MINISTERS OF THE CROWN

1955 No. 958

The Transfer of Functions (Animal Health) Order, 1955

Made - - - -	30*th June*, 1955
Laid before Parliament	5*th July*, 1955
Coming into Operation	1*st August*, 1955

At the Court at Holyroodhouse, the 30th day of June, 1955

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in pursuance of the Ministers of the Crown (Transfer of Functions) Act, 1946(a), is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

Citation, interpretation and commencement

1.—(1) This Order may be cited as the Transfer of Functions (Animal Health) Order, 1955.

(2) The Interpretation Act, 1889(b), applies for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

(3) In this Order "the Act" means the Diseases of Animals Act, 1950(c), "existing order" means an order or scheme made, or having effect as if made, in pursuance of powers conferred by the Act, or of those and other powers, and in force at the making of this Order, references to functions under existing orders are references to functions under such orders as then in force, and "the Minister" means the Minister of Agriculture, Fisheries and Food.

(4) This Order shall come into operation on the first day of August, 1955.

Functions transferred to Secretary of State and Minister acting jointly

2. Subject to the provisions of this Order, there are hereby transferred to the Secretary of State and the Minister acting jointly all functions of the Minister under the Act and under any existing order.

Functions transferred to Secretary of State as respects Scotland and remaining with Minister as respects England and Wales

3.—(1) The following functions, that is to say:—

(*a*) all functions under the Act and any existing order in so far as exercisable in relation to brucellosis melitensis, epizootic abortion, tuberculosis and infestation of cattle with the maggot of the warble fly;

(a) 9 & 10 Geo. 6. c. 31. (b) 52 & 53 Vict. c. 63. (c) 14 Geo. 6. c. 36.

(*b*) all functions under the provisions of the Act specified in the First Schedule to this Order;

(*c*) all functions under such of the provisions of existing orders specified in the second column of the Second Schedule to this Order as are specified in the third column of that Schedule;

are hereby transferred to the Secretary of State in so far as conferred by the Act in its application to Scotland, by any existing order, extending to the whole of Great Britain, in its application to Scotland, or by any existing order applying only to Scotland or a part thereof.

(2) The functions specified in paragraphs (*a*) to (*c*) of the last foregoing paragraph shall remain functions of the Minister in so far as conferred by the Act in its application to England and Wales, by any existing order, extending to the whole of Great Britain, in its application to England and Wales or by any existing order extending only to England and Wales or a part thereof.

Supplementary functions transferred to Secretary of State

4.—(1) There are hereby transferred to the Secretary of State the functions of the Minister (relating to joint committees) under subsection (4) of section sixty-eight of the Act as that section applies to Scotland in accordance with subsection (6) of section eighty-six of the Act.

(2) There are hereby transferred to the Secretary of State the functions of the Minister under subsection (4) of section eighty-five of the Act (which relates to the publication of orders and other documents by local authorities) in so far as those functions are exercisable in relation to functions transferred by Article 3 of this Order.

Other functions not transferred from Minister

5.—(1) The functions specified in the Third Schedule to this Order shall remain functions of the Minister as respects the whole of Great Britain.

(2) In so far as exercisable in relation to functions under the Act and existing orders retained by the Minister by virtue of paragraph (2) of Article 3 of this Order or the last foregoing paragraph, the functions conferred by subsection (4) of section eighty-five of the Act shall remain functions of the Minister.

Detention of aircraft

6. There is hereby transferred to the Minister and the Secretary of State acting jointly the power of the Minister under paragraph 4 of the Second Schedule to the Agriculture (Miscellaneous Provisions) Act, 1954(**a**) (which Schedule provides for adapting the Diseases of Animals Act, 1950, to air transport) by order to make provision for the detention of aircraft.

Variation and revocation of orders

7.—(1) In relation to existing orders made, or containing provisions made, in the exercise of powers transferred by this Order, the power to vary or revoke existing orders is hereby transferred to the Secretary of State and the Minister acting jointly:

(**a**) 2 & 3 Eliz. 2. c. 39.

