(6) of Schedule 2.

(6) The prohibition in sub paragraph (1) does not apply to movement from one part of premises to another part of the same premises using a public highway under the authority of a licence granted by a veterinary inspector or by an inspector at the direction of a veterinary inspector.

#### **Movement of non susceptible animals from or to premises keeping susceptible animals in a protection zone**

**11.**—(1) Subject to the provisions of this paragraph, no person shall move any non susceptible animal from or to premises keeping susceptible animals in a protection zone.

(2) The prohibition in sub paragraph (1) does not apply to—

- (a) the movement of pet animals which are not susceptible animals;
- (b) the movement of horses under the terms of a licence granted by an inspector; or
- (c) the movement from one part of premises to another part of the same premises using a public highway under the authority of a licence granted by a veterinary inspector or by an inspector at the direction of a veterinary inspector.

(3) Any inspector granting a licence under sub paragraph (2)(b) shall take account of the recommended measures in paragraph 2.2 of Annex VI to the Directive.

#### **Movement of animals into or out of a protection zone**

**12.**—(1) Subject to the provisions of this paragraph, no person shall move any animal into or out of a protection zone.

(2) A person may move an animal into, out of or within a protection zone if the movement is—

- (a) the movement permitted under paragraph 10 or paragraph 11;
- (b) the movement of pet animals which are not susceptible animals;
- (c) the movement of horses under the terms of a licence granted by an inspector;
- (d) transport through the zone without stopping; or
- (e) transport from outside the zone directly to a slaughterhouse in the zone for immediate slaughter there under the terms of a licence granted by an inspector.

(3) Any inspector granting a licence under sub paragraph (2)(c) shall take account of the recommended measures in paragraph 2.2 of Annex VI to the Directive.

*Status: This is the original version (as it was originally made).*

- (4) A licence granted under sub paragraph (2)(e) shall—
- (a) certify that the premises on which the movement originates is outside the protection zone, and
  - (b) specify the route to be taken.
- (5) The person in charge of any vehicle used to transport animals under the authority of a licence granted under sub paragraph (2)(e) shall—
- (a) ensure that it is cleansed and disinfected without delay in accordance with article 45;
  - (b) make a record of the date and time of that cleansing and disinfection;
  - (c) keep the record with the vehicle at all times; and
  - (d) retain the record for six months after the last such cleansing and disinfection.

#### **Movement of vehicles from premises keeping susceptible animals in a protection zone**

**13.** No person shall move any vehicle designed or adapted for the transport of animals from premises keeping susceptible animals within a protection zone except under the authority of a licence granted by an inspector.

#### **Control of animal gatherings in a protection zone**

**14.** No person shall hold an animal gathering in a protection zone.

#### **Control of gatherings of people in a protection zone**

**15.—(1)** No person shall hold or take part in the following activities in a protection zone—

- (a) hunting any drag or other trail;
- (b) falconry, except under the authority of a licence granted by the Scottish Ministers;
- (c) point-to-point meetings;
- (d) stalking;
- (e) shooting game or other wildlife or deer, except that—
  - (i) the occupier of any land, members of the occupier’s household, persons employed by the occupier as beaters and any member of a shooting party of not more than three persons authorised by the occupier, may shoot game, other wildlife or deer found on that land;
  - (ii) a person may shoot birds under the authority of a licence granted by the Scottish Ministers; and
  - (iii) a person may cull deer under the authority of a licence granted by the Scottish Ministers.

(2) Where holding any recreational or sporting activity may, in the opinion of the Scottish Ministers, spread disease, they may prohibit it by serving notice on the person responsible for the activity.

#### **Breeding in a protection zone**

**16.—(1)** No person shall carry out breeding of susceptible animals by means of itinerant service in a protection zone.

(2) No person shall carry out artificial insemination of animals or collect any embryo or ovum in a protection zone except in compliance with sub paragraph (3) or sub paragraph (4).

(3) Artificial insemination of a susceptible animal complies with this sub paragraph if it satisfies the following requirements—

- (a) it is carried out by the occupier of the premises where the animal is kept (or any employee of such occupier);
- (b) the semen used has not left the premises since the protection zone was declared, or was delivered to the occupier or the occupier's employee at a place outside the premises from a semen collection centre;
- (c) it is carried out using equipment which has been on the premises since the protection zone has been declared.

(4) Artificial insemination of a non-susceptible animal or the collection of embryos, or ova from such animal complies with this sub paragraph if—

- (a) it is carried out by the occupier of the premises where the animal is kept (or any employee of such occupier); and
- (b) either no susceptible animals are kept on the premises or (in the case of artificial insemination only) it has been authorised by a licence granted by the Scottish Ministers.

#### **Slaughter for private consumption within a protection zone**

17. No person shall slaughter on any premises within a protection zone any susceptible animal for private consumption on those premises.

#### **Transport of fodder within a protection zone**

18. No person shall transport fodder to any premises within the protection zone keeping susceptible animals except under the authority of a licence granted by an inspector.

#### **Sale of fodder originating in a protection zone**

19. No person shall sell or consign for sale fodder originating in a protection zone unless it satisfies one of the following requirements—

- (a) it was—
  - (i) produced more than 21 days before the earliest infection date within the protection zone; and
  - (ii) at all times stored and transported separately from other fodder and in such a way as to avoid contamination;
- (b) it is authorised for sale within the protection zone to the final user by a licence granted by an inspector;
- (c) it was produced on premises not keeping susceptible animals using raw materials also produced on such premises or raw materials produced outside the protection zone;
- (d) it is forage or straw falling within paragraph 10 of Schedule 5.

#### **Transport, treatment and spreading of dung and manure produced in a protection zone**

20.—(1) This paragraph applies to dung or manure—

- (a) from premises within a protection zone keeping susceptible animals, or
- (b) collected from vehicles carrying susceptible animals from or within a protection zone.

(2) No person shall transport dung or manure to which this paragraph applies unless such transport or spreading complies with sub paragraph (3) or sub paragraph (5), and with sub paragraph (6).

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(3) Transport of dung or manure complies with this sub paragraph where it is to a plant for treatment to destroy the disease virus and is authorised by a licence granted by an inspector.

(4) The occupier of any premises to which dung or manure is transported by authority of a licence granted under sub paragraph (3) shall ensure that it is treated in accordance with point 5 of Section II in Part A of Chapter III of Annex VIII to Regulation (EC) No. 1774/2002, as amended(3).

