

1976 No. 1640

ANIMALS

DISEASES OF ANIMALS

**The Brucellosis (Eradication Areas) (England and Wales)
(No. 2) Order 1976**

Made - - - - 4th October 1976

Coming into Operation 15th October 1976

The Minister of Agriculture, Fisheries and Food, in exercise of the powers conferred on him by section 5 of the Diseases of Animals Act 1950(a), as read with the Diseases of Animals (Extension of Definitions) Order 1971(b), and as extended by section 106(3) of the Agriculture Act 1970(c), and of all his other enabling powers, hereby orders as follows:—

Citation and commencement

1. This order may be cited as the Brucellosis (Eradication Areas) (England and Wales) (No. 2) Order 1976, and shall come into operation on 15th October 1976.

Interpretation

2.—(1) In this order, unless the context otherwise requires—

“the Minister” means the Minister of Agriculture, Fisheries and Food;

“veterinary inspector” means a veterinary inspector appointed by the Minister.

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

Declaration of brucellosis eradication areas

3. The areas respectively described in the Schedule hereto, being areas as respects which the Minister is satisfied in each case that a substantial majority of the cattle therein are free from brucellosis, are hereby declared to be eradication areas for purposes connected with the control of brucellosis, and shall be known for such purposes by the names by which they are referred to in the said Schedule.

(a) 1950 c. 36.

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

(c) 1970 c. 40.

(d) 1889 c. 63.

Restriction on vaccination

4. No person other than—

(a) a veterinary inspector,

(b) a veterinary surgeon authorised for the purpose by the Minister, or

(c) a person acting under the authority of a licence issued for the purpose by a veterinary inspector employed by the Minister, and who complies with the conditions (if any) subject to which the licence is issued,

shall vaccinate cattle against brucellosis in an area declared by this order to be an eradication area.

Application of the Brucellosis (Area Eradication) (England and Wales) Order 1971 as amended

5. The provisions of the Brucellosis (Area Eradication) (England and Wales) Order 1971(a), as amended(b), shall apply to, and have effect in,—

(a) the South West England No. 3 Eradication Area, as from 1st July 1977, and

(b) the remainder of the areas declared by this order to be eradication areas, as from 1st November 1977.

Offences

6. Any person who vaccinates cattle, or who causes or permits cattle to be vaccinated, in contravention of Article 4 of this order, or who fails to comply with a condition of a licence issued thereunder, commits an offence against the Diseases of Animals Act 1950.

Enforcement

7. This order shall, except where otherwise expressly provided, be executed and enforced by the local authority.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 4th October 1976.

(L.S.)

John Silkin,
Minister of Agriculture,
Fisheries and Food.

Article 3

SCHEDULE

SOUTH WEST ENGLAND NO. 3 ERADICATION AREA

An area comprising:—

So much of the county of Devon as lies outside the South West England No. 1 Eradication Area.

(a) S.I. 1971/1717 (1971 III, p. 4673).

(b) S.I. 1972/1173: 1976/244 (1972 II, p. 3486; 1976 I, p. 615).

In the county of Cornwall

In the district of North Cornwall

The parishes to the north of, and including St Gennys, Otterham, Warbstow, Trenglos, Tresmeer, Egloskerry and St. Stephens by Launceston Rural.

SOUTH WEST ENGLAND NO. 4 ERADICATION AREA

An area comprising:—

The county of Dorset excluding,

in the district of Christchurch, the parish of Burton and so much of the parish of Christchurch as lies to the east of the River Avon.

NORTH EAST ENGLAND NO. 1 ERADICATION AREA

An area comprising:—

The county of Durham.

So much of the metropolitan county of Tyne and Wear as lies to the south of the River Tyne.

In the county of North Yorkshire

The district of Harrogate and so much of the districts of Richmondshire and Hambleton as lies to the west of the road A1.

All the said river and road are excluded from the eradication area where they form part of its boundary.

EAST HAMPSHIRE ERADICATION AREA

An area comprising:—

So much of the county of Hampshire as lies outside the New Forest Eradication Area.

NORTH WEST ENGLAND NO. 5 ERADICATION AREA

An area comprising:—

So much of the county of Lancashire as lies outside the North West England No. 1, No. 2 and No. 4 Eradication Areas, excluding the Haslingden livestock market.

In the metropolitan county of Merseyside

The district of Sefton.

EAST MIDLAND NO. 2 ERADICATION AREA

An area comprising:—

So much of the county of Leicestershire as lies outside the East Midland No. 1 Eradication Area.

NORTH OXFORDSHIRE ERADICATION AREA

An area comprising:—

So much of the county of Oxfordshire as lies outside the Berkshire, South-West Oxfordshire, Surrey, etc. and the South Oxfordshire and South Buckinghamshire Eradication Areas, excluding fields O.S. Nos. 8400 and 9200 in the parish of Banbury, and so much of the said parish as lies to the east of the railway line from Oxford to Banbury and to the south of the road A422 from Middleton Cheney to its intersection with the said railway line.

All the said road is included in the eradication area where it forms part of its boundary.

WEST MIDLAND NO. 2 ERADICATION AREA

An area comprising:—

So much of the county of Salop as lies outside the West Midland No. 1 Eradication Area, excluding Market Drayton livestock market.

In the County of Hereford and Worcester

That part of the former county of Hereford which lies outside the West Midland No. 1 Eradication Area.

So much of the county of Cheshire as lies to the west of the River Dee.

All the said river is excluded from the eradication area where it forms part of its boundary.

WALES NO. 10 ERADICATION AREA

An area comprising:—

So much of the county of Clwyd as lies outside the Wales No. 5, No. 7 and No. 9 Eradication Areas, excluding that part of the county which lies to the north of the River Dee.

All the said river is excluded from the eradication area where it forms part of its boundary.

EXPLANATORY NOTE

(This Note is not part of the Order.)

Under section 5 of the Diseases of Animals Act 1950, the Minister of Agriculture, Fisheries and Food may make orders declaring an area to be an eradication area for purposes connected with the control of any disease of cattle if he is satisfied that a substantial majority of the cattle therein are free from that disease. Under the same section, as amended by section 106(3) of the Agriculture Act 1970, the Minister may make orders imposing such prohibitions or requirements with respect to cattle in eradication areas as he may consider necessary or desirable for the purpose of eradicating brucellosis.

The present order declares eight further areas in England and one further area in Wales to be eradication areas, and prohibits the vaccination against brucellosis of cattle in those areas, unless undertaken on behalf of the Minister, or under a licence issued by a veterinary inspector employed by him. The nine areas concerned are:—

- (1) the remainder of the county of Devon, and parts of North Cornwall;
- (2) the remainder of the county of Dorset;
- (3) the county of Durham and parts of the metropolitan county of Tyne and Wear and of the county of North Yorkshire;
- (4) the remainder of the county of Hampshire;
- (5) the remainder of the county of Lancashire (excluding Haslingden livestock market) and part of the metropolitan county of Merseyside;
- (6) the remainder of the county of Leicester;
- (7) the remainder of the county of Oxfordshire excluding Banbury livestock market;
- (8) the remainder of the county of Salop (excluding Market Drayton livestock market) and parts of the county of Hereford and Worcester and of the county of Cheshire;
- (9) parts of the county of Clwyd.

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