STATUTORY INSTRUMENTS

1978 No. 1279 (S. 117)

ANIMALS

DISEASES OF ANIMALS

The Warble Fly (Scotland) Order 1978

Made - - - - 25*th August* 1978

Coming into Operation 25*th September* 1978

In exercise of the powers conferred by sections 1, 20 and 84(3) of the Diseases of Animals Act 1950(**a**), and now vested in me(**b**), and of all other powers enabling me in that behalf, I hereby make the following order:—

Citation and commencement

1. This order, which may be cited as the Warble Fly (Scotland) Order 1978, shall come into operation on 25th September 1978.

Interpretation

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

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

"affected" means, in relation to an animal, an animal in which the presence of warble fly larva or larvae can be seen or felt;

"animals" means cattle other than calves aged less than twelve weeks;

"declaration of treatment" means a declaration in Form B or C signed by the owner of the animal to which the declaration relates or his duly authorised agent;

"dressing" means a product for which there is a valid product licence granted by virtue of the provisions of the Medicines Act 1968(**c**) permitting its sale and supply for systemic use to kill the larvae of the warble fly;

"to treat" means to apply a dressing according to its manufacturer's instructions, and cognate expressions shall be construed accordingly;

"treatment period" means the period from 15th March to 31st July inclusive in any year;

"veterinary surgeon" means a person registered in a register kept under the provisions of the Veterinary Surgeons Act 1966(**d**), and includes a veterinary practitioner.

(**a**) 1950 c. 36.

(**b**) By the Transfer of Functions (Animal Health) Order 1955 (S.I. 1955/958).

(**c**) 1968 c. 67.

(**d**) 1966 c. 36.

(2) Unless the context otherwise requires any reference in this order to a numbered article or to a lettered form shall be construed as a reference to, respectively, the article so numbered in this order and the form so lettered in the Schedule to this order.

(3) The Interpretation Act 1889(**a**) applies for the interpretation of this order as it applies for the interpretation of an Act of Parliament, and as if this order were an Act of Parliament.

Extension of "disease"

3. For all the purposes of the Act except sections 8 and 58 the definition of the expression "disease" in section 84(3)(a) of the Act is hereby extended to include infestation of cattle with the larva of the warble fly.

Treatment of affected cattle

4. Subject to the provisions of article 11 any animal which is affected at any time during a treatment period shall be treated by the owner or person in charge of it as soon as is reasonably possible.

5.—(1) Where a veterinary inspector knows or has reasonable grounds for suspecting that there is an affected animal on any premises during a treatment period he may serve a notice in Form A on the owner or person in charge of that animal requiring that owner or person—

(a) to examine all the animals in his ownership or charge on those premises for the presence of the larva of the warble fly and, subject to the provisions of article 11, to treat any animal found to be affected, or, at the instance of the veterinary inspector

(b) to ensure that all the animals in his ownership or charge on those premises are so examined by a veterinary surgeon and, if necessary, treated under the supervision of a veterinary surgeon.

(2) 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 as shown in the notice, within twenty-one days of the date of the notice, a declaration of treatment in Form B or, as the case may be, a certificate signed by a veterinary surgeon certifying that all the animals specified in the notice have been examined by him and that all affected animals, other than those in respect of which the exemptions set out in article 11 apply, have been treated during the current treatment period.

6.—(1) Where a notice has been served under paragraph (1) of article 5 no animal shall be moved from the premises referred to in the notice until the requirements of the notice have been met.

(2) The prohibition imposed by paragraph (1) above shall not apply to the movement of any animal which is carried out under the authority in writing of a veterinary inspector.

(**a**) 1889 c. 63.

Restrictions on movement of affected cattle

7.—(1) Subject to the provisions of this article, the movement of any affected animal to or from any premises during a treatment period is prohibited.

(2) The prohibition imposed by paragraph (1) above shall not apply to the movement of an affected animal when that animal—

(a) is accompanied by a licence previously issued under paragraph (2) of article 9 and the movement is in accordance with the terms of that licence;

(b) has been treated during that treatment period and is accompanied by a declaration of treatment;

(c) is being moved between different parts of the same premises; or

(d) is accompanied by a certificate of exemption issued by a veterinary inspector under paragraph (2) of article 11.

8. Where an animal which is affected but has not been treated is moved to a slaughterhouse specified in a licence issued under paragraph (2) of article 9, that licence shall be handed to the manager of the slaughterhouse, who shall keep it for a period of six months and shall produce it to an inspector on demand at any reasonable time.

