SCOTTISH STATUTORY INSTRUMENTS

2025 No. 108

ANIMALS

The Disease Control (Miscellaneous Amendment) (Scotland) Order 2025

Made - - - -	*1st April 2025*
Laid before the Scottish Parliament	*3rd April 2025*
Coming into force - -	*29th May 2025*

The Scottish Ministers make the following Order in exercise of the powers conferred by sections 1, 7, 8(1), 15(4), 23, 25, 32(3) and 34(7) of the Animal Health Act 1981(**a**) and all other powers enabling them to do so.

Citation and commencement

1. This Order may be cited as the Disease Control (Miscellaneous Amendment) (Scotland) Order 2025 and comes into force on 29 May 2025.

Amendment of the Avian Influenza and Influenza of Avian Origin in Mammals (Scotland) Order 2006

2.—(1) The Avian Influenza and Influenza of Avian Origin in Mammals (Scotland) Order 2006(**b**) is amended as follows.

(2) In article 2 (interpretation), for the definition of "premises", substitute—

""premises" includes any land, place of business or other place;".

(3) In article 4 (declarations, licences, notices and designations under this Order), in paragraph (2)(c), after "influenza" insert "or influenza virus of avian origin".

(4) In article 9 (notification procedures and precautions to be taken where avian influenza is suspected), omit paragraph (3).

(5) After article 56 (tests on animals at premises where avian influenza is confirmed), insert—

(**a**) 1981 c. 22. Powers to make Orders were originally conferred on "the Ministers", as defined in section 86(1) of the Animal Health Act 1981. The functions of the Ministers were, in so far as within devolved competence, transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c. 46). The requirement to obtain Treasury consent in section 32(3) of the Animal Health Act 1981 was removed by section 55 of the Scotland Act 1998.

(**b**) S.S.I. 2006/336, relevantly amended by S.S.I. 2023/361.

"Notification procedures and precautions to be taken where influenza virus of avian origin is suspected

56A.—(1) A person who has in that person's possession or charge any mammal or mammal carcase in which the presence of influenza virus of avian origin is suspected must—

(a) immediately notify an authorised veterinary inspector, and

(b) take all reasonable steps to ensure that the restrictions and requirements set out in schedule 8 are complied with.

(2) A person who examines or inspects any mammal or mammal carcase, or who analyses any sample taken from any mammal or mammal carcase, must immediately inform an authorised veterinary inspector if the person—

(a) suspects the presence of influenza virus of avian origin in the mammal or mammal carcase, or

(b) detects evidence of antibodies to influenza virus of avian origin in the mammal or mammal carcase.

(3) If an inspector suspects that influenza virus of avian origin exists on any premises or has existed there within 56 days (whether or not notification has been made under paragraphs (1) or (2)), the inspector may serve a notice on the occupier of the premises requiring that person to comply with such of the restrictions and requirements set out in schedule 8 as are specified in the notice.

Restrictions on mammals on confirmation of influenza virus of avian origin

56B. If the Scottish Ministers confirm that influenza virus of avian origin exists on any premises, they may (by notice served on the occupier of the premises) impose, in addition to the restrictions and requirements set out in schedule 8, the restrictions and requirements set out in schedule 9.".

(6) After article 57 (killing of mammals), insert—

"Compensation

57A. Where the Scottish Ministers cause a mammal to be slaughtered under section 32 of the Act in its application to influenza virus of avian origin, they must pay compensation as follows—

(a) where the mammal slaughtered was infected with influenza virus of avian origin the compensation payable is the value of the mammal immediately before it became so infected,

(b) in every other case the compensation payable is the value of the mammal immediately before it was slaughtered.".

(7) For article 58 (movements off the premises), substitute—

"Movements off the premises

58. No person may move a mammal tested under article 56 off the premises until a veterinary inspector has confirmed that the mammal is not infective and licenses the movement.".

(8) In article 59 (measures at other premises), after paragraph (2), insert—

"(3) The provisions of schedule 8 apply to contact premises until those restrictions and requirements are withdrawn by further notice.".

(9) In article 60 (additional measures to control the spread of virus in mammals), after the first "necessary", insert "to reduce the risk of transmission of, or".

(10) In schedule 4 (measures in a protection zone), paragraph 30, after "premises", insert "where poultry or other captive birds are kept".

(11) In schedule 5 (measures in surveillance zones), paragraph 25, after "premises", insert "where poultry or other captive birds are kept".

(12) After schedule 7 (measures in a low pathogenic avian influenza restricted zone), insert—

"SCHEDULE 8 Articles 56A, 56B, 59

Measures where influenza virus of avian origin is suspected in kept mammals

Record of kept mammals and birds

1. The occupier must make and update daily a record of mammals, poultry or other captive birds kept on the premises showing for each species the number or approximate number—

(a) alive,

(b) which have died,

(c) which show clinical signs of avian influenza or influenza virus of avian origin,

(d) which have been born on the premises.

Separation or isolation of mammals

2. The occupier must, in accordance with the instructions of a veterinary inspector—

(a) ensure that all mammals are kept separately to or isolated from other mammals, poultry and other captive birds on the premises, and

(b) take all reasonable steps to minimise any contact on the premises with wild mammals or wild birds.

Prohibition on the movement of mammals and birds to and from the premises

3. No person may move any mammal, poultry or other captive bird to or from the premises, unless licensed by a veterinary inspector.

