

2001 No. 181

ANIMALS

ANIMAL HEALTH

**The Foot-and-Mouth Disease Declaratory (Controlled Area)
(Scotland) (No. 3) Amendment (No. 4) Order 2001**

Made

15th May 2001

Coming into force

16th May 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 (No. 4) Order 2001 and shall come into force on 16th May 2001.

Modification of the application of the Foot-and-Mouth Disease Order 1983 within the controlled area

2.—(1) Within the permitted areas specified in article 4(9B) of the Foot-and-Mouth Disease Declaratory (Controlled Area) (Scotland) (No. 3) Order 2001(b) (“the Controlled Area Order”) that Order shall apply as read with the following paragraph of this article.

(2) Where paragraph (1) above applies, the application by article 2 of the Controlled Area Order of article 35A of the Foot-and-Mouth Disease Order 1983(c) is modified by the addition at the end of paragraph (1) of that article of—

“, but that notice may only be displayed if that inspector has obtained the written approval of the Divisional Veterinary Manager and has notified the prohibition to the Scottish Ministers”.

(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, as amended by S.S.I./131, 146, 150, 159 and 170. Article 4(9B) was inserted by S.S.I. 2001/131 and substituted by S.S.I. 2001/170.

(c) 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 and 55. Article 35A was inserted by S.S.I. 2001/52.

3. Where the provisions of article 2 of this Order apply and where a notice under article 35A(1) of the Foot-and-Mouth Disease Order 1983 is displayed but has not been approved and notified in accordance with that paragraph, the prohibition under that article shall cease to have effect and, notwithstanding paragraph (4) of that article, the notice shall be removed by the inspector as soon as reasonably practicable.

Pentland House
Edinburgh
15th May 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 (“the Controlled Area Order”) within the permitted areas. It requires the written approval of the Divisional Veterinary Manager and notification to the Scottish Ministers to permit the use of the power of an inspector to prohibit entry by notice onto land or into agricultural buildings under the Controlled Area Order. Where such entry has been prohibited without such approval or notification, that prohibition shall cease to have effect.

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