(5) Transport of dung or manure for spreading complies with this sub paragraph if it satisfies the following requirements–

- (a) the dung or manure is for spreading at premises not keeping susceptible animals;
- (b) the dung or manure was produced more than 21 days before the earliest infection date in the protection zone;
- (c) where the dung or manure is from bovine animals or pigs–
  - (i) all animals on the premises where it was produced have been clinically examined by a veterinary inspector who is satisfied by such examination that they are free of infection; and
  - (ii) the dung or manure was produced at least 4 days before such examination;

(6) Transport of dung or manure complies with this sub paragraph if it is carried out in vehicles which are–

- (a) constructed and maintained so that there is no leakage of the load during transport; and
- (b) cleansed and disinfected after loading and before leaving the premises of origin.

(7) After transporting dung or manure under this paragraph, the person in charge of the vehicle shall ensure it is cleansed and disinfected after unloading or spreading and before leaving the premises of destination.

(8) The person in charge of a vehicle to be cleansed and disinfected under sub paragraph (6) or (7) shall ensure that such cleansing and disinfection is carried out so that–

- (a) the exterior (including the wheels and wheel arches) is not visibly contaminated with mud, dung, manure or similar matter on leaving either premises;
- (b) the interior (excluding any driver or passenger compartment) is not so contaminated on leaving the premises of destination; and
- (c) any additional requirements as an inspector directs are complied with.

(9) No person shall spread dung or manure to which this paragraph applies unless such spreading is authorised by a licence granted by an inspector and the dung or manure –

- (a) is spread from not more than 1 metre above the ground;
- (b) if spread as a liquid is not discharged by equipment producing a jet or spray unless the discharge point is directed downwards at an angle of not less than 45° from the horizontal; and
- (c) once spread is immediately incorporated into the ground;

(10) Any licence granted under sub paragraph (9) shall contain at least the following terms–

- (a) designation of the fields on which dung or manure from bovine animals or pigs may be spread; and
- (b) designation of a distance from premises keeping susceptible animals within which dung or manure must not be spread.

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(3) O.J. No. L 273, 10.10.02, p.1 as last amended by Commission Regulation (EC) No. 668/2004 (O.J. No. L 112, 19.4.04, p.1).

### **Fresh meat etc. derived from susceptible animals originating in a protection zone**

**21.**—(1) This paragraph applies to fresh meat, minced meat, mechanically separated meat and meat preparations derived from susceptible animals originating in a protection zone.

(2) No person shall sell or consign for sale meat to which this paragraph applies or move such meat out of a protection zone unless—

- (a) it was produced more than 21 days before the earliest infection date within the protection zone;
- (b) after production, it was at all times stored and transported separately from products to which this paragraph applies produced on or after that date; and
- (c) it was health marked or identification marked and that mark was overstamped.

### **Fresh meat etc. produced on premises in a protection zone**

**22.**—(1) This paragraph applies to fresh meat, minced meat, mechanically separated meat and meat preparations derived from susceptible animals and produced on premises in a protection zone.

(2) No person shall sell or consign for sale meat to which this paragraph applies or move such meat out of a protection zone unless it has been produced in an establishment which—

- (a) is authorised by a licence granted by the Scottish Ministers imposing such conditions as they consider necessary to ensure strict veterinary control of the establishment;
- (b) processes only meat falling within sub paragraph (3); and
- (c) at all times during the production process stores, identifies and transports products intended to be eligible for despatch outside the protection zone separately from those which are not, and in accordance with the directions of the Scottish Ministers.

(3) Meat falls within this sub paragraph if—

- (a) it was either—
  - (i) produced in the protection zone more than 21 days before the earliest infection date there;
  - (ii) produced from animals reared and slaughtered outside a protection zone; or produced from animals transported to the establishment under the authority of a licence granted under paragraph 12(2)(e), and slaughtered there; and
- (b) it is health marked or identification marked.

### **Meat products produced from meat derived from susceptible animals originating in a protection zone**

**23.**—(1) This paragraph applies to meat products produced from meat derived from susceptible animals originating in a protection zone.

(2) No person shall sell or consign for sale any meat product to which this paragraph applies unless—

- (a) it was produced from fresh meat, minced meat or meat preparations or mechanically separated meat which may be sold or consigned for sale because it complies with paragraph 21(2); or
- (b) it was produced from fresh meat, minced meat or meat preparations or mechanically separated meat which was—
  - (i) health marked or identification marked and that mark was overstamped;

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- (ii) transported in sealed containers to an establishment designated by the Scottish Ministers as authorised to treat meat from a protection zone; and
- (iii) treated at that establishment so that it falls within paragraph 1 of Schedule 5.

**Milk and milk products produced from susceptible animals originating in a protection zone or on premises in a protection zone**

24.—(1) No person shall sell or consign for sale the milk of a susceptible animal originating in a protection zone or any milk product produced from such milk unless it complies with sub paragraph (2) or sub paragraph (3).

- (2) Milk and milk products comply with this sub paragraph if—
  - (a) they were produced more than 21 days before the earliest infection date within the protection zone; and
  - (b) they have at all times been stored and transported separately from milk and milk products produced on or after that date.
- (3) Milk and milk products comply with this sub paragraph if—
  - (a) they have been treated so as to fall within paragraph 13 or paragraph 14 of Schedule 5; and
  - (b) that treatment was carried out either—
    - (i) in the protection zone on premises complying with sub paragraph (6); or
    - (ii) if there are no such premises, outside the protection zone on such premises as the Scottish Ministers direct.
- (4) No person shall sell or consign for sale the milk of a susceptible animal produced on premises in the protection zone or any milk product produced from such milk unless—
  - (a) the transport of raw milk from outside a protection zone to those premises complies with sub paragraph (5); and
  - (b) those premises comply with sub paragraph (6).
- (5) Transport of raw milk complies with this sub paragraph if—
  - (a) the vehicle was cleansed and disinfected at the premises of origin and before loading in accordance with the directions of an inspector; and
  - (b) the vehicle did not enter any other premises keeping susceptible animals within a protection zone after that cleansing and disinfection.
- (6) Premises comply with this sub paragraph if they satisfy the following requirements—
  - (a) they are authorised by a licence granted by the Scottish Ministers imposing such conditions as they think necessary to ensure strict veterinary control;
  - (b) they are operated so that all milk transported to the premises—
    - (i) complies with sub paragraph (2) or sub paragraph (3)
    - (ii) it is transported to the premises for treatment so that it complies with sub paragraph (3); or
    - (iii) is raw milk produced outside the protection zone; and
  - (c) they are operated so that milk on the premises and leaving the premises is clearly identified as eligible for sale outside the protection zone to the final consumer and is at all times stored and transported separately from raw milk and raw milk products which are not so eligible.



