STATUTORY INSTRUMENTS

1977 No. 958 (S.66)

ANIMALS

DISEASES OF ANIMALS

The Brucellosis (Area Eradication) (Scotland) Amendment Order 1977

Made - - -	*26th May* 1977
Coming into Operation	*1st July* 1977

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 1977, shall come into operation on 1st July 1977.

Interpretation

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

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

Amendment of principal order

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

(*a*) the words "Subject to the provisions of paragraph (1A) of this Article" (inserted at the beginning of Article 3(1) by Article 3(*a*) of the

(**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, 1975/1332 (1972 II, p. 2338; II, p. 3610; 1975 III, p. 4534).
(**g**) 1889 c. 63.

Brucellosis (Area Eradication) (Scotland) Amendment Order 1972(a)) shall cease to have effect and the words "Subject to the provisions of paragraphs (1A) and 1B) of this Article" shall be substituted therefor;

(*b*) paragraph (1A) (inserted by Article 3(*c*) of the said amendment order), as amended by Article 3(2)(*b*) of the Brucellosis (Area Eradication) (Scotland) (Amendment) Order 1975(b), 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 (*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(c), 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.";

(*d*) paragraph (3) (inserted by Article 3(*d*) of the Brucellosis (Area Eradication) (Scotland) Amendment Order 1972 and paragraph 4 (inserted by Article 3(2)(*c*) of the Brucellosis (Area Eradication) (Scotland) (Amendment) Order 1975 shall be deleted.

Bruce Millan,

One of Her Majesty's
Principal Secretaries of State.

New St Andrew's House,
Edinburgh.
26th May 1977.

(a) S.I. 1972/738 (1972 II, p. 2338). (b) S.I. 1975/1332 (1975 III, p. 4534).
(c) 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) (Scotland) 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 cattle from the time when they are licensed for release from the 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.

The Order removes references in the 1971 Order to "approved landing places" which no longer exist as a result of the 1977 Order.

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