

1973 No. 644 (S.50)

ANIMALS
DISEASES OF ANIMALS

The Brucellosis (Payments for Cows in Accredited Herds)
(Variation) (Scotland) Scheme 1973

<i>Made - - - -</i>	<i>22nd March 1973</i>
<i>Laid before Parliament</i>	<i>9th April 1973</i>
<i>Coming into Operation</i>	<i>15th May 1973</i>

In exercise of the powers conferred upon me by section 106(1), (9) and (10) of the Agriculture Act 1970(a) and of all other powers enabling me in that behalf, and with the consent of the Treasury, I hereby make the following scheme—

Citation, extent and commencement

1. This scheme may be cited as the Brucellosis (Payments for Cows in Accredited Herds) (Variation) (Scotland) Scheme 1973, shall apply to Scotland only and shall come into operation on 15th May 1973.

Interpretation

2.—(1) This scheme shall be construed as one with the Brucellosis (Payments for Cows in Accredited Herds) (Scotland) Scheme 1970(b) as varied (c) (hereinafter referred to as “the principal scheme”).

(2) The Interpretation Act 1889(d) shall apply for the interpretation of this scheme as it applies for the interpretation of an Act of Parliament.

Variation of the principal scheme

3. The principal scheme shall be varied as follows:—

(a) by substituting in paragraphs 4(3)(a), 4(3)(b) and 4(4) respectively (which fix the qualifying periods for herds to which the scheme applies which were not accredited on 1st April 1970) for the words “the final diagnostic test as a result of which the herd became an accredited herd” wherever they occur, the words “the final diagnostic test as a result of which the herd first became an accredited herd”;

(b) by inserting after paragraph 5(2) the following new sub-paragraph:

“(3) Notwithstanding the provisions of sub-paragraph (1) of this paragraph no herd shall be treated as an eligible herd for the purposes of this scheme unless on the relevant qualifying day there is in force a voluntary agreement between the owner of the herd and the Secretary of State providing for the eradication of brucellosis from that herd upon terms which include the slaughter by the owner of reactors found in the herd.”

(a) 1970 c. 40.

(c) S.I. 1971/1072 (1971 II, p. 3204).

(b) S.I. 1970/1459 (1970 III, p. 4789).

(d) 1889 c. 63.

Gordon Campbell,
One of Her Majesty's Principal
Secretaries of State.

St. Andrew's House,
Edinburgh.
21st March 1973.

We consent.

Hugh Rossi,
P. L. Hawkins,
Two of the Lords Commissioners
of Her Majesty's Treasury.

22nd March 1973.

EXPLANATORY NOTE

(This Note is not part of the Scheme.)

This Scheme further varies in two respects the Brucellosis (Payments for Cows in Accredited Herds) (Scotland) Scheme 1970 under which payments may be made in respect of dairy cows comprised in accredited herds, the milk from which is not sold under the provisions of a milk marketing scheme by a registered producer or deemed for the purpose of any payments under such a scheme to have been produced from such cows.

First, it removes an ambiguity in the principal Scheme by making it clear that when a herd becomes accredited more than once the duration of the qualifying period for such payments is calculated from the first accreditation.

Secondly, no payments are to be made under the principal Scheme in respect of cows comprised in an eligible herd unless the herd is subject to a voluntary arrangement for the slaughter of reactors by the owner; this rules out cases where eradication is left to be carried out by the Secretary of State, using his compulsory powers.

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