
STATUTORY INSTRUMENTS

1981 No. 1190

ANIMAL HEALTH

The Warble Fly (England and Wales) (Amendment) Order 1981*Made* - - - - - 6th August 1981*Coming into Operation* 27th August 1981

The Minister of Agriculture, Fisheries and Food, in relation to England, and the Secretary of State, in relation to Wales, in exercise of the powers conferred on them by sections 1 and 8(1) of the Animal Health Act 1981(a) as read with section 86(1) of that Act, and of all other powers enabling them in that behalf, hereby order as follows:—

Citation and commencement

1. This Order may be cited as the Warble Fly (England and Wales) (Amendment) Order 1981 and shall come into operation on 27th August 1981.

Interpretation

2. In this Order “the principal order” means the Warble Fly (England and Wales) Order 1978(b).

Amendment of principal order

3.—(1) In Article 2(1) of the principal order—

(a) after the definition of “the appropriate Minister” there shall be inserted the following definition—

“ “autumn treatment period” means the period from 15th September to 30th November (both dates inclusive) in the year to which a treatment period relates;”

(b) in the definition of “declaration of treatment”, for the words “in Form B or C” there shall be substituted the words “in Form B, B(b) or C”.

(2) After Article 5 of the principal order there shall be inserted the following Article—

“5A.—(1) Where a requirement to treat any animal has arisen under Article 4 or 5(1) a veterinary inspector may, where he considers it to be necessary for the purpose of preventing the spreading of disease, after the expiration of the treatment period, serve a notice in Form A(a) on the owner or person in charge of animals to which this Article applies requiring him, subject to the provisions of Article 11, to treat or to have treated the animals during the autumn treatment period, under the supervision of an appropriate officer if the veterinary inspector considers such supervision to be necessary.

(a) 1981 c. 22.

(b) S.I. 1978/1197.

(2) The animals to which this Article applies are all animals which were present on the relevant premises during the treatment period (or any part of it) or which were brought thereon subsequently and which in either case were present on the relevant premises at the time the notice under paragraph (1) above was served.

In this paragraph “relevant premises” means the premises on which any animal required to be treated under Article 4 was present at any time during the treatment period, or the premises specified in a notice served under Article 5(1).

(3) A notice served under paragraph (1) above shall require the person upon whom it is served to give to the veterinary inspector at his official address shown on the notice written notification of the date and time on which the treatment is to be applied, such notification to be delivered or sent by post so as to be received at least three clear days before the time the treatment is to be applied.

(4) A person upon whom a notice is served under paragraph (1) above shall deliver or send by post to the veterinary inspector at his official address shown on the notice, within 14 days of the treatment being applied, a declaration of treatment in Form B(b) that all animals referred to in the notice have been treated during the autumn treatment period.

(5) In this Article “appropriate officer” means—

- (a) in relation to premises in England an inspector appointed by the Minister for the purposes of the Act or another officer of the Ministry;
- (b) in relation to premises in Wales an inspector appointed as aforesaid or an officer of the Secretary of State.”

(3) In Article 6(1) of the principal order, after the words “Article 5” there shall be inserted the words “or paragraph (1) of Article 5A”.

(4) In Article 11(1) of the principal order—

- (a) after “Article 4” there shall be inserted “, 5(1) or 5A(1)”;
- (b) in sub-paragraph (a) for the words “it became affected” there shall be substituted the words “the requirement arose”.

(5) In the Schedule to the principal order (Forms) the following shall be inserted at the appropriate place in alphabetical order—

“FORM A(a)

ANIMAL HEALTH ACT 1981

WARBLE FLY (ENGLAND AND WALES) ORDER 1978
(as amended by the Warble Fly (England and Wales) (Amendment) Order 1981).

