
SCOTTISH STATUTORY INSTRUMENTS

2012 No. 199

The Bluetongue (Scotland) Order 2012

PART 1

Preliminary

Citation, commencement and extent

1. This Order—
 - (a) may be cited as the Bluetongue (Scotland) Order 2012;
 - (b) comes into force on 24th September 2012; and
 - (c) extends to Scotland only.

Commencement Information

- II** [Art. 1](#) in force at 24.9.2012, see [art. 1\(b\)](#)

Interpretation

2. In this Order—
 - “animal” means a ruminating animal or camelid, other than a wild animal, and “carcase”, “embryo”, “ovum” and “semen” mean the carcase, embryo, ovum and semen of such an animal;
 - “authorised veterinary inspector” means the veterinary inspector authorised by the Scottish Ministers to receive information about animals or carcasses infected or suspected of being infected with bluetongue for the area concerned;
 - “Commission Regulation” means Commission Regulation (EC) No 1266/2007 on implementing rules for Council Directive [2000/75/EC](#) as regards the control, monitoring, surveillance and restrictions on movements of certain animals of susceptible species in relation to bluetongue, as amended from time to time;
 - “confirmation of bluetongue” means a declaration by the Scottish Ministers, based on laboratory results, that the bluetongue virus is circulating in a specific area or, in the event of an epidemic, confirmation by the Scottish Ministers of the presence of bluetongue based upon either or both of clinical or epidemiological results;
 - “control zone” means a control zone declared under article 15;
 - “free area” means an area not subject to bluetongue restrictions under this Order;
 - “live attenuated vaccine” means a vaccine which is produced by adapting bluetongue virus field isolates through serial passages in tissue culture or in embryonated hens’ eggs;
 - “midge” means an insect of the genus *Culicoides*;
 - “premises” includes any place;

- “protection zone” means a protection zone declared under article 16 or 24;
- “restricted zone” means, except in articles 19 and 20(1), a restricted zone declared under article 16 or 24;
- “surveillance zone” means a surveillance zone declared under article 16 or 24;
- “temporary control zone” means a temporary control zone declared under article 13; and
- “veterinary inspector”, includes, except as otherwise provided for in this Order, an inspector acting under the instruction of a veterinary inspector.

Commencement Information

I2 Art. 2 in force at 24.9.2012, see [art. 1\(b\)](#)

Notices and other instruments

- 3.**—(1) Any notice or other instrument under this Order—
- (a) may be subject to conditions; and
 - (b) may unless specified otherwise be amended, suspended or revoked by notice at any time.
- (2) Any other instrument under this Order must be in writing.
- (3) In this article, “other instrument” means any authorisation, designation, direction, declaration or licence.

Commencement Information

I3 Art. 3 in force at 24.9.2012, see [art. 1\(b\)](#)

Declarations of zones and areas

- 4.**—(1) A declaration of a zone or area under this Order—
- (a) must designate the extent of the zone or area declared; and
 - (b) may include requirements or other measures.
- (2) A person must comply with any condition, requirement or measure in a declaration of zone or area under this Order related to any activity or role of that person.

Commencement Information

I4 Art. 4 in force at 24.9.2012, see [art. 1\(b\)](#)

Licences

- 5.**—(1) A licence granted under this Order may (unless specified otherwise) be general or specific.
- (2) Any person moving anything under the authority of a general or specific licence granted under this Order must—
- (a) keep upon them the licence or a copy of it at all times during such movement;

(1) See article 19(4).

- (b) on demand by a veterinary inspector, an inspector or an officer of the Scottish Ministers, produce the licence or a copy of it and allow a copy or extract to be taken; and
 - (c) keep the licence or a copy of it for the period of 6 months after the movement is completed.
- (3) Any person moving anything under the authority of a general licence granted under this Order must—
- (a) carry, at all times during that movement, a consignment note containing details of—
 - (i) what is being transported, including the quantity;
 - (ii) the date of the movement;
 - (iii) the name of the consignor;
 - (iv) the address of the premises from which the movement started;
 - (v) the name of the consignee; and
 - (vi) the address of the premises of destination;
 - (b) on demand by a veterinary inspector, an inspector or an officer of the Scottish Ministers, produce the consignment note and allow a copy or extract to be taken; and
 - (c) keep the consignment note or a copy of it for the period of 6 months after the movement is completed.
- (4) A person—
- (a) to whom a specific licence is granted under this Order; or
 - (b) doing anything under the authority of a general licence granted under this Order,
- must comply with any condition of the licence.

Commencement Information

I5 Art. 5 in force at 24.9.2012, see **art. 1(b)**

Licences granted outside Scotland

6.—(1) Except as otherwise directed by the Scottish Ministers, licences granted in England or Wales for activities which could be licensed in Scotland under this Order have effect in Scotland as if they were licences granted under this Order.

(2) Except as otherwise directed by the Scottish Ministers, premises in England or Wales designated respectively by the Secretary of State or the Welsh Ministers for the same purposes as they may be designated under this Order are deemed to be designated by the Scottish Ministers for the purposes of this Order.

Commencement Information

I6 Art. 6 in force at 24.9.2012, see **art. 1(b)**

Extension of definition of “disease”

7. The definition of “disease” in section 88(1) of the Animal Health Act 1981 continues to be extended to include bluetongue for all the purposes of that Act(2).

(2) The definition was so extended by **S.S.I. 2008/11**, which is revoked by article 34 of this Order.

Changes to legislation: There are currently no known outstanding effects for the
The Bluetongue (Scotland) Order 2012, PART 1. (See end of Document for details)

.....

Commencement Information

I7 [Art. 7](#) in force at 24.9.2012, see [art. 1\(b\)](#)

Disapplication

8. This Order does not apply to bluetongue virus possessed under a licence issued under the Specified Animal Pathogens (Scotland) Order 2009(3).

.....

Commencement Information

I8 [Art. 8](#) in force at 24.9.2012, see [art. 1\(b\)](#)

Competent authority

F19.

.....

Textual Amendments

F1 [Art. 9](#) omitted (31.12.2020) by virtue of [The Animal Health \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2019 \(S.S.I. 2019/71\)](#), regs. 1(1)(b), **31(2)**; 2020 c. 1, Sch. 5 para. 1(1)

Reporting requirement under bluetongue surveillance programmes

10. It is an offence against the Animal Health Act 1981 for the owner or keeper of an animal, or a veterinarian, not to promptly report any suspicion of bluetongue in accordance with point 2.1 of Annex I to the Commission Regulation(4).

.....

Commencement Information

I9 [Art. 10](#) in force at 24.9.2012, see [art. 1\(b\)](#)

(3) [S.S.I. 2009/45](#) as amended by [S.S.I. 2009/394](#).

(4) Annex 1 was substituted by the Annex to Commission Implementing Regulation (EU) No 456/2012.

Changes to legislation:

There are currently no known outstanding effects for the The Bluetongue (Scotland) Order 2012, PART 1.