Provided that so far as such an order relates to any of the diseases specified in sub-paragraph (*a*) of paragraph (1) of Article 3 of this Order,—

(*a*) the power to vary it in its application to Scotland, if it extends to the whole of Great Britain,

(*b*) the power to vary or revoke it, if it extends only to Scotland or part thereof,

is hereby transferred to the Secretary of State.

(2) The reference in this Article to powers transferred by this Order shall include a reference to the corresponding powers conferred by enactments repealed by the Act.

(3) In relation to existing orders not falling within paragraph (1) of this Article the said power to vary or revoke shall remain a function of the Minister.

Saving for power to appoint inspectors and veterinary inspectors

8. Nothing in this Order shall be taken as transferring the power of the Minister to appoint inspectors and veterinary inspectors for the purposes of the Act.

Consequential provisions

9.—(1) So far as may be necessary for or in consequence of the transfers effected by this Order references in the Act or in any existing order to the Minister shall be construed as or as including references to the Secretary of State or to the Minister and the Secretary of State acting jointly, as the case may require.

(2) This Order shall not affect the validity of anything done by or in relation to the Minister before the coming into operation of this Order; and anything which, at the time of the coming into operation of this Order, is in process of being done by or in relation to the Minister may be continued by or in relation to the Minister, the Secretary of State, each of them, or the two of them jointly, as the case may require.

(3) Any approval, authority or licence given or other thing done by the Minister shall, if in force on the coming into operation of this Order, continue in force as if given or done by the Minister, the Secretary of State, each of them, or the two of them jointly, as the case may require.

(4) In subsection (3) of section eighty-five of the Act (which provides for the publication in the London Gazette of notices of orders made under the Act) the reference to the London Gazette shall be construed as including a reference to the Edinburgh Gazette.

W. G. Agnew.

FIRST SCHEDULE

The provisions of the Act referred to in sub-paragraph (*b*) of paragraph (1) of Article 3 of this Order are those specified in the first column of the following Table, which relate to the matters specified in the second column of that Table.

TABLE

Provisions	Subject matter
Section twenty-two, subsection (1)	Supply of water and food for animals carried by rail.
Section twenty-nine, subsection (1) and paragraph (*d*) of subsection (2).	Power to require slaughter of certain Canadian cattle landed in Great Britain, and approval of ports and landing places for Canadian cattle.
Section thirty-four, subsection (2)	Recovery of fees for landing of imported animals in Great Britain.
Section thirty-six...	Export quarantine stations.
Section thirty-seven, subsection (6)	Prescription and recovery of fees for examination of horses on export.
Section forty-one, subsection (4)	Prescription and recovery of charges in connection with export of horses.
Section forty-three	Sanction of dipping places for sheep.
Section forty-four, paragraphs (*b*) to (*d*), and paragraph (*e*) except in so far as it confers powers supplementary to those conferred by paragraph (*a*).	Control of dogs.
Section forty-six, subsections (1) and (2).	Testing facilities for breeders of disease-free stocks of poultry.
Section fifty-three, so much of paragraph (*b*) of subsection (1) as provides for the issuing of licences.	Licensing of manufacture and importation of prescribed veterinary therapeutic substances.
Section fifty-four, paragraphs (*b*) and (*c*) of subsection (1).	Supplementary provisions as to licences to manufacture prescribed veterinary therapeutic substances.
Section fifty-nine, subsection (4)	Substitution of other bodies for local authorities in relation to provisions of the Act as to imported animals.
Section sixty-one, subsections (3), (6) and (7).	Approval of byelaws for local authority wharves, obtaining of information of expenditure and receipts of local authority, and regulation of tolls.
Section sixty-three	Default powers.
Section sixty-four, subsection (2)	Power to remove inspectors appointed by local authorities.
Section sixty-eight, subsection (5)	Approval of agreements between local authorities for transfer or combination.

Provisions	Subject matter
Section seventy-two	Obtaining of information from marketing boards.
Section seventy-four, subsection (1).	Detention of vessels.
First Schedule, paragraph 1 of Part I and paragraph 3 of Part II.	Designation of imported animals wharves and approval of sheds.
Second Schedule, sub-paragraph (2) of paragraph 4.	Prohibition of use of lairs and enclosures.

