STATUTORY INSTRUMENTS

1975 No. 1332 (S. 199)

ANIMALS

DISEASES OF ANIMALS

The Brucellosis (Area Eradication) (Scotland) (Amendment) Order 1975

Made - - - *4th August* 1975

Coming into Operation *18th August* 1975

In exercise of the powers conferred by sections 1, 5 and 85(1) of the Diseases of Animals Act 1950(**a**) and now vested in me(**b**), as read with the Diseases of Animals (Extension of Definitions) Order 1971(**c**) and as extended in the case of the said section 5 by section 106(3) of the Agriculture Act 1970(**d**), and of all other powers enabling me in that behalf, I hereby make the following order:—

Citation and commencement

1. This order, which may be cited as the Brucellosis (Area Eradication) (Scotland) (Amendment) Order 1975, shall come into operation on 18th August 1975.

Interpretation

2.—(1) In this order, "the principal order" means the Brucellosis (Area Eradication) (Scotland) Order 1971(**e**), as amended(**f**) and "the Amendment Order of 1972" means the Brucellosis (Area Eradication) (Scotland) Amendment Order 1972(**g**).

(2) The Interpretation Act 1889(**h**) 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 of the principal order (*Interpretation*) there shall be inserted after the definition of "premises", the following definition:—

> " 'reactor' means a bovine animal which gives rise to a reaction consistent with its being affected with brucellosis when tested for that disease either by or on behalf of the Minister or the Secretary of State or otherwise, as the case may be, provided that in the case of a test otherwise so carried out the result thereof has been reported to the Minister or the Secretary of State;".

(**a**) 1950 c. 36.

(**b**) By the Transfer of Functions (Animal Health) Order 1955 (S.I. 1955/958 (1955 I, p. 1184)).

(**c**) S.I. 1971/531 (1971 I, p. 1530).

(**d**) 1970 c. 40.

(**e**) S.I. 1971/1752 (1971 III, p. 4769).

(**f**) S.I. 1972/738, 1219 (1972 II, pp. 2338, 3610).

(**g**) S.I. 1972/738 (1972 II, p. 2338).

(**h**) 1889 c. 63.

(2) In Article 3 of the principal order (*Application of order*):—

(*a*) paragraph (1)(*a*) shall cease to have effect;

(*b*) paragraph (1A) (inserted by Article 3(*c*) of the Amendment Order of 1972) shall have effect as if after the word "station", there were inserted the words "or approved landing place which is situated"; and

(*c*) after paragraph (3) (inserted by Article 3(*d*) of the Amendment Order of 1972) there shall be inserted the following paragraph:—

"(4) In this Article, 'approved landing place' means a landing place for the time being approved for the purposes of the Animals (Landing from Channel Islands, Isle of Man, Northern Ireland and Republic of Ireland) Order 1955(**a**) as amended(**b**), or the Importation of Canadian Cattle Order of 1933(**c**), as amended(**d**).".

(3) In Article 4 of the principal order (*Movement of cattle into or through Eradication Areas or Attested Areas*) paragraph (2) (as amended by Article 3(1) of the Brucellosis (Area Eradication) (Scotland) Amendment (No. 2) Order 1972(**e**) and paragraphs (3) and (4) thereof (as inserted by Article 3(*e*) of the Amendment Order of 1972) shall cease to have effect and the following paragraphs shall be substituted therefor:—

" (2) The provisions of paragraph (1) above shall not apply to the movement, otherwise than on foot and without unloading from the vehicle in which they are being transported except in the case of emergency—

(*a*) of cattle through an eradication area or attested area from a place outside that area direct to another place outside that area;

(*b*) of cattle into an eradication area or attested area direct to a slaughterhouse or knacker's yard in the area for the purpose of unloading and slaughter there prior arrangements having been made therefor;

(*c*) of cattle (other than a reactor) into an eradication area or attested area direct to premises in the area for the purpose of unloading and sale there being premises used for the time being in connection with the holding of a market under the authority of a licence issued under Article 15 of this order, imposing a condition that cattle in the premises may only be sold there for immediate slaughter;

(*d*) of cattle under the age of 6 months into an eradication area direct to premises in that area for the purpose of unloading and sale there being premises used for the time being in connection with the holding of a market under the authority of a licence issued under Article 15 of this order;

(*e*) of cattle from one attested area to another attested area on a journey which, disregarding any part thereof carried out by sea or air, is wholly carried out over land comprised in an attested area.

(**a**) S.I. 1955/1310 (1955 I, p. 190).
(**b**) S.I. 1962/757, 1963/736, 1967/171 (1962 I, p. 752; 1963 I, p. 892; 1967 I, p. 281).
(**c**) S.R. & O. 1933/15 (Rev II, p. 377; 1933 p. 361).
(**d**) S.I. 1972/1644, 1973/1698 (1972 III, p. 4841; 1973 III, p. 5184).
(**e**) S.I. 1972/1219 (1972 II, p. 3610).

