STATUTORY INSTRUMENTS

1977 No. 949

ANIMALS

DISEASES OF ANIMALS

The Brucellosis (Area Eradication) (England and Wales) (Amendment) Order 1977

Made - - - - 23*rd May* 1977

Coming into Operation 1*st July* 1977

The Minister of Agriculture, Fisheries and Food, in exercise of the powers conferred on him by sections 1, 5 and 85(1) of the Diseases of Animals Act 1950(a), as read with the Diseases of Animals (Extension of Definitions) Order 1971(b), and as extended in the case of the said section 5 by section 106(3) of the Agriculture Act 1970(c), and of all his other enabling powers, hereby orders as follows:—

Citation and commencement

1. This order, which may be cited as the Brucellosis (Area Eradication) (England and Wales) (Amendment) Order 1977, shall come into operation on 1st July 1977.

Interpretation

2.—(1) This order shall be construed as one with the Brucellosis (Area Eradication) (England and Wales) Order 1971(d), as amended(e), hereinafter referred to as "the principal order".

(2) The Interpretation Act 1889(f) applies for the interpretation of this order as it applies for the interpretation of an Act of Parliament.

Amendment of principal order

3.—(1) In Article 2(1) of the principal order (interpretation) the definition of "slaughterhouse" shall cease to have effect, and the following definition shall be substituted therefor:—

" 'slaughterhouse' means a slaughterhouse or knacker's yard, as defined in section 34 of the Slaughterhouses Act 1974(g);".

(a) 1950 c. 36.
(b) S.I. 1971/531 (1971 I, p. 1530).
(c) 1970 c. 40.
(d) S.I. 1971/1717 (1971 III, p. 4673).
(e) S.I. 1972/1173, 1976/244 (1972 II, p. 3486; 1976 I, p. 615).
(f) 1889 c. 63.
(g) 1974 c. 3.

(2) In Article 3 of the principal order (application of order)—

(*a*) the words "subject to paragraph (1A) below" (inserted at the beginning of paragraph (1) thereof by Article 3(2)(*a*) of the Brucellosis (Area Eradication) (England and Wales) (Amendment) Order 1976) shall cease to have effect, and the words "subject to paragraphs (1A) and (1B) below," shall be substituted therefor;

(*b*) paragraph (1A) (inserted by the said Article 3(2)(*a*)) shall cease to have effect, and the following paragraph shall be substituted therefor:—

"(1A) Notwithstanding the provisions of paragraph (1) above, the provisions of this order shall not apply to an export quarantine station, within the meaning of section 36(1) of the Diseases of Animals Act 1950, which is situated within an eradication area or attested area unless those provisions are applied thereto by the order declaring the area to be an eradication area or attested area, as the case may be, for purposes connected with the control of brucellosis.";

(*c*) after paragraph (1A) (as substituted by sub-paragraph (*b*) above), the following paragraph shall be inserted:—

"(1B) Notwithstanding the provisions of paragraph (1) above, the provisions of this order shall not apply in relation to approved premises, within the meaning of the Importation of Animals Order 1977(**a**), and shall apply in relation to imported animals only—

(*a*) from the time specified in the licence issued in respect of those animals under Article 11(5) of that order; or

(*b*) where the existence or suspected existence of disease in any part of Great Britain makes it expedient that no such licence should be issued for the time being, from the time when those animals have completed the period of detention in quarantine required under the provisions of that order or, as the case may be, have been rested at an approved reception centre for the period so required.";

and

(*d*) paragraph (3) (inserted by Article 3(2)(*b*) of the Brucellosis (Area Eradication) (England and Wales) (Amendment) Order 1976) shall be deleted.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 23rd May 1977.

(L.S.)

John Silkin,
Minister of Agriculture, Fisheries and Food.

(**a**) S.I. 1977/944(1977 II, p.2631).

EXPLANATORY NOTE

(This Note is not part of the order.)

This order amends the Brucellosis (Area Eradication) (England and Wales) Order 1971, as previously amended, to take account of the provisions of the Importation of Animals Order 1977. The principal effect of the amendments is to ensure that the provisions of the 1971 Order do not apply to approved premises situated in brucellosis eradication or attested areas at which imported animals are detained in quarantine or rested before proceeding to their final destination in Great Britain, and that those provisions shall only apply to imported animals from the time when they are licensed to be released from approved premises under the 1977 Order, or would be so licensed but for the existence or suspected existence of disease in some part of Great Britain.

In addition, the order removes references in the 1971 Order to "approved landing places" which will no longer exist as a result of the 1977 Order, and substitutes a new definition of "slaughterhouse" to take account of the provisions of the Slaughterhouses Act 1974.

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