### **Collection, transport and processing of milk and milk products produced in a protection zone**

**25.**—(1) No person shall collect and transport milk produced on premises keeping susceptible animals in a protection zone out of that protection zone or process any such milk unless such transport complies with sub paragraph (2) and is carried out in a vehicle which complies with sub paragraph (3).

(2) Transport complies with this sub paragraph if it is—

(a) transport of samples of raw milk—

(i) to a laboratory authorised in respect of disease under article 4 of the Specified Animal Pathogens Order 1998; or

(ii) to another laboratory under the authority of a licence granted by an inspector; or

(b) transport to premises other than a laboratory under the authority of a licence granted by an inspector.

(3) A vehicle complies with this sub paragraph if it—

(a) has been authorised to operate within the part of Scotland in which the journey is to take place by a licence granted by the Scottish Ministers; and

(b) has been marked so as to identify the geographical area in which it is authorised to operate in accordance with the directions of the Scottish Ministers.

(4) A licence granted under sub paragraph (2)(b) shall specify the route to be taken and shall include a condition prohibiting the vehicle from entering any premises in the zone keeping susceptible animals for purposes other than to load milk.

(5) Any person transporting milk under the authority of a licence granted under sub paragraph 2(b) shall ensure that—

(a) the vehicle used is constructed and maintained so that there is no leakage of milk during transport and is equipped to avoid aerosol dispersion during loading and unloading;

(b) before every loading, the vehicle is cleansed and disinfected in accordance with the directions of an inspector; and

(c) after every loading and before leaving the premises, the connection pipes, tyres, wheel cases and lower parts of the vehicle, and any spillage of milk, are cleansed and disinfected in accordance with the directions of an inspector.

(6) No person shall process milk transported to a laboratory under this paragraph except under the authority of a licence granted by an inspector.

## **PART 3**

### **Measures applicable only in a surveillance zone**

#### **Movement of animals from premises within a surveillance zone**

**26.**—(1) Subject to the provisions of this paragraph, no person shall move any susceptible animal from premises within a surveillance zone.

(2) The prohibition in sub paragraph (1) does not apply to the transport of susceptible animals for emergency slaughter under the authority of a licence granted by an inspector from premises in a surveillance zone direct to a slaughterhouse—

(a) in the same surveillance zone; or

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- (b) where there is no slaughterhouse in that surveillance zone, outside the surveillance zone and its associated protection zone.
- (3) No inspector shall grant a licence under sub paragraph (2) unless the inspector is satisfied that—
  - (a) a veterinary inspector has within the previous 24 hours carried out a clinical examination on every susceptible animal on the premises; and
  - (b) there is no suspicion of infection or contamination on the premises.
- (4) The prohibition in sub paragraph (1) does not apply to transport of susceptible animals for slaughter under the terms of a licence granted by an inspector –
  - (a) direct to a slaughterhouse outside that surveillance zone and its associated protection zone; or
  - (b) direct to a slaughterhouse in that surveillance zone.
- (5) No inspector shall grant a licence under sub paragraph (4) unless the inspector is satisfied that—
  - (a) the records required by paragraph 1 have been maintained in respect of the premises;
  - (b) a veterinary inspector has within the previous 24 hours inspected every susceptible animal on the premises and has carried out a clinical examination of a representative sample of such susceptible animals; and
  - (c) there is no suspicion of infection or contamination on the premises.
- (6) No inspector shall grant a licence under sub paragraph (4)(a) unless the inspector is satisfied that—
  - (a) there is no slaughterhouse within that surveillance zone with sufficient capacity to slaughter the animals; and
  - (b) the slaughterhouse at which slaughter is to take place is the nearest slaughterhouse outside the surveillance zone and its associated protection zone with such capacity.
- (7) A licence granted under sub paragraph (2) or (4) may permit transport through the associated protection zone and in such a case shall include a condition requiring that the vehicle travels through that protection zone without stopping.
- (8) The person in charge of any vehicle used to move susceptible animals under the authority of a licence granted under sub paragraph (2) or sub paragraph (4) shall ensure that it is cleansed and disinfected without delay in accordance with article 45.
- (9) The prohibition in sub paragraph (1) does not apply to the leading of susceptible animals to pasture in that surveillance zone under the authority of a licence granted by an inspector.
- (10) No inspector shall grant a licence under sub paragraph (9) unless—
  - (a) the inspector is satisfied that a veterinary inspector has examined all susceptible animals on the premises (including testing of samples) and concluded that there are no animals suspected of being infected or contaminated on the premises,
  - (b) at least 15 days have elapsed since the most recent confirmed case of the disease in the associated protection zone; and
  - (c) the licence contains terms requiring that animals do not come into contact with susceptible animals from other premises.
- (11) The prohibition in sub paragraph (1) does not apply to movement from one part of premises to another part of the same premises using a public highway under the authority of a licence granted by a veterinary inspector or by an inspector at the direction of a veterinary inspector.

### **Control of animal gatherings and gatherings of people in a surveillance zone**

27.—(1) No person shall—

- (a) hold an animal gathering which includes susceptible animals in a surveillance zone; or
- (b) hold any gathering of people on premises in a surveillance zone in connection with the sale of any susceptible animal kept there at which more than two people (other than the owner or keeper of the animal and their representatives) are present;

except under the authority of a licence granted by the Scottish Ministers.

(2) Subject to sub paragraph (3) no person shall hold or take part in the following activities in a surveillance zone—

- (a) hunting any drag or other trail;
- (b) stalking; or
- (c) shooting deer,

except under the authority of a licence granted by the Scottish Ministers.

(3) Nothing in sub paragraph (2) shall make it unlawful for the occupier of any land, members of the occupier's household, persons employed by the occupier as beaters and any member of a shooting party of not more than three persons authorised by the occupier to shoot deer found on that land.

