STATUTORY INSTRUMENTS

1981 No. 1056 (S.112)

ANIMAL HEALTH

The Warble Fly (Scotland) Amendment Order 1981

Made - - - -	16*th July* 1981
Coming into Operation	31*st July* 1981

In exercise of the powers conferred on me by sections 1 and 8(1) of the Animal Health Act 1981(**a**) as read with section 86(1) of that Act, 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 Warble Fly (Scotland) Amendment Order 1981 and shall come into operation on 31st July 1981.

Interpretation

2. In this order "the principal order" means the Warble Fly (Scotland) Order 1978(**b**).

Amendment of principal order

3.—(1) In article 2(1) of the principal order—

(*a*) after the definition of "animals" there shall be inserted the following definition—
" "autumn treatment period" means the period from 15th September to 30th November (both dates inclusive) in the year to which a treatment period relates;";

(*b*) in the definition of "declaration of treatment", for the words "in Form B or C", there shall be substituted the words "in Form B, BB or C".

(2) After article 5 of the principal order there shall be inserted the following article—

"5A.—(1) Where a requirement to treat any animal has arisen under article 4 or 5(1), a veterinary inspector may, where he considers it to be necessary for the purpose of preventing the spreading of disease, after the expiration of the treatment period, serve a notice in Form AA on the owner or person in charge of animals to which this article applies requiring him, subject to the provisions of article 11, to treat or to have treated

(**a**) 1981 c.22.
(**b**) S.I. 1978/1279.

the animals during the autumn treatment period, under the supervision of an appropriate officer if the veterinary inspector considers such supervision to be necessary.

(2) The animals to which this article applies are—

(*a*) animals which were present on the relevant premises during the treatment period (or any part of it), and

(*b*) animals which were brought on to the relevant premises subsequent to the treatment period and were present on the relevant premises at the time the notice under paragraph (1) above was served.

In this paragraph "relevant premises" means the premises on which any animal required to be treated under article 4 was present at any time during the treatment period or the premises specified in a notice served under article 5(1).

(3) A notice served under paragraph (1) above shall require the person upon whom it is served to give to the veterinary inspector at his official address shown on the notice written notification of the date and time on which the treatment is to be applied, such notification to be delivered or sent by post so as to be received at least three clear days before the time the treatment is to be applied.

(4) A person upon whom a notice is served under paragraph (1) above shall deliver or send by post to the veterinary inspector at his official address shown on the notice, within 14 days of the treatment being applied, a declaration of treatment in Form BB that all animals referred to in the notice have been treated during the autumn treatment period.

(5) An appropriate officer may at all reasonable hours enter premises on which any animal required to be treated under this article is present for the purpose of supervising the application of treatment under paragraph (1) above or for the purpose of ascertaining that the treatment required by that paragraph is applied.

(6) An appropriate officer, on entering premises under paragraph (5) above, shall produce on demand his authority and shall, if so required by the owner, occupier or person in charge of those premises, state his reason for entering.

(7) In this article "appropriate officer" means a person appointed to be an inspector for the purposes of the Act by the Minister of Agriculture, Fisheries and Food."

(3) In article 6(1) of the principal order, after the words "article 5" there shall be inserted the words "or paragraph (1) of article 5A".

(4) In article 11(1) of the principal order—

(*a*) for the words "The requirement contained in article 4" there shall be substituted the words "The requirement contained in article 4, 5(1) or 5A(1)";

(*b*) in sub-paragraph (a) for the words "it became affected" there shall be substituted the words "the requirement arose".

(5) In article 11(2) of the principal order the word "affected" shall be deleted.

(6) In the Schedule to the principal order (Forms)—

(*a*) after Form A there shall be inserted the following:—

Article 5A

"FORM AA

ANIMAL HEALTH ACT 1981

Warble Fly (Scotland) Order 1978 (as amended by the Warble Fly (Scotland) Amendment Order 1981)

NOTICE

I (name).....
being a veterinary inspector of the Ministry of Agriculture, Fisheries and Food hereby require you as the owner/person in charge* of the animals to which this notice applies—

(1) to treat or to have treated the animals (other than those exempted from treatment under article 11 of the above mentioned order) during the period 15th September to 30th November, under the supervision of an appropriate officer*;

(2) to give the veterinary inspector at his official address shown below written notification of the date and time on which the treatment is to be applied, such notification to be delivered or sent by post so as to be received at least 3 clear days before the time the treatment is to be applied;

(3) to deliver or to send by post to the veterinary inspector at his official address shown below a Declaration of Treatment in Form BB within 14 days of the treatment being applied.

