

**2001 No. 52**

**ANIMALS**

**ANIMAL HEALTH**

**The Foot-and-Mouth Disease (Amendment) (Scotland) Order  
2001**

*Made*

*27th February 2001*

*Coming into force at 3.00pm on 27th February 2001*

The Scottish Ministers, in exercise of the powers conferred by sections 1, 23(b) and 83(2) of the Animal Health Act 1981(a) and of all other powers enabling them in that behalf, make the following Order:

**Citation, commencement and extent**

1.—(1) This Order may be cited as the Foot-and-Mouth Disease (Amendment) (Scotland) Order 2001 and shall come into force on 27th February 2001 at 3.00pm.

(2) This Order extends to Scotland only.

**Amendment to the Foot and Mouth Disease Order 1983**

2.—(1) The Foot and Mouth Disease Order 1983(b) shall be amended, in so far it applies to Scotland, in accordance with this article.

(2) After the definition of “affected animal” in article 3, there shall be inserted the following definition:—

““agricultural building” means any building other than domestic premises on any agricultural land and “agricultural land” shall have the same meaning as in section 86(1) of the Agriculture (Scotland) Act 1948(c);”.

(3) Immediately after article 35 there shall be inserted the following articles:—

**“Power to close footpaths and to prevent entry onto premises in a controlled area**

**35A.**—(1) Subject to paragraph (2) below, an inspector may, notwithstanding the existence of any public footpath or right of way, prohibit the entry of any person—

(a) onto any land; or

(b) into any agricultural building,

by displaying, or causing to be so displayed, a notice to that effect at every entrance to that land or building.

(2) No person shall enter any land or building in respect of which a notice is displayed under paragraph (1) above, other than—

(a) the owner of any animal on that land or in that building, or the employee of any such owner or any other person authorised by such owner, who enters for the purpose of tending to that animal; or

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(a) 1981 c.22. See section 86(1) for the definition of “the Ministers”. The functions of the Ministers of the Crown were transferred to the Scottish Ministers by section 53 of the Scotland Act 1998 (c.46).

(b) S.I. 1983/1950, as amended by S.I. 1993/3119 and S.I. 1995/2922.

(c) 1948 c.45.

(b) a person entering the land or building under the authority of, and in accordance with any conditions specified in, a licence granted by an inspector.

(3) A notice under paragraph (1) above shall be displayed at every entrance to the land or building to which it relates by an inspector, in such manner as will ensure that the restrictions imposed by it are brought to the attention of those persons likely to be affected by them.

(4) No person shall remove a notice under paragraph (1) except under a licence granted by an inspector.

#### **Declaration of a prohibited area**

**35B.**—(1) If the Scottish Ministers have confirmed foot and mouth disease in any part of a local authority area, the local authority of that area may by declaration published in such manner as it sees fit, prohibit the movement of any person in or out of an area identified in that declaration except on a public road.

(2) In the interests of preventing the spread of foot-and-mouth disease in any part of its area, the local authority of an area where foot-and-mouth disease has not been confirmed may, with the consent of the Scottish Ministers, by declaration published in such manner as it sees fit, prohibit the movement of any person in or out of an area identified in that declaration except on a public road.

(3) No person shall enter or leave an area identified in a declaration issued under this article except on a public road.

(4) In this article, “public road” has the same meaning as in the Roads (Scotland) Act 1984(a).”.

*D J CRAWLEY*

A member of the staff of the Scottish Ministers

Pentland House,  
Edinburgh  
27th February 2001

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(a) 1984 c.54.

## **EXPLANATORY NOTE**

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

This Order amends the Foot-and-Mouth Disease Order 1983 (“the 1983 Order”). The effect is to allow inspectors to prohibit by notice the entry of any person (with exceptions) onto any land or into any agricultural building in a controlled area, for the purposes of preventing the spreading of foot-and-disease.

The Order also allows local authorities in areas where foot-and-mouth disease has been confirmed to make declarations prohibiting the movement of persons into or out of specified areas except on public roads.

Contravention of the 1983 Order is an offence under section 73 of the Animal Health Act 1981 and persons found guilty of such an offence are liable to a fine of up to £5,000.

The whole of Scotland is a controlled area by virtue of the Foot and Mouth Disease Declaratory (Controlled Area) (Scotland) Order (S.S.I. 2001/49).

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