#### **Fresh meat etc. derived from susceptible animals originating in a surveillance zone**

**28.**—(1) This paragraph applies to fresh meat, minced meat, mechanically separated meat and meat preparations derived from susceptible animals originating in a surveillance zone.

(2) No person shall sell or consign for sale meat to which this paragraph applies or move such meat out of a surveillance zone unless—

- (a) it falls within sub paragraph (3); or
- (b) it is meat (excluding heads, viscera and offal) which complies with sub paragraph (4) or sub paragraph (5) or sub paragraph (6); or
- (c) it falls within sub paragraph (7).

(3) Meat falls within this sub paragraph if it satisfies the following requirements—

- (a) it was produced more than 21 days before the earliest infection date within the associated protection zone;
- (b) after production, it was at all times stored and transported separately from products to which this paragraph applies produced on or after that date; and
- (c) it was health marked or identification marked and that mark was overstamped.

(4) Meat complies with this sub paragraph if it is from ruminants and has been deboned such that it falls within paragraph 11 of Schedule 5 and from a carcase which has been matured such that it falls within paragraph 12 of Schedule 5.

(5) Meat complies with this sub paragraph if—

- (a) the animals from which it was produced were on the same premises for at least 21 days before slaughter and were identified so as to allow the tracing of those premises; and
- (b) the meat has been clearly identified and detained under the supervision of the Scottish Ministers for at least 7 days and until any suspicion of infection on the premises of origin has been ruled out.

(6) Meat complies with this sub paragraph if—

- (a) the animals passed the 21 days before slaughter on the same premises during which no susceptible animal was introduced onto those premises;
- (b) samples taken within 48 hours before loading have been tested with negative result in an assay for the detection of antibodies against the disease virus; and

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- (c) the meat has been detained under the control of the Scottish Ministers for 2 hours and released only after a repeat inspection of the animals in the premises of origin has ruled out on clinical inspection the presence of infected animals or animals suspected of being infected.
- (7) Meat falls within this sub paragraph if–
- (a) it is trimmed offal;
  - (b) it was health marked or identification marked and that mark was overstamped; and
  - (c) it was subsequently treated so that it falls within paragraph 1 of Schedule 5.

#### **Fresh meat etc. produced on premises in a surveillance zone**

**29.**—(1) This paragraph applies to fresh meat, minced meat, mechanically separated meat and meat preparations derived from susceptible animals and produced on premises in a surveillance zone.

(2) No person shall sell or consign for sale meat to which this paragraph applies or move such meat out of a surveillance zone unless it has been produced in an establishment which–

- (a) is authorised by a licence granted by the Scottish Ministers imposing such conditions as they consider necessary to ensure strict veterinary control of the establishment;
  - (b) processes only meat which complies with sub paragraph (3); and
  - (c) at all times during the production process stores, identifies and transports products eligible for despatch outside the surveillance zone separately from those which are not and in accordance with the directions of the Scottish Ministers.
- (3) Meat complies with this sub paragraph if–
- (a) it was–
    - (i) produced from animals transported to the slaughterhouse from the surveillance zone and it falls within sub paragraph 28(4) or sub paragraph 28(5) or sub paragraph 28(6);
    - (ii) produced from animals reared and slaughtered outside the surveillance zone and its associated protection zone; or
    - (iii) produced from animals transported to the slaughterhouse from the protection zone under the authority of a licence granted under paragraph 12(2)(e); and
  - (b) it is health marked or identification marked.

#### **Meat products produced from meat derived from susceptible animals originating in a surveillance zone or produced on premises in a surveillance zone**

**30.**—(1) This paragraph applies to meat products–

- (a) produced from meat derived from susceptible animals originating in a surveillance zone; or
- (b) produced on premises in a surveillance zone.

(2) No person shall sell or consign for sale any product to which this paragraph applies or move any such product out of a surveillance zone unless it complies with sub paragraph (3) or sub paragraph (4).

(3) Meat products comply with this sub paragraph if they are produced from fresh meat, minced meat or meat preparations or mechanically separated meat which was–

- (a) health marked or identification marked and that mark was overstamped;
- (b) transported to an establishment designated by the Scottish Ministers as authorised to treat meat from a surveillance zone; and

- (c) treated at that establishment to form a meat product which falls within paragraph 1 of Schedule 5.
- (4) Meat products comply with this sub paragraph if they are produced in an establishment which—
  - (a) is authorised by a licence granted by the Scottish Ministers imposing such conditions as they consider necessary to ensure strict veterinary control of the establishment;
  - (b) processes only meat falling within sub paragraph 29(3); and
  - (c) at all times during the production process stores, identifies and transports products eligible for despatch outside the surveillance zone separately from those which are not and in accordance with the directions of the Scottish Ministers.

**Milk and milk products produced from susceptible animals originating in a surveillance zone or on premises in a surveillance zone**

**31.**—(1) No person shall sell or consign for sale the milk of a susceptible animal originating in a surveillance zone or any milk product produced from such milk unless it complies with sub paragraph (2) or sub paragraph (3).

- (2) Milk and milk products comply with this sub paragraph if—
  - (a) they were produced more than 21 days before the earliest infection date within the associated protection zone; and
  - (b) they have at all times been stored and transported separately from milk and milk products produced on or after that date.
- (3) Milk and milk products comply with this sub paragraph if—
  - (a) they have been treated so as to fall within paragraph 13 or paragraph 14 of Schedule 5; and
  - (b) that treatment was carried out either
    - (i) in the surveillance zone on premises complying with sub paragraph (6); or
    - (ii) outside any protection zone or surveillance zone on such premises as the Scottish Ministers may direct.
- (4) No person shall sell or consign for sale the milk of a susceptible animal produced on premises in a surveillance zone or any milk product produced from such milk unless—
  - (a) the transport of raw milk from outside the zone and its associated protection zone to those premises complies with sub paragraph (5); and
  - (b) those premises comply with sub paragraph (6).
- (5) Transport of raw milk complies with this sub paragraph if—
  - (a) the vehicle was cleansed and disinfected at the premises of origin and before loading in accordance with the directions of an inspector; and
  - (b) the vehicle did not enter any other premises keeping susceptible animals within a protection or surveillance zone since that cleansing and disinfection.
- (6) Premises comply with this sub paragraph if they satisfy the following requirements—
  - (a) they are authorised by a licence granted by the Scottish Ministers imposing such conditions as they consider necessary to ensure strict veterinary control;
  - (b) they are operated so that all milk transported to the premises—
    - (i) complies with sub paragraph (3);
    - (ii) is transported to the premises for treatment so that it complies with sub paragraph (3);  
or
    - (iii) was produced outside the surveillance zone and its associated protection zone;

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- (c) they are operated so that milk on the premises and leaving the premises is clearly identified as eligible for sale outside the surveillance zone to the final consumer and is at all times stored and transported separately from milk and milk products which are not so eligible.

