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SCOTTISH STATUTORY INSTRUMENTS

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**2001 No. 204**

**ANIMALS**

**ANIMAL HEALTH**

**The Foot-and-Mouth Disease (Scotland) (Declaratory and Controlled Area) Amendment (No. 6) Order 2001**

*Made* - - - - *31st May 2001*

*Coming into force* - - *1st June 2001*

The Scottish Ministers, in exercise of the powers conferred by articles 17(1) and 30(1) of the Foot-and-Mouth Disease Order 1983(1) 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 (Scotland) (Declaratory and Controlled Area) Amendment (No. 6) Order 2001 and shall come into force on 1st June 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(2) is amended in accordance with this article.

(2) After article 4(17)(3) there is inserted—

“(18) Subject to paragraph (19) below, no person shall—

- (a) shear, clip or dag sheep, or cause sheep to be sheared, clipped or dagged; or
- (b) handle fleeces or sheep during shearing, clipping or dagging,

except in accordance with the conditions of a licence issued by the Scottish Ministers.

(19) Paragraph (18) shall not apply to—

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(1) 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).

(2) S.S.I. 2001/111, as amended by S.S.I. 2001/131, 146, 150, 159, 170, 181 and 187.

(3) Article 4(17) was inserted by S.S.I. 2001/170.

- (a) the occupier of any premises, or that occupier's employee (unless that person is employed primarily for the purpose of shearing sheep), in respect of the shearing of sheep kept on those premises;
- (b) the owner of sheep, in respect of the shearing of those sheep and of other sheep provided that—
  - (i) those other sheep are run with that owner's sheep in a common flock;
  - (ii) the owner and the owner of those other sheep are members of the same grazings committee appointed under section 47 of the Crofters (Scotland) Act 1993(4); or
- (c) those parts of Scotland which are an infected area by virtue of an order made by the Scottish Ministers under article 17(1) of the Foot-and-Mouth Disease Order 1983.”.

### **Amendment of the Foot-and-Mouth Disease Declaratory (Scotland) Orders 2001**

- 3.—(1) The Orders referred to in paragraph (2) are amended in accordance with this article.
- (2) The Orders referred to in paragraph (1) are—
- (a) the Foot-and-Mouth Disease (Scotland) Declaratory (No. 5) Order 2001(5);
  - (b) the Foot-and-Mouth Disease (Scotland) Declaratory (No. 6) Order 2001(6); and
  - (c) the Foot-and-Mouth Disease (Scotland) Declaratory (No. 7) Order 2001(7).
- (3) In paragraph 1 of Schedule 2 after “19,” there is inserted “25,”.
- (4) In paragraph 2 of Schedule 2 after sub-paragraph (s) there is inserted—
- “(t) subject to sub-paragraph (u) below, no person shall—
- (i) dip, shear, clip or dag sheep, or cause sheep to be dipped, sheared, clipped or daged; or
  - (ii) handle fleeces or sheep during shearing, clipping or dagging,
- except in accordance with the conditions of a licence issued by the Scottish Ministers;
- (u) sub-paragraph (t) shall not apply to—
- (i) the occupier of any premises, or that occupier's employee (unless that person is employed primarily for the purpose of shearing sheep), in respect of the shearing of sheep kept on those premises; or
  - (ii) the owner of sheep, in respect of the shearing of those sheep and of other sheep provided that—
    - (aa) those other sheep are run with that owner's sheep in a common flock; or
    - (bb) the owner and the owner of those other sheep are members of the same grazings committee appointed under section 47 of the Crofters (Scotland) Act 1993(8).”.

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(4) 1993 c. 44.

(5) S.S.I. 2001/165, as amended by S.S.I. 2001/180 and 192.

(6) S.S.I. 2001/168, as amended by S.S.I. 2001/194 and 196.

(7) S.S.I. 2001/193.

(8) 1993 c. 44.

Pentland House,  
Edinburgh  
31st May 2001

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

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order further amends the Foot-and-Mouth Disease Declaratory (Controlled Area) (Scotland) (No. 3) Order 2001.

It bans sheep shearing within Scotland, as a controlled area, except under the conditions of a licence issued by the Scottish Ministers. In certain restricted circumstances, the ban does not apply to an occupier of premises in relation to sheep on those premises, or in relation to an owner of sheep in common flocks.

The Order also provides for similar restrictions in the infected areas under the Foot-and-Mouth Disease (Scotland) Declaratory (No. 5) Order 2001, the Foot-and-Mouth Disease (Scotland) Declaratory (No. 6) Order 2001, and the Foot-and-Mouth Disease (Scotland) Declaratory (No. 7) Order 2001.