9.—(1) Where an inspector has reasonable grounds for suspecting that any animal is being moved in contravention of article 7 he may detain that animal until such time as a veterinary inspector has examined it.

(2) Where a veterinary inspector finds that any animal is being moved in contravention of article 7 he may detain that animal and allow it to proceed only under the authority of a licence in Form D issued by him—

(a) direct to a slaughterhouse specified in the licence,
or

(b) direct to premises specified in the licence.

(3) Subject to the provisions of article 11, where an animal is allowed to proceed to premises specified in a licence under paragraph (2)(b) above the owner or person in charge shall ensure that that animal is treated at those premises.

(4) A licence issued under this article authorising an animal to proceed to specified premises may require treatment to be carried out under the supervision of a veterinary surgeon.

(5) Where any treatment has been carried out under paragraphs (3) or (4) above, a declaration of treatment in Form C or, if the treatment was carried out under the supervision of a veterinary surgeon, a certificate signed by the veterinary surgeon certifying that treatment has been carried out or that the animal is exempted from treatment by virtue of article 11 shall be delivered or sent by post to the veterinary inspector at his address as shown on the licence within twenty-one days of the date of the licence.

(6) Where any animal is detained under paragraphs (1) or (2) above, the owner or person in charge thereof shall comply with any reasonable request

for information made by the inspector or veterinary inspector about the animal or any other animals which are or have been in his possession or charge.

(7) Where any animal is detained under paragraphs (1) or (2) above, and the animal has just been sold by auction, the auctioneer shall comply with any reasonable request for information about that animal made by the inspector or veterinary inspector, including in particular a request for the name and address of the previous owner of the animal.

Treatment by the Secretary of State

10.—(1) Where a declaration of treatment or a veterinary certificate is required to be provided under this order in respect of any animal and is not so provided, the Secretary of State may cause that animal to be examined and, if necessary, treated.

(2) Any reasonable expenses incurred by the Secretary of State under paragraph (1) above shall be paid by the owner or person in charge of the animal which was examined or treated.

Exemptions from treatment

11.—(1) The requirement contained in article 4 shall not apply in respect of any animal if—

(a) it is not reasonable and has at no time since it became affected been reasonable, to treat it on account of sickness, treatment other than for warble fly or other veterinary reason,

(b) a veterinary inspector has issued a certificate of exemption under paragraph (2) below, or

(c) it is at a slaughterhouse.

(2) A veterinary inspector may issue a certificate granting an exemption, subject to such conditions for the control of warble fly as seem to him to be reasonably necessary, exempting any person from any requirement to treat an affected animal imposed by or in pursuance of this order if the veterinary inspector is satisfied that it is impracticable or inexpedient to treat the animal in question.

Revocation of licences and certificates

12. A veterinary inspector may, if it appears to him necessary or expedient to do so, revoke a licence, authority or certificate of exemption granted, or cancel any notice served, under this order.

Production of licences etc

13. Where, under the provisions of this order, an authority is required for the movement of an animal, or any such movement must be accompanied by a licence, declaration of treatment or certificate of exemption, the person in charge of any such animal being moved shall, on demand made under this order by an officer of the Minister of Agriculture, Fisheries and Food or of an officer of the Secretary of State, or by an inspector of a local authority, produce the authority, licence, declaration or certificate and allow a copy thereof or extract therefrom to be taken, and shall also, if required, furnish his name and address.

Offences

14. Any person who contravenes any provision of this order, or any condition of a licence or certificate of exemption granted under any such provision, or who fails to comply with any such provision or condition or with any notice served under any such provision or with the terms of any such licence, or who causes or permits such contravention or non-compliance commits an offence against the Act.

Local authority to enforce order

15. The provisions of this order shall, except where otherwise provided, be executed and enforced by the local authority.

Bruce Millan,
One of Her Majesty's Principal Secretaries of State.

New St Andrew's House,
Edinburgh.
25th August 1978.

Article 5

SCHEDULE—FORMS

FORM A

DISEASES OF ANIMALS ACT 1950

WARBLE FLY (SCOTLAND) ORDER 1978

NOTICE

I (name) ..... being a veterinary inspector of the Ministry of Agriculture, Fisheries and Food hereby give you notice as the owner or person in charge of the animals at .....

.....

that you are required—

A* to 1. examine all those animals for the presence of the larva of the warble fly, and

2. send to the veterinary inspector at the address given below a Declaration of Treatment in Form B. If on examination no animals are found to be affected or if any animals are exempt from the requirement to treat by Article 11 of the above order the Declaration must nevertheless be returned, endorsed and signed by you to that effect.

