STATUTORY INSTRUMENTS

1967 No. 1823

ANIMALS

DISEASES OF ANIMALS

The Foot-and-Mouth Disease (Temporary Restrictions) Order 1967

Made - - - - *7th December* 1967
Coming into Operation *8th December* 1967

The Minister of Agriculture, Fisheries and Food and the Secretary of State, acting jointly, in pursuance of section 1(1)(*a*) of the Diseases of Animals Act 1950(**a**), as read with the Transfer of Functions (Animal Health) Order 1955(**b**), and all their other enabling powers, hereby order as follows:—

Citation, extent and commencement

1. This order, which may be cited as the Foot-and-Mouth Disease (Temporary Restrictions) Order 1967, shall apply to Great Britain and shall come into operation on 8th December 1967.

Interpretation

2.—(1) In this order, unless the context otherwise requires—

" the Act " means the Diseases of Animals Act 1950 ;

" agricultural land " means land used for agriculture (within the meaning of the Agriculture Act 1947(**c**) or, in relation to Scotland, the Agriculture (Scotland) Act 1948(**d**)) which is so used for the purpose of a trade or business, but does not include dwellings ;

" the appropriate Minister " means, in relation to England and Wales, the Minister of Agriculture, Fisheries and Food, and, in relation to Scotland, the Secretary of State or the Minister of Agriculture, Fisheries and Food ;

" land adjoining agricultural land " includes land covered by water but does not include buildings or public highways other than footpaths and bridleways ;

" specified " means specified by notice given under this order.

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

Power to prohibit persons from being on land

3.—(1) Where the appropriate Minister is satisfied that the presence of a person, or of persons of any description, on land to which this order applies involves a risk of spreading foot-and-mouth disease, he may by giving notice in writing prohibit such person or persons from being on that land.

(**a**) 1950 c. 36. For change of title of the Minister see S.I. 1955/554 (1955 I, p. 1200).
(**b**) S.I. 1955/958 (1955 I, p. 1184). (**c**) 1947 c. 48. (**d**) 1948 c. 45. (**e**) 1889 c. 63.

(2) Any such prohibition may be either absolute or conditional, may be limited to particular purposes, may apply to specified land or to land of a specified description, and shall take effect generally or, if the notice so provides, at specified times or on specified occasions.

(3) Nothing in a prohibition under this order shall prevent—

(*a*) access to a dwelling by any person who lives there;

(*b*) access to land necessitated by a medical or other emergency;

(*c*) access to land by its owner, unless it is owned by a body of persons, incorporated or unincorporated, for the purpose of carrying on a sport or game;

(*d*) access to land by its occupier, and by his family and servants, unless it is occupied by such a body for such a purpose; or

(*e*) access to land with the written or verbal permission of an officer of the appropriate Minister.

(4) This order applies to agricultural land and land adjoining agricultural land.

Notice

4.—(1) Notice of a prohibition under this order may be given to any person to whom the prohibition applies—

(*a*) by serving it on him in accordance with subsections (4) and (5) of section 77 of the Act;

(*b*) if he is a member, officer or servant of a club or association, whether incorporated or unincorporated, by serving it on the secretary of the club or association;

(*c*) if he is a director, officer or servant of a limited company, by serving it on the secretary of the company;

(*d*) by exhibiting it in a prominent position on the land to which it relates, by publishing it in a newspaper circulating in the district in which the land is situated, or by exhibiting it or publishing it in such other way as the Minister is satisfied will best bring it to the attention of persons likely to be affected by the prohibition.

(2) Where notice is given by serving it on the secretary of a limited company, club or association, he shall immediately take all reasonable steps to bring it to the attention of any director, member, officer or servant of such company, club or association likely to be affected by the prohibition.

(3) It shall be unlawful for a person to remove, destroy, deface or alter any notice exhibited for the purpose of this order.

Breach of prohibition to be an offence

5. Where notice prohibiting a person from being on any land to which this order applies has been given to him in a manner provided in article 4(1) above, it shall be unlawful for him knowingly to be on that land contrary to the prohibition.

Powers to be temporary

6. This order, unless extended, shall expire on 31st March 1968, without prejudice to any proceedings which may be taken against a person for a contravention of the order occurring on or before that date.

In witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 7th December 1967.

Frederick Peart,
Minister of Agriculture, Fisheries and Food.

Given under the Seal of the Secretary of State for Scotland on 7th December 1967.

William Ross,
Secretary of State for Scotland.

EXPLANATORY NOTE

(*This note is not part of the order.*)

This order enables the Minister of Agriculture, Fisheries and Food or the Secretary of State for Scotland by notice in writing to prohibit persons from being on agricultural or adjoining land. The appropriate Minister must be satisfied that the presence of such a person involves a risk of spreading foot-and-mouth disease. The order specifies how notice is to be given.

Owners and occupiers of land are exempted, and the families and servants of occupiers, except where the land is owned or occupied by bodies of persons for the purpose of carrying on a sport or game. Necessary access to dwellings is preserved, and allowance is made for emergencies.

A person who knowingly contravenes a prohibition after being given notice of it commits an offence against the Diseases of Animals Act 1950 and may be punished by a fine of £50 or, on a subsequent conviction within 12 months, imprisonment for one month.

The order is a temporary one, and will expire at the end of March 1968 unless it is extended by a further order.