

2001 No. 131

ANIMALS

ANIMAL HEALTH

**The Foot-and-Mouth Disease Declaratory (Controlled Area)
(Scotland) (No. 3) Amendment Order 2001**

Made 30th March 2001

Coming into force at 7.00 p.m. on 30th March 2001

The Scottish Ministers, in exercise of the powers conferred by article 30(1) of the Foot-and-Mouth Disease Order 1983(a), and of all other powers enabling them in that behalf, hereby make the following Order:

Citation and commencement

1. This Order may be cited as the Foot-and-Mouth Disease Declaratory (Controlled Area) (Scotland) (No. 3) Amendment Order 2001 and shall come into force at 7.00 p.m. on 30th March 2001.

Amendment of the Foot-and-Mouth Disease Declaratory (Controlled Area) (Scotland) (No. 3) Order 2001

2.—(1) The Foot-and-Mouth Disease Declaratory (Controlled Area) (Scotland) (No. 3) Order 2001(b) is amended as follows.

(2) In article 4(9), after the word “stalking” there is inserted “(other than for roe, red, fallow or sika deer, but only insofar as set out in the exceptions specified in paragraph (9A) below)”.

(3) After article 4(9), there is inserted—

“(9A) No person shall hunt or stalk any roe, red, fallow or sika deer, except where the hunting or stalking is—

- (a) carried out in the permitted areas by the occupier of any land, or a member of a shooting party consisting of not more than three persons who are members of the occupier’s household or persons employed by the occupier or beaters, and who shoot or attempt to shoot any such deer (including marauding deer) found thereon, provided that the occupier or members of a shooting party take such care as is reasonably practicable to avoid scattering any herd; or
- (b) by any person to whom a licence has been granted by an inspector of the Scottish Ministers to cull such deer, subject to any conditions as may be specified therein.

(a) S.I. 1983/1950, as amended by S.I. 1993/3119, S.I. 1995/2922 and, as regards Scotland, by S.S.I. 2001/52, 55 and 101. See article 3(1) for the definition of “the Minister”. The functions of “the Minister”, so far as exercisable in relation to Scotland, were transferred to the Scottish Ministers by section 53 of the Scotland Act 1998 (c.46).

(b) S.S.I. 2001/111.

- (9B) In paragraph (9A) above, “the permitted areas” are–
- (a) the area of Orkney Islands Council;
 - (b) the area of Shetland Islands Council;
 - (c) the area of Comhairle Nan Eilan Siar;
 - (d) the area of Highland Council;
 - (e) the area of Moray Council;
 - (f) the area of Aberdeenshire Council;
 - (g) the area of Aberdeen City Council;
 - (h) the area of Angus Council;
 - (i) the area of Dundee City Council;
 - (j) the area of Perthshire and Kinross Council;
 - (k) the area of Fife Council;
 - (l) the area of Clackmannanshire Council;
 - (m) the area of Stirling Council;
 - (n) the area of Argyll and Bute Council;
 - (o) the area of West Dunbartonshire Council;
 - (p) the area of East Dunbartonshire Council; and
 - (q) the islands of Arran and the Cumbraes (but not any other part of the area of North Ayrshire Council).”.

Pentland House
Edinburgh
30th March 2001

DAVID R DICKSON
A member of the staff of the Scottish Ministers

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Foot-and-Mouth Disease Declaratory (Controlled Area) (Scotland) (No. 3) Order 2001 to amend in relation to the whole of Scotland the ban on hunting and stalking for deer. This allows exceptions to the ban for certain types of deer in certain circumstances, while maintaining the complete ban on the hunting and stalking of other types of deer and of other animals.

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