STATUTORY INSTRUMENTS

1989 No. 244

ANIMALS

ANIMAL HEALTH

The Warble Fly (England and Wales) (Amendment) Order 1989

Made - - - -	*23rd February 1989*
Coming into force	*1st March 1989*

The Minister of Agriculture, Fisheries and Food, in relation to England, and the Secretary of State, in relation to Wales, in exercise of the powers conferred on them by sections 1, 8(1) and 86(1) of the Animal Health Act 1981(a) and of all other powers enabling them in that behalf, hereby make the following Order:

Title and commencement

1. This Order may be cited as the Warble Fly (England and Wales) (Amendment) Order 1989 and shall come into force on 1st March 1989.

Amendment of the Warble Fly (England and Wales) Order 1982

2. The Warble Fly (England and Wales) Order 1982(b) shall be amended as follows –

(a) after paragraph (2) of article 2 (interpretation) there shall be inserted the following paragraph –

"(3) For the purposes of this Order any premises which are partly within and partly outside a radius referred to in this Order shall be deemed to be wholly within such radius.";

(b) for paragraph (3) of article 5 (service of notices in Form A) there shall be substituted the following paragraph –

"(3) If, on completing the inquiry, the veterinary inspector is satisfied that an affected animal or an affected carcase is present or within the previous 56 days has been present on the premises he may serve a notice in Form A –

(a) on the owner or person in charge of any animal on the premises; and

(b) on the owner or person in charge of any animal which is kept on any premises which are within a 3 km radius of the premises on which the affected animal or affected carcase is or has been present."; and

(c) after article 5 there shall be inserted the following article –

(a) 1981 c.22; section 86(1) contains a definition of "the appropriate Minister" relevant to the exercise of the statutory powers under which this Order is made. (b) S.I. 1982/234, amended by S.I. 1985/328, 1987/1601.

"5A. Where, on examination by an officer of the Ministry, a sample of blood taken from an animal is found to indicate warbly fly infestation in that animal a veterinary inspector may serve a notice in Form A -

(a) on the owner or person in charge of that animal;

(b) on the owner or person in charge of any other animal which is kept on the same premises as that animal; and

(c) on the owner or person in charge of any animal which is kept on any premises which are within a 3 km radius of the premises on which that animal is kept.".

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 23rd February 1989.

L.S.

John MacGregor
Minister of Agriculture, Fisheries and Food

Peter Walker
Secretary of State for Wales

23rd February 1989

EXPLANATORY NOTE

(This note is not part of the Order)

This Order further amends the Warble Fly (England and Wales) Order 1982 ("the 1982 Order") by providing that where, on examination by an officer of the Ministry of Agriculture, Fisheries and Food, blood samples taken from cattle are found to indicate warble fly infestation in those cattle, a veterinary inspector may serve a notice in Form A –

(i) on the owner or person in charge of those cattle,

(ii) on the owner or person in charge of any other cattle which are kept on the same premises as those cattle, and

(iii) on the owner or person in charge of any cattle which are kept on any premises which are within a 3 km radius of the premises on which those cattle are kept (article 2(c)).

The Order also empowers a veterinary inspector, where he is satisfied that any cattle infected with the warble fly are or have within the previous 56 days been present on any premises, to serve a notice in Form A on the owner or person in charge of any cattle which are kept on any premises which are within a 3 km radius of the premises on which the infected cattle are or have been present (article 2(b)).

A notice in Form A will require the treatment of the cattle to which that notice relates and will prohibit the movement of those cattle except under licence (article 6(1)(a) and (d) of the 1982 Order).

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