(3) The exemption from the provisions of paragraph (1) of this Article conferred by paragraph (2)(*c*) above shall not apply in respect of the movement into an attested area of cattle which—

(*a*) are lactating,

(*b*) have calved within the preceding 14 days; or

(*c*) are showing signs of vaginal discharge.

(4) When cattle are moved into or through an eradication area or attested area in circumstances referred to in any of the sub-paragraphs (*a*) to (*d*) of paragraph (2) above the person in charge of the cattle shall ensure that they do not come into contact with any cattle, other than cattle with which they were in contact immediately before they entered the area.".

(4) In Article 5 of the principal order (*Movement of cattle within an Eradication Area or Attested Area*)—

(*a*) paragraph (1)(*b*) shall have effect as if, after the word " slaughterhouse", there were inserted the words " knacker's yard "; and

(*b*) paragraphs (3) and (4) (inserted by Article 3(*f*) of the Amendment Order of 1972) shall cease to have effect.

(5) The principal order shall have effect as if the following additional Articles were inserted therein at the end of Article 5:—

"*Movement of cattle to temporary accommodation for cattle intended for export*

5A.—(1) Nothing in Articles 4(1) and 5(1) above shall apply to cattle being moved (otherwise than on foot) into an eradication area or an attested area directly to approved premises within the area.

(2) In this Article 'approved premises' means premises approved in accordance with Article 3 of the Exported Animals Protection Order 1964 **(a)** and also approved in writing for the purpose of this order by a veterinary inspector or officer of the Secretary of State.

Control of slaughterhouses and knacker's yards in attested areas

5B. No slaughterhouse or knacker's yard in an attested area other than a slaughterhouse or yard which has been approved for the purpose of this order by a veterinary inspector or officer of the Secretary of State shall be used for the purpose of accepting any reactor.

Supplementary provision as to approvals

5C.—(1) An approval given under Article 5A or 5B above may be given subject to compliance by the owner or occupier of the premises or, as the case may be, the slaughterhouse or yard to which it relates with such conditions as may be specified in the approval.

(2) Such an approval may by notice in writing served on such owner or occupier be withdrawn or varied at any time by a veterinary inspector or officer of the Secretary of State but without prejudice to anything lawfully done pursuant to such approval before such withdrawal or variation takes effect.

Restriction of vaccination in attested areas

5D. No person other than—

(*a*) a veterinary inspector;

(a) S.I. 1964/704 (1964 II, p. 1352).

(*b*) a veterinary surgeon authorised for the purpose by the Secretary of State; or

(*c*) a person to whom a licence has been issued for the purpose by a veterinary inspector, employed by the Minister, and who complies with the conditions (if any) specified in such licence

shall vaccinate cattle in an attested area against brucellosis.".

Revocations and savings in part of existing orders

4.—(1) The orders specified in the Schedule hereto are hereby revoked to the extent specified in Column 2 of that Schedule.

(2) Nothing in this revocation shall affect any movement of cattle or approval or any other thing done under any provision of any order revoked by this order and every such approval shall continue in force until withdrawn by a veterinary inspector or by an officer of the Secretary of State.

William Ross,
One of Her Majesty's
Principal Secretaries of State.

New St. Andrew's House,
Edinburgh.

4th August 1975.

SCHEDULE

COLUMN 1	COLUMN 2
The Brucellosis (Area Eradication) (Scotland) Order 1971	Article 3(1)(*a*) Article 4(2)(3) and (4) Article 5(3) and (4)
The Brucellosis (Area Eradication) (Scotland) Amendment Order 1972	Article 3(*e*) and (*f*)
The Brucellosis (Area Eradication) (Scotland) Amendment (No. 2) Order 1972	Article 3(1)

EXPLANATORY NOTE

(This Note is not part of the Order.)

The Brucellosis (Area Eradication) (Scotland) Order 1971 (as amended in 1972) sets out the controls to be applied to cattle in areas declared by the Secretary of State as Eradication Areas or Attested Areas for purposes connected with the eradication of brucellosis. Under Article 4 of that Order a general prohibition is imposed on the movement of cattle into or through Eradication or Attested Areas otherwise than in accordance with a licence and the Article specifies a number of exceptions from this prohibition. This present Order which further amends the Order of 1971 introduces certain additional exceptions in readiness for the first declaration of Attested Areas.

By amendment of Article 3 of the 1971 Order approved landing places (defined in this present Order) within an Eradication or Attested Area are exempted from the provisions of the 1971 Order. In addition by a new Article 5A introduced into the 1971 Order the prohibitions imposed by Articles 4(1) and 5(1) thereof are disapplied in respect of cattle moved directly to premises within an Eradication or Attested Area which have been approved for the purposes of resting animals immediately before export under the Exported Animals Protection Order 1964 and which have been approved for the purposes of the 1971 Order.

By two further new Articles inserted in the 1971 Order no slaughterhouses within Attested Areas other than slaughterhouses approved for the purposes of the Order may be used for accepting reactors to brucellosis and a prohibition is imposed on any person other than a person specified in the Order vaccinating cattle in an Attested Area against brucellosis. The term "reactor" is defined for the purposes of the 1971 Order.

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