STATUTORY INSTRUMENTS

1973 No. 100 (S. 3)

ANIMALS

DISEASES OF ANIMALS

The Brucellosis (Eradication Areas) (Scotland) Order 1973

Made - - - - 23*rd January* 1973
Coming into Operation 19*th February* 1973

In exercise of the powers conferred upon me by sections 1 and 5 of the Diseases of Animals Act 1950(**a**) as read with the Transfer of Functions (Animal Health) Order 1955(**b**) and the Diseases of Animals (Extension of Definitions) Order 1971(**c**), and as extended 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.—(1) This order may be cited as the Brucellosis (Eradication Areas) (Scotland) Order 1973 and shall come into operation on 19th February 1973.

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

Declaration of brucellosis eradication areas

2. The areas respectively described in the Schedule hereto, being areas as respects which the Secretary of State is satisfied in each case that a substantial majority of the cattle therein are free from brucellosis, are hereby declared to be eradication areas for purposes connected with the control of brucellosis, and shall be known for such purposes by the names by which they are referred to in the said Schedule.

Restrictions on vaccination in eradication areas

3.—(1) No cattle shall be vaccinated against brucellosis in an area declared by this order to be an eradication area except—

(*a*) by an officer of the Secretary of State or other person acting on the Secretary of State's behalf; or

(*b*) where a licence has been issued for the purpose by a veterinary inspector employed by the Minister of Agriculture, Fisheries and Food and the vaccination is carried out in accordance with the terms and the conditions (if any) of the licence.

(2) Any person who vaccinates cattle, or causes or permits cattle to be vaccinated, in contravention of the preceding paragraph, or who fails to comply with a condition of such a licence as is referred to in that paragraph, commits an offence against the Diseases of Animals Act 1950.

(**a**) 1950 c. 36. (**b**) S.I. 1955/958 (1955 I, p. 1184). (**c**) S.I. 1971/531 (1971 I, p. 1530).
(**d**) 1970 c. 40. (**e**) 1889 c. 63.

Application of the Brucellosis (Area Eradication) (Scotland) Order 1971

4. The provisions of the Brucellosis (Area Eradication) (Scotland) Order 1971(**a**) as amended by the Brucellosis (Area Eradication) (Scotland) Amendment Order 1972(**b**) and the Brucellosis (Area Eradication) (Scotland) Amendment (No. 2) Order 1972(**c**) shall apply to, and have effect in, the eradication areas as from 1st July 1974 in the same manner as the same apply to and have effect in the Areas respectively designated in the Schedule to the Brucellosis (Eradication Areas) (Scotland) Order 1971(**d**) known as the No. 1 Eradication Area and the No. 2 Eradication Area by virtue of Article 3(1)(*a*) of the Brucellosis (Area Eradication) (Scotland) Order 1971.

Enforcement

5. This order shall, except where otherwise expressly provided, be enforced by the local authority.

Gordon Campbell,
One of Her Majesty's
Principal Secretaries of State.

St. Andrew's House,
Edinburgh.
23rd January 1973.

SCHEDULE

Article 2

No. 9 Eradication Area

The County of Moray.

That part of the county of Banff comprising the parishes of Aberlour, Cabrach, Inveravon, Kirkmichael, Mortlach.

No. 10 Eradication Area

That part of the county of Perth comprising the parishes of Abernethy, Arngask, Dron, and so much of the parishes of Dunbarney and Forteviot as lie south of the River Earn.

The parishes of Forgandenny, Muckhart, Glendevon, Dunning, Auchterarder, Blackford and so much of the parish of Trinity Gask, as lies south of the River Earn.

The parishes of Dunblane and Lecropt, Ardoch, Muthill and so much of the parish of Monzievaird and Strowan as lies south of the River Earn.

The parishes of Kincardine, Kilmadock, Callander, Port-of-Menteith and Aberfoyle.

The parishes of Balquhidder, Killin, and so much of the parish of Comrie as lies south of the River Earn and the south bank of Loch Earn.

No. 11 Eradication Area

The counties of Fife, Kinross, and Clackmannan.

That part of the county of Stirling comprising the parish of Logie and as much of the parish of St. Ninians as lies north of the Stirling-Callander road (A84) and that part bounded on the east by the Bannock Burn and on the south by the railway line running from Stirling to Larbert.

(a) S.I. 1971/1752 (1971 III, p. 4769).
(b) S.I. 1972/738 (1972 II, p. 2338).
(c) S.I. 1972/1219 (1972 II, p. 3610).
(d) S.I. 1971/571.

EXPLANATORY NOTE

(This Note is not part of the Order.)

Under section 5 of the Diseases of Animals Act 1950 the Secretary of State for Scotland may make Orders declaring any area to be an eradication area for purposes connected with the control of certain animal diseases if he is satisfied that a substantial majority of the cattle therein are free from any of these diseases. Under the same section as amended by section 106(3) of the Agriculture Act 1970, the Secretary of State may make Orders imposing such prohibitions or requirements with regard to cattle in eradication areas as he may consider necessary or desirable for the purpose of eradicating brucellosis.

The present Order declares three further areas to be eradication areas prohibiting the vaccination against brucellosis of cattle in the area unless undertaken on behalf of the Secretary of State or under a licence issued by a veterinary inspector employed by the Minister of Agriculture, Fisheries and Food.

This Order brings into effect in respect of these three further areas the provisions of the Brucellosis (Area Eradication) (Scotland) Order 1971 as amended by the Brucellosis (Area Eradication) (Scotland) Amendment Order 1972 and the Brucellosis (Area Eradication) (Scotland) Amendment (No. 2) Order 1972.