### **Collection, transport and processing of raw milk produced in a surveillance zone**

**32.**—(1) No person shall collect and transport raw milk produced on premises keeping susceptible animals in a surveillance zone out of that surveillance zone or process any such milk unless such transport complies with sub paragraph (2) and is carried out in a vehicle which complies with sub paragraph (3).

(2) Transport complies with this sub paragraph if it is—

(a) transport of samples of raw milk—

(i) to a laboratory authorised in respect of disease under article 4 of the Specified Animal Pathogens Order 1998; or

(ii) to another laboratory under the authority of a licence granted by an inspector; or

(b) transport to premises other than a laboratory under the authority of a licence granted by an inspector.

(3) A vehicle complies with this sub paragraph if it—

(a) has been authorised to operate within the part of Scotland in which the journey is to take place by a licence granted by the Scottish Ministers; and

(b) has been marked so as to identify the geographical area in which it is authorised to operate in accordance with the directions of the Scottish Ministers.

(4) A licence granted under sub paragraph (2)(b) shall specify the route to be taken and shall include a condition prohibiting the vehicle from entering any premises in the zone keeping susceptible animals for purposes other than to load milk.

(5) Any person transporting milk under the authority of a licence granted under sub paragraph (2) (b) shall ensure that—

(a) the vehicle used is constructed and maintained so that there is no leakage of milk during transport and is equipped to avoid aerosol dispersion during loading and unloading;

(b) before every loading, the vehicle is cleansed and disinfected in accordance with the directions of an inspector;

(c) after loading and before leaving the premises, the connection pipes, tyres, wheel cases and lower parts of the vehicle, and any spillage of milk, are cleansed and disinfected in accordance with the directions of an inspector; and

(d) the vehicle shall be used only in a defined area and shall be marked accordingly and shall not be moved outwith that area until it has been cleansed and disinfected under official supervision.

(6) No person shall process milk transported under sub paragraph (2) except under the authority of a licence granted by an inspector.

### **Transport, treatment and spreading of dung and manure produced in a surveillance zone**

**33.**—(1) This paragraph applies to dung or manure—

(a) from premises within a surveillance zone keeping susceptible animals; or

(b) collected from vehicles carrying susceptible animals from or within a surveillance zone.

(2) No person shall transport dung or manure to which this paragraph applies unless such transport complies with sub paragraph (3) or sub paragraph (5) or sub paragraph (7), and with sub paragraph (10).

(3) Transport of dung or manure complies with this sub paragraph where it is to a plant for treatment to destroy the disease virus and is authorised by a licence granted by the Scottish Ministers.

(4) The occupier of any premises to which dung or manure is transported by authority of a licence granted under sub paragraph (3) shall ensure that it is treated in accordance with point 5 of Section II in Part A of Chapter III of Annex VIII to Regulation (EC) No. 1774/2002, as amended.

(5) Transport of dung or manure complies with this sub paragraph if—

- (a) the dung or manure is for spreading;
- (b) the transport it is under the authority of a licence granted by an inspector; and
- (c) before grant of the licence a veterinary inspector has clinically examined all susceptible animals on the premises where it was produced and is satisfied by such examination that they are not suspected of infection.

(6) No person shall spread dung or manure to which this paragraph applies unless such spreading is authorised by a licence granted by an inspector and the dung or manure—

- (a) is spread from not more than 1 metre above the ground;
- (b) if spread as a liquid, is not discharged by equipment producing a jet or spray unless the discharge point is directed downwards at an angle of not less than 45° from horizontal; and
- (c) is immediately incorporated into the ground.

(7) Transport of dung or manure complies with this sub paragraph if—

- (a) the dung or manure is for spreading;
- (b) the transport is under the authority of a licence granted by an inspector; and
- (c) before grant of the licence a veterinary inspector has clinically inspected all susceptible animals on the premises where it was produced and is satisfied that they are not suspected of infection.

(8) No person shall spread dung or manure transported under authority of a licence granted under sub paragraph (7) unless such spreading is authorised by a licence granted by an inspector and the dung or manure is injected into the ground.

(9) Any licence granted under sub paragraph (6) or sub paragraph (8) shall contain at least the following terms—

- (a) designation of the areas within which the dung or manure must be spread;
- (b) designation of a distance from other premises keeping susceptible animals within which dung or manure must not be spread.

(10) Transport of dung or manure complies with this sub paragraph if it is carried out in a vehicle which is—

- (a) constructed and maintained so that there is no leakage of the load during transport; and
- (b) cleansed and disinfected after loading and before leaving the premises of origin.

(11) After transporting dung or manure under this paragraph, the person in charge of the vehicle shall ensure it is cleansed and disinfected after unloading or spreading and before leaving the premises of destination.

(12) The person in charge of a vehicle to be cleansed and disinfected under sub paragraph (10) or (11) shall ensure that such cleansing and disinfection is carried out so that—

- (a) the exterior (including the wheels and wheel arches) is not visibly contaminated with mud, dung, manure or similar matter on leaving either premises;

- (b) the interior (excluding any driver or passenger compartment) is not so contaminated on leaving the premises of destination; and
- (c) any additional requirements as an inspector directs are complied with.

SCHEDULE 5

Article 25(3) and Schedule 4, paragraph  
7(2)

Treatment of products to ensure the destruction of disease virus

**PART 1**

**Products of animal origin (other than fresh meat)**

**Meat products**

1. Meat products fall within this paragraph if they have undergone any of the following treatments or are produced from meat which has undergone any of those treatments–

- (a) heat treatment in a hermetically sealed container at a level of at least F<sub>03</sub>;
- (b) heat treatment at a minimum temperature of 70°C, reached throughout the meat;
- (c) heat treatment in a hermetically sealed container to at least 60°C for a minimum of 4 hours, during which the core temperature must be at least 70°C for 30 minutes;
- (d) natural fermentation and maturation of not less than nine months, resulting in the following characteristics–
  - (i) Aw value of not more than 0.93; or
  - (ii) pH value of not more than 6.0;
- (e) heat treatment ensuring a core temperature of at least 65°C is reached for the time necessary to achieve a pasteurisation value equal to or more than 40.