SECOND SCHEDULE

The orders and provisions of orders referred to in sub-paragraph (*c*) of paragraph (1) of Article 3 of this Order are those specified in the second and third columns of the following Table.

TABLE

Year and number	Order	Provisions
S.R. & O. 1925 No. 1349	Markets, Sales and Lairs Order of 1925.	Article 2 (2).
S.R. & O. 1927 No. 289	Transit of Animals Order of 1927 ...	Article 25 (5).
S.R. & O. 1927 No. 290	Animals (Miscellaneous Provisions) Order of 1927.	Article 8 (2), (4).
S.R. & O. 1927 No. 982	Markets, Sales and Lairs (Amendment) Order of 1927.	Article 2.
S.R. & O. 1928 No. 236	Quarantine Stations (Regulation) Order of 1928.	The whole Order.
S.R. & O. 1928 No. 922	Importation of Dogs and Cats Order of 1928.	The whole Order.
S.R. & O. 1930 No. 399	Control of Dogs Order of 1930 ...	Articles 2 (3), 3.
S.R. & O. 1930 No. 922	Animals (Importation) Order of 1930	Article 38.
S.R. & O. 1933 No. 15	Importation of Canadian Cattle Order of 1933.	Articles 5 (8), 19 (4), 39 (2).
S.R. & O. 1938 No. 196	Sheep Scab Order of 1938	Articles 25 (3), 33.
S.R. & O. 1938 No. 203	Swine Fever Order of 1938	Article 18 (2), (5).
S.R. & O. 1942 No. 1794	Foot-and-Mouth Disease (Disinfection of Road Vehicles) (Amendment) Order of 1942.	Article 1.
S.R. & O. 1947 No. 1175	Diseases of Animals (Boiling of Animal Foodstuffs) Order of 1947.	Articles 1 (3), 2 (2).
S.R. & O. 1947 No. 1426	Poultry and Hatching Eggs (Importation) Order of 1947.	Article 4 (1), (2). Second Schedule paragraphs 1, 10.
S.I. 1952 No. 1933 ...	Diseases of Animals (Therapeutic Substances) Order, 1952.	The whole Order.
S.I. 1954 No. 698 ...	Horses (Landing from Northern Ireland and the Republic of Ireland) Order, 1954.	Article 7.
S.I. 1954 No. 853 ...	Importation of Carcases and Animal Products Order, 1954.	Article 5.
S.I. 1954 No. 1689 ...	Diseases of Animals (Licensing of Waste Food Sterilisation Plant) Order, 1954.	Article 6.
S.I. 1955 No. 370 ...	Importation of Hay and Straw Order, 1955.	Articles 4 (*d*), 5.

THIRD SCHEDULE

The functions of the Minister referred to in paragraph (1) of Article 5 of this Order are the following:—

(*a*) any functions under section thirteen (cattle plague), section fourteen (pleuro-pneumonia), section fifteen (foot-and-mouth disease), section sixteen (swine fever), section twenty-one (pleuro-pneumonia or foot-and-mouth disease found in animals in transit), subsection (6) of section twenty-nine (slaughtering of imported Canadian cattle found affected with disease), paragraph (*a*) of section forty-four (muzzling of dogs and keeping dogs under control) and paragraph (*e*) of that section (seizure, detention and disposal of dogs) so far as that paragraph confers powers supplementary to those conferred by the said paragraph (*a*), section forty-eight (slaughter of diseased poultry) and subsection (1) of section sixty-two (authorisation of purchase of land) of the Act;

(*b*) except in so far as exercisable in relation to the diseases specified in sub-paragraph (*a*) of paragraph (1) of Article 3 of this Order, any functions under subsection (3) of section ten (cancellation of declaration of infected places), subsections (1) and (3) of section seventeen (slaughter, and compensation for slaughter, of diseased animals), and section eighteen and subsections (1) to (6) of section nineteen (further provisions as to slaughter and compensation) of the Act;

(*c*) all functions under such of the provisions of existing orders specified in the second column of the Table set out at the end of this Schedule as are specified in the third column of that Table.

