STATUTORY INSTRUMENTS

1975 No. 154 (S. 13)

ANIMALS

DISEASES OF ANIMALS

The Brucellosis (Eradication Areas) (Scotland) Order 1975

Made - - - *6th February* 1975

Coming into Operation *16th February* 1975

In exercise of the powers conferred on 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. This order may be cited as the Brucellosis (Eradication Areas) (Scotland) Order 1975 and shall come into operation on 16th February 1975.

Interpretation

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

3. 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

4.—(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.

(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.

(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.

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

5. 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, Nos. 16 and 17 Eradication areas as from 1st April 1976 and in Nos. 18, 19 and 20 Eradication Areas as from 1st July 1976.

Enforcement

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

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

St. Andrew's House,
Edinburgh.

6th February 1975.

SCHEDULE

Article 3

No. 16 Eradication Area

That part of the county of Banff comprising the parishes of Forglen, Inverkeithny, Marnoch, Ordiquhill; Alvah, Banff, Boyndie, Gamrie; Rathven; Cullen, Deskford, Fordyce; Boharm, Botriphnie, Grange, Keith, Rothiemay.

That part of the county of Aberdeen comprising the parishes of Aberdour, Crimond, Fraserburgh, Longside, Lonmay, New Deer, Old Deer, Peterhead, Pitsligo, Rathen, St. Fergus, Strichen, Tyrie; Cruden; Auchterless, Fyvie, King Edward, Monquhitter, Turriff.

No. 17 Eradication Area

The county of West Lothian.

No. 18 Eradication Area

The counties of Berwick and East Lothian.

No. 19 Eradication Area

That part of the county of Aberdeen comprising the parishes of Aboyne and Glentanar, Birse, Coull, Crathie and Braemar, Kincardine O'Neil, Logie-Coldstone, Lumphanan, Tarland; and the parish of Glenmuick, Tullich and Glengairn.

No. 20 Eradication Area

The county of Angus including the county of the City of Dundee.

(**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).

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 those 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.

Fifteen eradication areas have already been declared and the present order declares five further areas to be eradication areas prohibiting the vaccination against brucellosis of cattle in the areas 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.

The Order brings into effect in respect of these five 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.