**Hides and skins**

2. Hides and skins fall within this paragraph if they comply with the requirements in article 20 of and points A(2)(c) or (d) of Chapter VI of Annex VIII to Regulation (EC) No. 1774/2002, as amended.

**Wool, ruminant hair and pig bristles**

3. Wool, ruminant hair and pig bristles fall within this paragraph if they comply with the requirements of article 20 of and point A(1) of Chapter VIII to Regulation (EC) No. 1774/2002, as amended.

**Products derived from susceptible animals**

4. Animal products derived from susceptible animals fall within this paragraph if they have undergone either of the following treatments–

- (a) heat treatment in a hermetically sealed container at a level of at least F<sub>03</sub>;
- (b) heat treatment in which the centre temperature is raised to at least 70°C for at least 60 minutes.



### **Blood and blood products**

5. Blood and blood products of susceptible animals fall within this paragraph if they are used for technical purposes (including pharmaceuticals, in vitro diagnostics and laboratory reagents) and have undergone any of the treatments referred to in point B(3)(e)(ii) of Chapter IV of Annex VIII to Regulation (EC) No. 1774/2002, as amended.

### **Lard and rendered fats**

6. Lard and rendered fats fall within this paragraph if they have undergone the heat treatment referred to in point B(2)(d)(iv) of Chapter IV of Annex VII to Regulation (EC) No. 1774/2002, as amended.

### **Petfood and dog chews**

7. Petfood and dog chews fall within this paragraph if they comply with the requirements of points B(2), (3) or (4) of Chapter II of Annex VIII to Regulation (EC) No. 1774/2002, as amended.

### **Game trophies of ungulates**

8. Game trophies of ungulates fall within this paragraph if they comply with the requirements of points A(1), (3) or (4) of Chapter VII of Annex VIII to Regulation (EC) No. 1774/2002, as amended.

### **Animal casings**

9. Animal casings fall within this paragraph if they have been cleaned, scraped and either salted with sodium chloride for 30 days or bleached or dried after scraping and were protected from recontamination after treatment.

## **PART 2**

### **Products not of animal origin**

#### **Straw and forage**

10. Straw and forage falls within this paragraph if it has either–
- (a) undergone the action of–
    - (i) steam in a closed chamber for at least 10 minutes and at a minimum temperature of 80°C; or
    - (ii) formalin fumes (formaldehyde gas) produced in a chamber kept closed for at least 8 hours and at a minimum temperature of 19°C, at 35 40% concentration; or
  - (b) been stored in packages or bales under shelter at premises situated not closer than 2km to the nearest infected premises and is not released from the premises before at least three months have elapsed following the completion of cleansing and disinfection (and in any case not before the declaration creating that protection zone has been amended in accordance with article 36 so that the protection zone becomes part of a surveillance zone).

## PART 3

### Fresh meat

#### **De-boning**

11. Meat (together with diaphragms but excluding offal) is deboned so that it falls within this paragraph if the bone and main accessible lymphatic glands have been removed.

#### **Maturation**

12. Carcasses are matured so that they fall within this paragraph if they—

- (a) have been matured at a temperature of more than 2°C for at least 24 hours; and
- (b) have a pH value in the middle of the Longissimus dorsi recorded at less than 6.0.

## PART 4

### Milk and milk products

#### **Milk and milk products for human consumption**

13.—(1) Milk and milk products for human consumption fall within this paragraph if they have undergone one of the following treatments—

- (a) sterilisation at a level of at least F<sub>0</sub>3;
- (b) Ultra High Temperature treatment at 132°C for at least one second;
- (c) High Temperature Short Time pasteurisation at 72°C for at least 15 seconds or any other pasteurisation treatment which achieves a negative reaction to a phosphatase test (with any pasteurisation under this paragraph applied twice to milk with a pH of 7.0 or above);
- (d) High Temperature Short Time pasteurisation at 72°C for at least 15 seconds or any other pasteurisation treatment which achieves a negative reaction to a phosphatase test and either—
  - (i) lowering the pH below 6.0 for at least one hour; or
  - (ii) heating to 72°C or more combined with desiccation.

(2) Milk products fall within this paragraph if they are produced from milk which has undergone one of the treatments in sub paragraph (1).

#### **Milk and milk products not intended for human consumption**

14.—(1) Milk and milk products not intended for human consumption (including whey intended for susceptible animals) fall within this paragraph if they have undergone one of the following treatments—

- (a) sterilisation at a level of at least F<sub>0</sub>3;
- (b) Ultra-High Temperature treatment at 132°C for at least one second and either—
  - (i) lowering the pH below 6.0 for at least one hour; or
  - (ii) heating to 72°C or more combined with desiccation;

- (c) High Temperature Short Time pasteurisation, applied twice, at 72°C for at least 15 seconds or any other pasteurisation treatment which achieves a negative reaction to a phosphatase test;
  - (d) High Temperature Short Time pasteurisation at 72°C for at least 15 seconds or any other pasteurisation treatment which achieves a negative reaction to a phosphatase test and either—
    - (i) lowering the pH below 6.0 for at least one hour; or
    - (ii) heating to 72°C or more combined with desiccation.
- (2) Milk products not for human consumption (other than whey intended for susceptible animals) fall within this paragraph if they are produced from milk which has been subjected to one of the treatments in sub paragraph (1).
- (3) Whey intended for susceptible animals falls within this paragraph if it is—
- (a) collected at least 16 hours after milk clotting, and
  - (b) (if intended for feeding to pigs) has a recorded pH of less than 6.0 before leaving the establishment in which the milk has been treated.

## SCHEDULE 6

Article 38(1)

### Measures applicable to a restricted zone

#### **Movement of susceptible animals in a restricted zone**

- 1.—(1) Subject to sub paragraph (3), no person shall move any susceptible animal—
- (a) from premises within a restricted zone; or
  - (b) into or out of a restricted zone;
- except under the authority of a licence granted by an inspector.
- (2) The person in charge of any vehicle used to move susceptible animals under such a licence shall ensure that it is cleansed and disinfected without delay in accordance with article 45.
- (3) This paragraph does not apply in any part of a restricted zone which is also part of a protection zone or vaccination zone.