TABLE

Year and number	Order	Provisions
S.R. & O. 1927 No. 290	The Animals (Miscellaneous Provisions) Order of 1927.	Article 4 (2).
S.R. & O. 1928 No. 133	The Foot-and-Mouth Disease Order of 1928.	The whole Order.
S.R. & O. 1928 No. 205	The Pleuro-Pneumonia Order of 1928.	The whole Order.
S.R. & O. 1928 No. 206	The Cattle Plague Order of 1928 ...	The whole Order.
S.R. & O. 1930 No. 785	The Foot-and-Mouth Disease Order of 1930.	The whole Order.
S.R. & O. 1930 No. 922	The Animals (Importation) Order of 1930.	Article 40 (9).
S.R. & O. 1933 No. 15	The Importation of Canadian Cattle Order of 1933.	Article 19 (3).
S.R. & O. 1936 No. 1297	The Fowl Pest Order of 1936 ...	The whole Order.
S.R. & O. 1938 No. 192	The Foot-and-Mouth Disease (Amendment) Order of 1938.	The whole Order.
S.R. & O. 1938 No. 193	The Epizootic Lymphangitis Order of 1938.	The whole Order.
S.R. & O. 1938 No. 194	The Cattle Plague (Amendment) Order of 1938.	The whole Order.
S.R. & O. 1938 No. 195	The Pleuro-Pneumonia (Amendment) Order of 1938.	The whole Order.
S.R. & O. 1938 No. 196	The Sheep Scab Order of 1938 ...	The whole Order except Articles 25 (3), 31, 33 and 41.
S.R. & O. 1938 No. 202	The Rabies Order of 1938	The whole Order.

Year and number	Order	Provisions
S.R. & O. 1938 No. 203	The Swine Fever Order of 1938 ...	The whole Order except Article 18 (2), (5).
S.R. & O. 1938 No. 204	The Anthrax Order of 1938 ...	The whole Order.
S.R. & O. 1938 No. 227	The Parasitic Mange Order of 1938	The whole Order.
S.R. & O. 1938 No. 228	The Glanders or Farcy Order of 1938	The whole Order.
S.R. & O. 1938 No. 229	The Sheep-Pox Order of 1938 ...	The whole Order.
S.R. & O. 1938 No. 272	The Importation of Horses, Asses and Mules (Great Britain) Order of 1938.	Article 5.
S.R. & O. 1938 No. 1434	The Foot-and-Mouth Disease (Infected Areas Restrictions) Order of 1938.	The whole Order.
S.R. & O. 1938 No. 1435	The Foot-and-Mouth Disease (Controlled Areas Restrictions) General Order of 1938.	The whole Order.
S.R. & O. 1940 No. 1356	The Swine Fever (Amendment) Order of 1940.	The whole Order.
S.R. & O. 1947 No. 871	The Fowl Pest (Amendment) Order of 1947.	The whole Order.
S.R. & O. 1947 No. 1176	The Fowl Pest (Amendment) Order of 1947 (No. 2).	The whole Order.
S.I. 1953 No. 38 ...	The Psittacosis or Ornithosis Order, 1953.	The whole Order.
S.I. 1954 No. 268 ...	The Virus Hepatitis Order, 1954 ...	The whole Order.
S.I. 1954 No. 699 ...	The Atrophic Rhinitis Order, 1954	The whole Order.

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

This Order in Council transfers from the Minister of Agriculture, Fisheries and Food to that Minister and the Secretary of State for Scotland (acting jointly) all the functions of the Minister in Great Britain under the Diseases of Animals Act, 1950, and under existing Orders made pursuant to that Act, with the exceptions which are particularised in the Order in Council. The main exceptions are:—

(i) functions relating to brucellosis melitensis, epizootic abortion, tuberculosis and warble fly infestation, which (together with some other specified functions) are to be exercised by the Minister in England and Wales and by the Secretary of State in Scotland; and

(ii) functions relating to certain infectious diseases, which (together with some other specified functions) are to continue to be exercised, as heretofore, by the Minister throughout Great Britain.