Prohibition on the removal of other things liable to transmit avian influenza or influenza virus of avian origin

4. No person may remove from or bring onto the premises any carcase, mammal carcase, meat (including offal), milk and any other animal products, animal feed, material, waste, droppings, slurry, manure, germinal products or anything else liable to transmit avian influenza or influenza virus of avian origin unless—

(a) they are licensed by a veterinary inspector to do so, and

(b) they observe such biosecurity measures as are directed by a veterinary inspector in order to prevent the risk of spread of disease.

Prohibition on the movement of people, equipment and vehicles to and from the premises

5. No person may enter or leave the premises and no person may move any vehicle or equipment from the premises unless the movement is licensed by a veterinary inspector or an inspector under the direction of a veterinary inspector.

Disinfection at entrances and exits

6. The occupier must, in accordance with an inspector's instructions, provide and maintain means of disinfection at the entrances and exits of the premises and of buildings housing mammals, poultry or other captive birds.

SCHEDULE 9

Article 56B

Additional measures on premises where influenza virus of avian origin is confirmed

Killing and seizure

1. The occupier must give all reasonable assistance to a person exercising a duty relating to the killing of mammals under this Order or under section 32 of the Act or to the seizure of any thing under the Diseases of Animals (Seizure) Order 1993(**a**).

Measures to minimise the risk of spread of influenza virus of avian origin to wild mammals and wild birds

2. The occupier must take such action as a veterinary inspector reasonably requires to reduce the risk of the spread of influenza virus of avian origin to wild mammals and wild birds.

Disposal of carcases and mammal carcases

3. The occupier must ensure that all carcases and mammal carcases not seized or disposed of by a veterinary inspector are disposed of in accordance with a veterinary inspector's instructions unless the veterinary inspector licenses their use for diagnosis of disease.

Tracing

4. The occupier must give all reasonable assistance to a veterinary inspector in the tracing of anything liable to transmit influenza virus of avian origin to or from the premises.

Cleansing and disinfection

5. The occupier must cleanse and disinfect the premises in accordance with the instructions of a veterinary inspector.

(**a**) S.I. 1993/1685.

Restocking

6. A person must not restock the premises on which mammals have been killed under this Order or under section 32 of the Act, or from which mammals have been sent for slaughter unless licensed to do so by a veterinary inspector.".

Amendment of the Control of Salmonella in Poultry (Breeding, Laying and Broiler Flocks) (Scotland) Order 2009

3.—(1) The Control of Salmonella in Poultry (Breeding, Laying and Broiler Flocks) (Scotland) Order 2009(**a**) is amended as follows.

(2) In article 11 (records of movements), after the first "a", insert "breeding, laying or".

Amendment of the Disease Control (Interim Measures) (Scotland) Order 2002

4.—(1) The Disease Control (Interim Measures) (Scotland) Order 2002(**b**)is amended as follows.

(2) In schedule 1 (movements not subject to standstill), after paragraph 7, insert—

"7A. A sheep is moved to premises to be treated for sheep scab.".

JIM FAIRLIE
Authorised to sign by the Scottish Ministers

St Andrew's House
Edinburgh
1st April 2025

(**a**) S.S.I. 2009/229.
(**b**) S.S.I. 2002/34, relevant amending instruments are S.S.I. 2007/400 and S.S.I. 2007/423.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends three Orders which make provision relevant to the control of diseases of animals and poultry. The Avian Influenza and Influenza of Avian Origin in Mammals (Scotland) Order 2006 ("the 2006 Order") is amended to make further provision in relation to measures to deal with any suspected or confirmed outbreak of influenza virus of avian origin in kept mammals. Minor amendments are also made to the Control of Salmonella in Poultry (Breeding, Laying and Broiler Flocks) (Scotland) Order 2009 and the Disease Control (Interim Measures) (Scotland) Order 2002.

Article 2(2) amends the definition of "premises" in the 2006 Order. Consequential amendments are made in article 2(10) and 2(11).

Article 2(3) inserts provision into article 4 of the 2006 Order to allow licences granted to be subject to such conditions as are considered necessary by the Scottish Ministers to control influenza virus of avian origin.

Article 2(5) inserts articles 56A and 56B into the 2006 Order, which provide for measures to be taken where influenza virus of avian origin is suspected or confirmed on premises, and provide for the Scottish Ministers to grant derogations from, or discretion to impose, some of these measures. Consequential amendments are made in article 2(4).

Article 2(6) inserts article 57A into the 2006 Order, which provides for the ascertainment and amount of compensation the Scottish Ministers are to pay for mammals slaughtered due to influenza virus of avian origin.

Article 2(8) inserts provision into article 59 of the 2006 Order to apply the measures set out in schedule 8 to contact premises.

Article 2(9) inserts provision into article 60 of the 2006 Order to allow the Scottish Ministers, having carried out a risk assessment, to impose measures on premises if considered necessary to reduce the risk of transmission of avian influenza or influenza virus of avian origin.

Article 2(12) inserts schedules 8 and 9 into the 2006 Order, which provide for the measures where influenza virus of avian origin is suspected or confirmed on premises. Consequential amendments are made in article 2(7).

Article 3 amends article 11 of the Control of Salmonella in Poultry (Breeding, Laying and Broiler Flocks) (Scotland) Order 2009 and extends the requirement for records to be kept of movements of poultry to movements from breeding and laying flocks.

Article 4 inserts paragraph 7A into schedule 1 of the Disease Control (Interim Measures) (Scotland) Order 2002, which makes the movement of a sheep to premises to be treated for sheep scab an exemption to the standstill requirement provided by article 3 of that Order.

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