#### **Slaughter of susceptible animals in a restricted zone**

2. Where a susceptible animal is moved to a slaughterhouse within a restricted zone, the occupier of the slaughterhouse shall ensure that it is slaughtered in accordance with any directions given by an inspector and in any case within 24 hours of arrival.

#### **Control of products from slaughterhouses in a restricted zone**

- 3.—(1) No person shall move any carcase or animal product (unless intended for human consumption) or any manure, slurry or used litter from a slaughterhouse in a restricted zone except—
- (a) for disposal; or
  - (b) under the authority of a licence granted by an inspector (which shall include a condition prohibiting any intermediate movement to any premises keeping susceptible animals).
- (2) Any person transporting any thing under the authority of a licence granted under sub paragraph (1)(b) shall—

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- (a) do so in a drip-proof container or vehicle, and
  - (b) cleanse and disinfect the vehicle, as soon as possible after unloading and in any event before re-use, in accordance with the directions of an inspector.
- (3) The occupier of premises to which any carcase or animal product is moved under this paragraph shall ensure that it is not brought into contact with, or fed to, any susceptible animal.

#### **Control of carcasses in a restricted zone**

4.—(1) No person shall move any carcase of a susceptible animal (other than the carcase of an animal slaughtered for human consumption or the carcase of an animal suspected of having contracted BSE or scrapie destined for disposal) from premises in a restricted zone other than a slaughterhouse except under the authority of a licence granted by an inspector.

(2) The carcase of a deer which has been culled shall not be considered to have been slaughtered for human consumption.

#### **Straying of susceptible animals in a restricted zone**

5.—(1) The keeper of a susceptible animal in a restricted zone shall take all such steps as are necessary to prevent it from straying from the premises on which it is kept.

(2) An inspector may detain any stray or feral susceptible animal found in a restricted zone and if, having made reasonable inquiries, the owner cannot be ascertained, the inspector may arrange for its destruction.

#### **Control of animal gatherings and gatherings of people in a restricted zone**

6.—(1) Subject to sub paragraph (4), no person shall—

- (a) hold any animal gathering which includes susceptible animals in a restricted zone;
- (b) collect or distribute susceptible animals in a restricted zone for such an event; or
- (c) hold any gathering of people on premises in a restricted zone in connection with the sale of any susceptible animal kept there at which more than two people (other than the owner or keeper of the animal and that person's representatives) are present,

except under the authority of a licence granted by the Scottish Ministers.

(2) Subject to sub paragraphs (3) and (4), no person shall hold or take part in the following activities in a restricted zone—

- (a) hunting any drag or other trail;
- (b) stalking; or
- (c) shooting deer,

except under the authority of a licence granted by the Scottish Ministers.

(3) Nothing in sub paragraph (2) shall make it unlawful for the occupier of any land, members of the occupier's household, persons employed by the occupier as beaters and any member of a shooting party of not more than three persons authorised by the occupier to shoot deer found on that land.

(4) This paragraph does not apply in any part of a restricted zone which is also part of a protection zone or surveillance zone.

#### **Shearing or dipping of sheep in a restricted zone**

7.—(1) Subject to the provisions of this article, no person shall—

- (a) shear or dip sheep; or

(b) handle fleeces or sheep during shearing or dipping  
in a restricted zone except under the authority of a licence granted by an inspector.

(2) The prohibition in sub paragraph (1) shall not apply to the occupier of any premises or the occupier's employees (other than any person employed by the occupier primarily for the purpose of shearing or dipping sheep) in respect of the shearing or dipping of sheep kept on those premises.

(3) For the purposes of this paragraph—

(a) “shearing” includes clipping and dagging; and

(b) “dipping” includes showering and jetting sheep with sheep dip.

(4) This paragraph does not apply in any part of a restricted zone which is also part of a protection zone or surveillance zone.

#### **Ultrasound scanning of susceptible animals in a restricted zone**

**8.—**(1) Subject to the provisions of this paragraph, no person shall carry out ultrasound scanning, clipping, foot paring, freeze branding or other livestock service of susceptible animals in a protection zone or a surveillance zone except where authorised by a licence granted by an inspector.

(2) The prohibition in sub paragraph (1) shall not apply to the occupier of any premises or the occupier's employees (other than any person employed by the occupier primarily for the purpose of carrying out the livestock service in question) in respect of the carrying out of ultrasound scanning clipping, foot paring, freeze branding or other livestock service of susceptible animals kept on those premises using equipment of which the occupier is the owner or person in charge.

(3) This paragraph does not apply in any part of a restricted zone which is also part of a protection zone or surveillance zone.

#### **Cleansing and disinfection of slaughterhouses in a restricted zone**

**9.** The occupier of any collecting centre or slaughterhouse in a restricted zone shall cleanse and disinfect the premises in accordance with the directions of an inspector as soon as is practicable after it has been emptied of animals and in any event before any susceptible animal, fodder, used litter or thing liable to spread disease is moved there again.

### SCHEDULE 7

Article 40(1)

#### Measures applicable in a wild animal infected zone

##### **Notification of dead wild susceptible animals in a wild animal infected zone**

**1.** Any person who kills a wild susceptible animal or finds such an animal dead in a wild animal infected zone shall notify the Divisional Veterinary Manager of that fact.

##### **Record keeping in a wild animal infected area**

**2.** The occupier of any premises in a wild animal infected area keeping susceptible animals shall create and maintain a record of the number of each species of susceptible animal kept on the premises and shall maintain that record by updating it every time that number changes.

### **Isolation of susceptible animals in a wild animal infected zone**

3. The occupier of any premises in a wild animal infected zone keeping susceptible animals shall ensure that—

- (a) susceptible animals are kept in their living quarters or otherwise isolated so far as reasonably practicable from contact with wild animals; and
- (b) fodder, used litter and any other material which may come into contact with susceptible animals is isolated as far as is reasonably practicable from contact with wild animals.

### **Movement of susceptible animals in a wild animal infected zone**

4. No person shall move any susceptible animal on or off premises in a wild animal infected zone except under the authority of a licence granted by the Scottish Ministers.

