

1969 No. 1446

ANIMALS

DISEASES OF ANIMALS

**The Foot and Mouth Disease (Controlled Areas Restrictions)
(Amendment) Order 1969***Made* - - - - - *7th October 1969**Coming into Operation* *20th October 1969*

The Minister of Agriculture, Fisheries and Food and the Secretary of State, acting jointly, in exercise of the powers vested in them under sections 1, 20 and 85 of the Diseases of Animals Act 1950(a) (as read with the Transfer of Functions (Animal Health) Order 1955(b)), and all other powers enabling them in that behalf, hereby order as follows:—

Citation, extent and commencement

1. This order, which may be cited as the Foot and Mouth Disease (Controlled Areas Restrictions) (Amendment) Order 1969, applies to England, Wales and Scotland, and shall come into operation on 20th October 1969.

Interpretation

2.—(1) In this order “the principal order” means the Foot and Mouth Disease (Controlled Areas Restrictions) General Order of 1938(c) (as amended (d)).

(2) References in this order to any enactment or regulations are (unless the context otherwise requires) references thereto as from time to time amended or replaced.

(3) The Interpretation Act 1889(e) applies to the interpretation of this order as it applies to the interpretation of an Act of Parliament.

AMENDMENTS OF PRINCIPAL ORDER

General amendments

3.—(1) Any reference in the principal order to a certification centre approved under the provisions of Part II of the Livestock Industry Act 1937(f) shall be construed as if it were a reference to a certification centre as defined for the

(a) 1950 c. 36. For change of title of the Minister see S.I. 1955/554 (1955 I, p. 1200).

(b) S.I. 1955/958 (1955 I, p. 1184). (c) S.R. & O. 1938/1435 (Rev. II, p. 520: 1938 I, p. 169).

(d) The relevant amending instrument is S.I. 1956/101 (1956 I, p. 175).

(e) 1889 c. 63. (f) 1937 c. 50.

purposes of any order providing for guarantee payments to be made in respect of fatstock (as therein defined) pursuant to Part I of the Agriculture Act 1957(a).

(2) Immediately following any reference in article 4 of the principal order, in the first sentence of article 5(2) (b) thereof and in condition 6 of the form of licence prescribed in the Schedule thereto (as amended in each case by paragraph (1) above) to a certification centre there shall be inserted a reference also to a licensed collecting centre; and the heading immediately before the said condition 6 shall be amended accordingly.

Specific amendments

4. In article (5)(3) (which requires markets, fairs etc. at which animals are to be exposed to be notified to a veterinary inspector) of the principal order, after the words "to enable arrangements for such examinations to be made" there shall be inserted the words "the licence shall specify the hours within which animals may be accepted and".

5. At the beginning of paragraph (1) of article 6 (forms and conditions of movement licences) of the principal order there shall be inserted the following words:—

"Except where the licence is (in accordance with article 7 of this order) for the direct movement of animals through a controlled area by motorway from a place outside the area to another place outside the area".

6. Article 7 (movement of animals through a controlled area by railway without untrucking permitted) of the principal order shall be amended as follows:—

(a) in the heading thereto the words "by railway without untrucking permitted" shall be omitted;

(b) for the first sentence thereof there shall be substituted the following sentence:—

"This order shall not prevent the direct movement of animals through a controlled area by railway or motorway from a place outside the area to another place outside the area,—

(i) in the case of movement by railway, if the animals are not untrucked within the area, or

(ii) in the case of movement by motorway, if such movement is authorised by an inspector of the Ministry by licence granted subject to such conditions as are specified in the licence";

(c) in the second sentence thereof after the words "by railway" there shall be inserted the words "or motorway".

7. In article 11 (saving for orders and regulations) of the principal order the words "authorise the movement of animals in contravention of any regulations made by a local authority other than the local authority by whose inspector the licence was issued, or" shall be omitted.

8. In article 15 (meaning of terms) of the principal order the following definitions shall be inserted:—

“licensed collecting centre” means a centre licensed by the local authority, with the approval of the Minister, for the purposes of this order for the intermediate reception of animals intended to be moved from different points of departure within a controlled area to a common destination or different destinations either within such area or a contiguous infected area;”

“motorway” means any road or part of a road to which the Motorways Traffic Regulations 1959(a) apply by virtue of regulation 4 thereof.”

9. In the Schedule to the principal order (in which is prescribed the form of licence to be issued thereunder) the following amendments shall be made to the conditions therein set out:—

(a) in condition 2 in the second sentence thereof, the words “as far as practicable” shall be omitted, and at the end of that sentence there shall be inserted the following sentence—

“For the purposes of this condition animals while being moved are kept separate from other animals if, but only if, they are moved in a vehicle other than one in which animals from another place are being moved.”;

(b) in condition 4 the exception at the end of the first sentence shall be omitted, and in the proviso thereto for the word “either” there shall be substituted the word “the”;

(c) in condition 6 for the reference to 96 hours there shall be substituted a reference to 48 hours.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 2nd October 1969.

(L.S.)

Cledwyn Hughes,
Minister of Agriculture, Fisheries and Food.

Given under the Seal of the Secretary of State for Scotland on 7th October 1969.

(L.S.)

William Ross,
Secretary of State for Scotland.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order extends existing provisions under the Foot and Mouth Disease (Controlled Areas Restrictions) General Order of 1938 (as amended), affecting the movement and assembly of animals in a controlled area, which apply in respect of “certification centres” to “licensed collecting centres”—as respectively defined in the Order.

The Order also permits, subject to licence by an inspector of the Minister of Agriculture, Fisheries and Food, the direct movement of animals through a controlled area by motorway.

Modifications are made to the prescribed form of movement licence.

(a) S.I. 1959/1147 (1959 II, p. 2507).