B* to send to the veterinary inspector at the address given below a veterinary certificate signed by a veterinary surgeon certifying that—

1. all those animals have been examined by him, and
2. all affected animals (other than those in respect of which the exemptions set out in Article 11 apply) have been treated.

Dated .....

Signed ..... Official Address .....

Veterinary Inspector. .....

.....

.....

Notes

1. In accordance with Article 6 of the above order no animals 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. The Declaration of Treatment or Veterinary Certificate must be sent to the veterinary inspector at his official address within twenty-one days of the date of this Notice.

3. In this Notice the word "animals" means cattle other than calves aged less than twelve weeks.

* Delete whichever is not appropriate.

Article 5

FORM B

DISEASES OF ANIMALS ACT 1950

WARBLE FLY (SCOTLAND) ORDER 1978

DECLARATION OF TREATMENT

I (name) ..... of (address) .....

.....

being the owner/person in charge of the animal(s) specified below, or his duly authorised agent, hereby declare that—

(a) the animal(s) specified below have been treated with a systemic warble fly dressing as stated below during the treatment period (15th March to 31st July);

(b) the animal(s) specified below are the only affected animals in my ownership/under my charge at (address)

.....

which have not been previously treated during the current treatment period or which are not exempt from treatment by virtue of the provisions of Article 11 of the above order;

(c) that the particulars given in the Schedule below are true and correct.

Signed ..... Date .....

SCHEDULE

Official identity number	Description of animals eg breed, sex, age	Date of treatment	Warble fly dressing used

Total number of animals referred to: —

This form must be completed and sent to the veterinary inspector at (official address) .....

within 21 days from (date) .....

MAKING A FALSE DECLARATION IS AN OFFENCE AGAINST THE DISEASES OF ANIMALS ACT 1950.

Article 9

FORM C

DISEASES OF ANIMALS ACT 1950

WARBLE FLY (SCOTLAND) ORDER 1978

DECLARATION OF TREATMENT

I (name) ..... of (address) .....

.....

being the owner of the animal(s) specified below (or his duly authorised agent) hereby declare that it has/they have been treated with a systemic warble fly dressing during the current treatment period (15th March to 31st July).

Signed ..... Date .....

Give below official identity number(s) of animal(s)

Total number of animals referred to:— .....

MAKING A FALSE DECLARATION IS AN OFFENCE AGAINST THE DISEASES OF ANIMALS ACT 1950

Article 9

FORM D

DISEASES OF ANIMALS ACT 1950

WARBLE FLY (SCOTLAND) ORDER 1978

MOVEMENT LICENCE

I (name) ..... being a veterinary inspector of the Ministry of Agriculture, Fisheries and Food by this licence authorise the movement of the animals described below from the premises and to the destination below and subject to the conditions set out below.

Name of owner .....
(or his authorised agent)

Address of above .....

.....

1 Official identity number	2 Description of animals (eg breed, sex)	3 Premises FROM which to be moved	4 Premises TO which to be moved for treatment/slaughter

Total number of animals referred to:— .....

Dated ..... Official address .....

.....

Signed ....
Veterinary Inspector.

Notes

1. If the destination given in column 4 is NOT a slaughterhouse, the animal(s) identified in column 1 must be detained at those premises until treated (unless it is/they are exempt from the requirement to treat by virtue of Article 11 of the above Order). A declaration of treatment (Form C) or a veterinary certificate must be sent to the veterinary inspector at the address given above within twenty-one days of the date of this licence.

2. This licence must accompany the animals during the movement and be produced for inspection at any time to an officer of the Minister of Agriculture, Fisheries and Food or of an officer of the Secretary of State or by an inspector of a local authority.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order makes infestation of cattle with the larva of the warble fly a disease for most purposes of the Diseases of Animals Act 1950.

The principal provisions of the Order are: —

1. a requirement that cattle affected with the disease in the period 15th March–31st July each year be treated;

2. a prohibition on the movement of affected cattle, with certain exceptions, during that period unless they have been treated and are accompanied by an appropriate declaration to that effect;

3. powers for inspectors to detain cattle moved in contravention of the Order and powers for veterinary inspectors to require owners or persons in charge of such cattle, and of any other cattle which a veterinary inspector knows or suspects to be infested during the period 15th March to 31st July, to produce—

   (*a*) a declaration to the effect that all affected cattle on the premises which are not exempt from the requirement to treat have been treated, or

   (*b*) a veterinary certificate to similar effect;

4. powers enabling the Secretary of State to have cattle examined and treated in default of the production of a declaration or veterinary certificate, and to recover the cost from the owner or person in charge of the cattle.

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