### **Cleansing and disinfection in a wild animal infected zone**

5.—(1) The occupier of any premises in a wild animal infected zone shall ensure that means of disinfection are provided and used at all entrances to buildings where susceptible animals are kept in accordance with the directions of an inspector.

(2) Any person coming into contact with a wild susceptible animal shall cleanse and disinfect themselves and launder their clothing so far as reasonably practicable after such contact.

### **Carcases and things which may be contaminated in a wild animal infected zone**

6. No person shall bring the following on to premises keeping susceptible animals in a wild animal infected zone—

- (a) any carcase of a wild animal;
- (b) any material, equipment or other thing which may be contaminated.

### **Movement of semen, ova and embryos out of a wild animal infected zone**

7. No person shall move any semen, embryo or ovum of a susceptible animal out of a wild animal infected zone for the purpose of trade with another member State, Norway, Iceland or Liechtenstein.

## SCHEDULE 8

Article 41

### Horses

#### **Movement of horses**

1. Where a case of the disease has been confirmed in Scotland in accordance with article 11(11), or in any other part of the United Kingdom in accordance with the relevant provisions applying in that other part, no person shall dispatch any horse from Scotland to any other Member State unless accompanied by an animal health certificate as provided for in Annex C of Directive [90/426/EEC](#) and an identification document as provided for in Decisions [93/623/EEC](#) or [2000/68/EC](#).

2. Where a supplementary movement control zone has been declared under article 18(1), no person shall move any horse from suspect, contact or infected premises except under the authority of a licence granted by the Scottish Ministers.

3. Where a protection zone or surveillance zone has been declared under article 30 or 31, no person shall move any horse from any premises except under the authority of a licence granted by the Scottish Ministers.

4. A licence may only be granted under paragraphs 2 and 3 if, having regard to the terms of the licence, the grant of the licence is in accordance with the requirements of Annex VI of the Directive.

## SCHEDULE 9

Article 29(2)

### Restocking of premises

#### General principles

1. Restocking shall not commence until 21 days after final disinfection of the premises in accordance with Schedule 1.

2. Paragraphs 3 to 7 apply subject to paragraphs 8 and 9.

3. Animals for restocking may only be introduced under the following conditions—

(a) the animals shall not come from a temporary control zone, protection zone, surveillance zone or vaccination zone;

(b) the Scottish Ministers must have confirmed by notice served on the occupier that they are satisfied that no residual disease virus can be detected in the animals on the basis of clinical signs (for bovine animals or swine) or laboratory investigations (for other species);

(c) the animals shall either—

(i) originate in and come from premises where there has been no confirmed case of the disease within 10km for at least 30 days; or

(ii) have been tested with negative results in an assay for the detection of antibodies against the disease virus carried out on samples taken prior to restocking.

4. During restocking, animals shall be introduced into all units and buildings of the premises.

5. No susceptible animal shall leave the premises until all introduced animals have undergone the examination and test in paragraph 7 with negative results.

6.—(1) Subject to sub paragraph (2), each animal shall—

(a) be subject to clinical inspection every 3 days for the first 14 days following its introduction; and

(b) during the period from 15 to 28 days after its introduction, be subject to clinical inspection once per week.

(2) If no infected premises have been declared within 10km of any premises for at least 3 months before the commencement of restocking, the Scottish Ministers may, by notice served on the occupier of those premises, except those premises from the requirements of sub paragraph (1).

7. Not earlier than 28 days after the last introduction, each animal shall be clinically examined and samples tested for the presence of antibodies against the disease virus.

#### Restocking of premises in a vaccination zone

8. Instead of restocking in accordance with paragraphs 3 to 7, premises in a vaccination zone may be restocked if the following conditions are satisfied—

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- (a) a veterinary inspector has, within the 24 hours prior to introduction, carried out a clinical examination on every susceptible animal on every premises of origin of an animal to be introduced without having identified signs of the disease;
- (b) no animal to be introduced shall have come from a protection zone or surveillance zone; and
- (c) every animal to be introduced has been tested for antibodies against the disease by a veterinary inspector after the end of its incubation period with negative results or a serological survey has been completed by a veterinary inspector on the animals to be introduced with negative results.

#### **Restocking of premises outside a vaccination zone with vaccinated animals: surveillance**

9. Where any vaccinated animal is to be introduced to premises outside a vaccination zone—
- (a) it shall not be subject to paragraphs 3 to 7; and
  - (b) if the proportion of vaccinated animals in the animals to be introduced is 75% or greater, then not earlier than 28 days after the last introduction of susceptible animals, the Scottish Ministers shall ensure that the vaccinated animals are randomly tested for the detection of antibodies against non-structural proteins.

#### **Movement of susceptible animals during restocking**

10. During restocking, no person shall move a susceptible animal from the premises.

#### **Completion of restocking**

11. The Scottish Ministers shall declare the completion of restocking by notice served on the occupier if—
- (a) every introduced unvaccinated animal on the premises has undergone the examination and test in paragraph 7 with negative results and, where paragraph 9(b) applies, the tests in that sub paragraph have been carried out with negative results; or
  - (b) the conditions in paragraph 8 are satisfied.

### SCHEDULE 10

Article 61

#### Orders Revoked

<i>Orders revoked</i>	<i>References</i>	<i>Extent of revocation</i>
The Foot-and-Mouth Disease Order 1983	S.I.1983/1950	The Order insofar as it applies to Scotland.
The Foot-and-Mouth Disease Order (Amendment) (No. 2) Order 1993	S.I. 1993/3119	The Order insofar as it applies to Scotland.
The Foot-and-Mouth Disease (Amendment) (Scotland) Order 2001	S.S.I. 2001/52	The whole Order



<i>Orders revoked</i>	<i>References</i>	<i>Extent of revocation</i>
The Foot-and-Mouth Disease (Amendment) (No. 2) (Scotland) Order 2001	<a href="#">S.S.I. 2001/55</a>	The whole Order
The Foot-and-Mouth Disease (Amendment) (No.3) (Scotland) Order 2001	<a href="#">S.S.I. 2001/101</a>	The whole Order
The Abolition of Intervention Board for Agricultural Produce (Consequential Provisions) (Scotland) Regulations 2001	<a href="#">S.S.I 2001/390</a>	Regulation 3(1)
The Disease Control (Interim Measures) (Scotland) Order 2002	<a href="#">S.S.I. 2002/34</a>	Article 12