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SCOTTISH STATUTORY INSTRUMENTS

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**2016 No. 41**

**ANIMALS**

**ANIMAL HEALTH**

**The Specified Diseases (Notification)  
Amendment (Scotland) Order 2016**

*Made* - - - - 21st January 2016  
*Laid before the Scottish  
Parliament* - - - - 25th January 2016  
*Coming into force* - - 2nd March 2016

The Scottish Ministers make the following Order in exercise of the powers conferred by sections 1 and 88(2) of the Animal Health Act 1981(1) and all other powers enabling them to do so.

**Citation, commencement and extent**

1.—(1) This Order may be cited as the Specified Diseases (Notification) Amendment (Scotland) Order 2016 and comes into force on 2nd March 2016.

(2) This Order extends to Scotland only.

**Amendment to the Specified Diseases (Notification) Order 1996**

2.—(1) The Specified Diseases (Notification) Order 1996(2) is amended in accordance with this article.

(2) In article 2 (interpretation)—

(a) before the definition of “authorised veterinary inspector”(3), insert—

““authorised person” means a person authorised by the Scottish Ministers;”;

(b) before the definition of “veterinary surgeon” insert—

““constable” has the meaning given in section 99(1) of the Police and Fire Reform (Scotland) Act 2012(4); and”.

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(1) 1981 c.22. Powers to make Orders under these sections were originally conferred on “the Minister” and “the Ministers”, as defined in section 86(1) of the Animal Health Act 1981 (“the Act”). The functions of the Minister and 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).  
(2) S.I. 1996/2628, to which there are amendments not relevant to this Order.  
(3) That definition was inserted by S.S.I. 2013/173.  
(4) 2012 asp 8.

- (3) In article 3 (notification of specified diseases)—
- (a) in paragraph (2), after “article 5(1)” insert “or, in the case of porcine epidemic diarrhoea, article 5(2)”;
  - (b) in paragraph (3)—
    - (i) omit “, in the course of his duties,”; and
    - (ii) after “article 5(1)” insert “or, in the case of porcine epidemic diarrhoea, article 5(2)”;
  - (c) in paragraph (4), after “article 5(1)” insert “or, in the case of porcine epidemic diarrhoea, article 5(2)”.
- (4) After article 3 (notification of specified diseases) insert—

**“Sharing information on porcine epidemic diarrhoea**

**3A.—**(1) Paragraphs (2) and (3) apply where, by virtue of article 3(2) or article 5(3), an authorised person is notified or informed that a person in possession or charge of a pig or a pig carcase knows or reasonably suspects that the pig or pig carcase is infected with porcine epidemic diarrhoea.

(2) The authorised person shall, as soon as reasonably practicable following receipt of a notification or information mentioned in paragraph (1), supply the following information to a person mentioned in paragraph (8):—

- (a) the identity and contact details of the person who has given the notice under article 3(2);
- (b) the date that such a notice was given; and
- (c) the location of the premises where the pig or pig carcase known or suspected to be infected with porcine epidemic diarrhoea is.

(3) Following receipt of the information supplied under paragraph (2), the person mentioned in paragraph (8) may—

- (a) provide advice to the person who has given the notice under article 3(2); and
- (b) advise any pig keeper whose pigs are suspected of having contact with any premises where a pig or pig carcase known or suspected to be infected with porcine epidemic diarrhoea is, and any other pig keeper in the vicinity of those premises, to take appropriate precautions to protect their pigs from porcine epidemic diarrhoea.

(4) Paragraphs (5) and (6) apply where, following analysis of a sample taken from a pig or a pig carcase, an authorised person receives information that the pig or pig carcase is infected with porcine epidemic diarrhoea (whether or not by virtue of a notice given under article 3(4)).

(5) The authorised person may supply information about the results of the analysis of the sample to a person mentioned in paragraph (8).

(6) Following receipt of the information supplied under paragraph (5), the person mentioned in paragraph (8) may take either or both of the following steps:—

- (a) advise any pig keeper whose pigs are suspected of having contact with any premises where a pig or pig carcase infected with porcine epidemic diarrhoea is, and any other pig keeper in the vicinity of those premises, of the results of the analysis of the sample; and
- (b) disseminate the fact of the porcine epidemic diarrhoea infection to those persons appearing to it to be representative of the interests of those in the pig industry as the person mentioned in paragraph (8) considers appropriate.

(7) Prior to advising any pig keeper under paragraph (3)(b) or (6)(a), or disseminating information under paragraph (6)(b), the person mentioned in paragraph (8) shall inform the person in possession or charge of the pig or pig carcass of the intention of the person mentioned in paragraph (8) to give such advice or, as the case may be, disseminate such information.

(8) For the purposes of this article, a person mentioned in this paragraph is a person—

- (a) who is responsible for coordinating on behalf of the pig industry in Scotland a response to a suspected or confirmed outbreak of porcine epidemic diarrhoea; and
- (b) with whom an authorised person has entered into an agreement to supply information mentioned in paragraph (2) or (5).”.

(5) For article 5 (notice)(5) substitute—

**“Notice**

**5.—(1)** Subject to paragraph (2), a notice under this Order shall be given to—

- (a) an authorised veterinary inspector;
- (b) an inspector; or
- (c) a constable.

(2) In the case of porcine epidemic diarrhoea, a notice under this Order shall be given to—

- (a) an authorised person;
- (b) an inspector; or
- (c) a constable.

(3) An inspector (other than an authorised veterinary inspector) or a constable who receives notice under this Order shall immediately inform an authorised veterinary inspector or, in the case of porcine epidemic diarrhoea, an authorised person, of the facts notified and provide a copy of the notice to the authorised veterinary inspector or, as the case may be, the authorised person.”.

(6) In Part I of Schedule 1 (specified diseases), after the entry for “Peste des petits ruminants” insert—

“Porcine epidemic diarrhoea”.

St Andrew’s House, Edinburgh  
21st January 2016

*RICHARD LOCHHEAD*  
A member of the Scottish Government

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order amends the Specified Diseases (Notification) Order 1996 (“the principal Order”) in Scotland by adding porcine epidemic diarrhoea to the list of animal diseases in Part I of Schedule 1 to the principal Order (see article 2(6)), where suspicion of the infection of that disease must be notified in accordance with articles 3 and 5 of the principal Order as amended by this Order.

Article 2(5) substitutes article 5 of the principal Order to provide for notification of suspected cases of porcine epidemic diarrhoea to a person authorised by the Scottish Ministers (see article 2(2)(a), which inserts a definition of “authorised person” in article 2 of the principal Order). Article 2(3) makes consequential amendments to article 3 of the principal Order.

Article 2(4) inserts a new article 3A into the principal Order to enable a person authorised by the Scottish Ministers to share information regarding porcine epidemic diarrhoea with a person responsible for coordinating on behalf of the pig industry in Scotland a response to a suspected or confirmed outbreak of porcine epidemic diarrhoea. This is to enable advice to be given to the affected keeper and other pig keepers regarding appropriate precautions to take to protect their pigs from porcine epidemic diarrhoea. It will also facilitate the raising of awareness of porcine epidemic diarrhoea through dissemination of information about the disease more widely to the pig industry.

A business and regulatory impact assessment has been prepared and placed in the Scottish Parliament Information Centre. Copies can be obtained from the Scottish Government Directorate for Agriculture, Food and Rural Communities, Animal Health and Welfare Division, Saughton House, Broomhouse Drive, Edinburgh, EH11 3XD.