THE ANIMALS TO WHICH THIS NOTICE APPLIES ARE—

A* all cattle aged 12 weeks or over, which at the time that this notice is served are present on the premises known as.....
.....

B* the cattle specified in the Schedule below (being aged 12 weeks or over) which at the time that this notice is served are present on the premises known as.....
.....
and which were previously present at some time during the period 15th March to 31st July on the premises known as.....
.....

* Delete as appropriate

SCHEDULE

Official identity number	Description eg breed, sex, age

Notes

1. In accordance with article 6 of the above order no cattle aged 12 weeks or over may be moved from the premises except under the authority in writing of a veterinary inspector until the requirements of this notice have been met.

2. Before applying the treatment you must give written notification to the veterinary inspector of the date and the time on which the treatment is to be applied. This notification must reach the veterinary inspector at least 3 clear days before the application of the treatment. This will enable him to arrange for an appropriate officer to be available to supervise the treatment where supervision is required or, in the case of unsupervised treatment, to decide whether or not an appropriate officer should simply be present to ascertain that the treatment is carried out.

3. The Declaration of Treatment (Form BB) must be sent to the veterinary inspector at his official address within 14 days of the treatment being applied.

4. Under article 11 of the above order animals are exempted from the requirement to treat if:—

(i) it is not reasonable to treat them because of sickness; because treatment for something other than warble fly has been administered to them; or because of some other veterinary reason; *and* it has not been reasonable to treat them at any time since the requirement to treat them arose, or

(ii) a veterinary inspector has issued a certificate of exemption under paragraph (2) of article 11".

(*b*) after Form B there shall be inserted the following:—

"FORM BB Article 5A

ANIMAL HEALTH ACT 1981

Warble Fly (Scotland) Order 1978 (as amended by the Warble Fly (Scotland) Amendment Order 1981)

DECLARATION OF TREATMENT

I (name).....of (address).....
.....
being the owner/person in charge of the cattle to which this declaration applies, or his duly authorised agent, hereby declare that in compliance with a notice dated ..... served under article 5A of the above mentioned order the animals to which that notice applies (other than those exempted from treatment under article 11 of the order) have been treated with.....
.....
.....
on .....

This declaration must be completed and sent within 14 days of the treatment to the veterinary inspector at (official address).....
.....

MAKING A FALSE DECLARATION MAY RENDER YOU LIABLE TO PROSECUTION UNDER THE ANIMAL HEALTH ACT 1981

Note

Under article 11 of the above order animals are exempted from the requirement to treat if:—

(i) it is not reasonable to treat them because of sickness; because treatment for something other than warble fly has been administered to them; or because of some other veterinary reason; *and* it has not been reasonable to treat them at any time since the requirement to treat them arose, or

(ii) a veterinary inspector has issued a certificate of exemption under paragraph (2) of article 11.".

George Younger,
One of Her Majesty's Principal Secretaries of State.

New St Andrew's House
Edinburgh
16th July 1981

EXPLANATORY NOTE

(*This Note is not part of the Order.*)

This Order amends the Warble Fly (Scotland) Order 1978 (the principal Order).

The Order provides for a notice to be served on the owner or person in charge of certain cattle requiring them to be treated during the autumn treatment period (defined in the Order as 15th September to 30th November inclusive) against infestation by the larva of the warble fly, subject to the exemptions from the requirement to treat referred to in Article 11 of the principal order.

The notice may be served in respect of cattle aged 12 weeks or over—

(a) which were present on premises where the infestation occurred during the treatment period (defined in the principal order as the period from 15th March to 31st July inclusive),

(b) which were brought on to such premises subsequent to the treatment period.

In the former case notice may be served in respect of the cattle concerned whether they remain on the same premises or have been moved to other premises; in the latter case notice may only be served in respect of the cattle concerned if they remain on the same premises.

The Order also:

(a) prescribes the form of notice which is to be served requiring treatment and the form of the declaration required to be sent to a veterinary inspector within 14 days of the treatment being applied;

(b) requires the person on whom the notice requiring treatment is served to give to the veterinary inspector at least 3 days' notice of the date and time on which the treatment is to be applied;

(c) empowers appropriate officers to enter premises to supervise the application of treatment or to ascertain that the treatment is applied; and

(d) extends the prohibition on movement provided for in Article 6 of the principal order, and also the exemptions provided for in Article 11, to the cattle required to be treated during the autumn treatment period.

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