
STATUTORY INSTRUMENTS

1991 No. 58

ANIMALS

The Export of Sheep (Prohibition) Order 1991

Made - - - - *11th January 1991*

Coming into force - - *14th January 1991*

The Minister of Agriculture, Fisheries and Food, in exercise of the powers conferred on him by sections 11 and 86 of the Animal Health Act 1981(1) and of all other powers enabling him in that behalf, hereby makes the following Order:

Title and commencement

1. This Order may be cited as the Export of Sheep (Prohibition) Order 1991 and shall come into force on 14th January 1991.

Interpretation

2. In this Order—

“the Act” means the Food and Environment Protection Act 1985(2);

“consent” means a consent given under section 2(1) of the Act (consent to the doing of things prohibited by an emergency order under section I of the Act);

“designated area” means an area designated for the purposes of Part I of the Act by virtue of—

- (a) article 3 of the Food Protection (Emergency Prohibitions) (Radioactivity in Sheep) (England) Order 1991 (3)
- (b) article 3 of the Food Protection (Emergency Prohibitions) (Radioactivity in Sheep) Order 1991 (4);
- (c) article 3 of the Food Protection (Emergency Prohibitions) (Radioactivity in Sheep) (Wales) Order 1991 (5); or
- (d) article 3 of the Food Protection (Emergency Prohibitions) Order (Northern Ireland) 1991 (6).

(1) 1981 c. 22; section 86(1)(a) contains a definition of “the Minister”.
(2) 1985 c. 48; Part I was amended by the Food Safety Act 1990 (c. 16), section 51.
(3) S.I. 1991/6.
(4) S.I. 1991/20.
(5) S.I. 1991/5.
(6) S.R. 1991/8.

Prohibition of export of sheep

3.—(1) No person shall export from Great Britain to a member State any sheep to which this Order applies.

(2) Subject to paragraphs (3) and (4) below, this Order applies to any sheep which—

- (a) was moved from a designated area in accordance with a consent which was subject to the condition that the sheep to which it applied should be marked with a paint mark; or
- (b) was moved from such an area in contravention of a prohibition imposed by an order made under section 1(1) of the Act (which empowers the making of emergency orders) which applied to that sheep at the time it was moved.

(3) This Order applies to a sheep only for so long as the area from which it has been moved remains a designated area.

(4) Paragraph (2)(a) above shall not apply—

- (a) in the case of any sheep which has been examined and marked with an ear-tag by a person authorised in that behalf by the appropriate Minister or the Department of Agriculture for Northern Ireland;
- (b) in the case of any sheep which has been marked with a blue paint mark in accordance with a consent, on or after 1st April of the year following the year in which it was so marked;
- (c) in the case of any sheep which has been marked with an apricot paint mark in accordance with a consent, on or after 1st August of the year in which it was so marked; or
- (d) in the case of any sheep which has been marked with a green paint mark in accordance with a consent, on or after 1st December of the year in which it was so marked.

Enforcement

4. This Order shall be executed and enforced by local authorities.

Revocation

5. The Export of Sheep (Prohibition) (No. 2) Order 1987 (7) and the Export of Sheep (Prohibition) (No. 2) Amendment No. 3 Order 1990 (8) are hereby revoked.

In witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 11th January 1991.

L.S.

Grant Meekings
Assistant Secretary, Ministry of Agriculture,
Fisheries and Food

(7) S.I. 1987/1808.

(8) S.I. 1990/1939.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order revokes and replaces the Export of Sheep (Prohibition) (No. 2) Order 1987, as amended. The Orders mentioned in article 2 of this Order among other things designate areas in which elevated levels of radioactivity have been found following the escape of radioactive substances from a nuclear reactor situated at Chernobyl in the USSR.

This Order prohibits, subject to exceptions, the export from Great Britain to a member State of the European Communities of sheep moved from such designated areas—

- (a) in accordance with a consent given under section 2(1) of the Food and Environment Protection Act 1985 (“the 1985 Act”) which was subject to the condition that the sheep to which it applied should be marked with a paint mark; or
- (b) in contravention of a prohibition imposed by an order made under section 1 of the 1985 Act (article 3).

The prohibition continues not to apply in the case of any sheep which has been examined and marked with an ear-tag by a person authorised by the Minister of Agriculture, Fisheries and Food, the Secretary of State for Scotland or Wales or the Department of Agriculture for Northern Ireland (article 3(4)(a)).

The principal change of substance effected by this Order is the introduction of a fixed timetable for exceptions to the prohibition on export in the case of any sheep marked with a blue, apricot or green paint mark in accordance with a consent given under section 2(1) of the 1985 Act (article 3(4)(b) to (d)).

The Order also makes certain drafting changes.