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 STATUTORY INSTRUMENTS
 

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1976 No. 1604 (S.127)

## ANIMALS

## DISEASES OF ANIMALS

**The Brucellosis (Eradication Areas) (Scotland) (Amendment)  
(No. 2) Order 1976**

*Made - - - - 28th September 1976*

*Coming into Operation 4th October 1976*

The Secretary of State in exercise of the powers conferred by sections 1, 5 and 85(1) of the Diseases of Animals Act 1950(a) and now vested in him(b), as read with the Diseases of Animals (Extension of Definitions) Order 1971(c), and as extended in the case of the said section 5 by section 106(3) of the Agriculture Act 1970(d), and of all other powers enabling him in that behalf, hereby makes the following order:—

*Citation and commencement*

1. This order may be cited as the Brucellosis (Eradication Areas) (Scotland) (Amendment) (No. 2) Order 1976 and shall come into operation on 4th October 1976.

*Interpretation*

2.—(1) This order shall be construed as one with the Brucellosis (Eradication Areas) (Scotland) (No. 2) Order 1975(e), hereinafter referred to as “the principal order”.

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

*Amendment of the principal order*

3. For Article 5 of the principal order there shall be substituted the following article:—

“5.—(1) The provisions of the Brucellosis (Area Eradication) (Scotland) Order 1971(g) as amended (h), hereinafter referred to as ‘the Order of 1971’, shall, except as provided in paragraph (2) of this article, apply to and have effect in the areas declared by this order to be eradication areas as from 1st November 1976.

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(a) 1950 c. 36.

(b) By the Transfer of Functions (Animal Health) Order 1955 (S.I. 1955/958; 1955 I, p. 1184).

(c) S.I. 1971/531 (1971 I, p. 1530).

(d) 1970 c. 40.

(e) S.I. 1975/1702.

(f) 1889 c. 63.

(g) S.I. 1971/1752 (1971 III, p. 4769).

(h) S.I. 1972/738, 1219, 1975/1332 (1972 II, pp. 2338, 3610; 1975 II, p. 4534).

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“(2) Articles 5(2) and 9(1) to (5) of the Order of 1971, and Articles 2, 18, 19 and 20 of the said order to the extent that they relate to the said Articles 5(2) and 9(1) to (5), shall apply to and have effect in the areas declared by this order to be eradication areas as from 4th October 1976”.

Given under the seal of the Secretary of State for Scotland.

(L.S.)

*A. I. Macdonald,*  
Assistant Secretary.

Department of Agriculture  
and Fisheries for Scotland,  
New St. Andrew's House,  
Edinburgh.  
28th September 1976.

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#### EXPLANATORY NOTE

*(This Note is not part of the Order.)*

The principal order, the Brucellosis (Eradication Areas) (Scotland) (No. 2) Order 1975, declares certain areas in Scotland to be brucellosis eradication areas and provides that the provisions of the Brucellosis (Area Eradication) (Scotland) Order 1971 as amended (“the Order of 1971”) shall have effect in those areas as from 1st November 1976.

This order amends the principal order so as to provide that certain provisions of the Order of 1971 shall have effect in those areas as from an earlier date, viz, 4th October 1976. The provisions concerned are article 5(2) (power to prohibit the movement of cattle except under licence on to or off premises within an eradication or attested area), article 9(1) to (5) (certain precautions against spread of infection) and, in so far as they are relevant to articles 5(2) and 9(1) to (5), articles 2 (interpretation), 18 (production of licences), 19 (offences) and 20 (enforcement by local authorities).

Otherwise the date of application by the principal order of the provisions of the Order of 1971 remains 1st November 1976.