(Article 5A)

NOTICE

I (name)

being a veterinary inspector of the Ministry of Agriculture, Fisheries and Food hereby require you as the owner/person in charge* of the animals to which this notice applies—

- (1) to treat or to have treated the animals (other than those exempted from treatment under Article 11 of the above mentioned Order) during the period 15th September to 30th November, under the supervision of an appropriate officer*;
- (2) to give the veterinary inspector at his official address shown below written notification of the date and time on which the treatment is to be applied, such notification to be delivered or sent by post so as to be received at least 3 clear days before the time the treatment is to be applied;
- (3) to deliver or to send by post to the veterinary inspector at his official address shown below a Declaration of Treatment in Form B(b) within 14 days of the treatment being applied.

*delete as appropriate

The animals to which this notice applies are all the cattle aged 12 weeks or over which at the time that this notice was served were present on the premises known as

Dated

Signed Official Address
(Veterinary Inspector)

.....
.....

Notes

1. In accordance with Article 6 of the above order no cattle aged 12 weeks or over may be moved from the premises except under the authority in writing of a veterinary inspector until the requirements of this Notice have been met.
2. Before applying the treatment you must give written notification to the veterinary inspector of the date and the time on which the treatment is to be applied. This notification must reach the veterinary inspector at least 3 clear days before the application of the treatment.
3. The Declaration of Treatment (Form B(b)) must be sent to the veterinary inspector at his official address within 14 days of the treatment being applied.
4. Animals are exempted from treatment under Article 11 of the above order if:—
 - (i) it is not reasonable to treat them because of sickness; because treatment for something other than warble fly has been administered to them; or because of some other veterinary reason; *and* it has not been reasonable to treat them at any time since the requirement to treat them arose;
 - (ii) a veterinary inspector has issued a certificate of exemption under paragraph (2) of Article 11; or
 - (iii) they are at a slaughterhouse.

FORM B(b)

ANIMAL HEALTH ACT 1981

WARBLE FLY (ENGLAND AND WALES) ORDER 1978
(as amended by the Warble Fly (England and Wales) (Amendment) Order 1981)

(Article 5A)

DECLARATION OF TREATMENT

I (name)of (address)

.....
being the owner/person in charge* of the animals to which this declaration applies, or his duly authorised agent, hereby declare that in compliance with a notice dated served under Article 5A of the above mentioned Order—

(a) the animals to which this Declaration applies have been treated with on

(b) the animals to which this Declaration applies are all the cattle aged 12 weeks or over (other than those exempted from treatment under Article 11 of the above mentioned Order) which were present on the premises known as

.....
at the time the notice was served.

Signed Dated

*delete as appropriate

This declaration must be completed and sent within 14 days of the treatment to the veterinary inspector at

(official address)

MAKING A FALSE DECLARATION MAY RENDER YOU LIABLE TO PROSECUTION UNDER THE ANIMAL HEALTH ACT 1981

Note

Animals are exempted from treatment under Article 11 of the above order if:—

- (i) it is not reasonable to treat them because of sickness; because treatment for something other than warble fly has been administered to them; or because of some other veterinary reason; *and* it has not been reasonable to treat them at any time since the requirement to treat them arose;
- (ii) a veterinary inspector has issued a certificate of exemption under paragraph (2) of Article 11; or
- (iii) they are at a slaughterhouse."

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 4th August 1981.

(L.S.)

Peter Walker,
Minister of Agriculture, Fisheries and Food.

6th August 1981. *Nicholas Edwards,*
Secretary of State for Wales.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This order amends the Warble Fly (England and Wales) Order 1978 (the principal order).

The order provides for a notice to be served by a veterinary inspector on the owner or person in charge of certain cattle requiring them to be treated during the autumn treatment period (defined in the order as 15th September to 30th November inclusive) against infestation by the larva of the warble fly, subject to the exemptions from the requirement to treat referred to in Article 11 of the principal order. Such treatment may be required to be carried out under the supervision of an appropriate officer.

The cattle to which the treatment requirement may apply are cattle aged 12 weeks or over which were present on "relevant premises" during the treatment period (defined in the principal order as the period from 15th March to 31st July inclusive) or any part of that period or which were brought onto the relevant premises subsequently and which in either case were present on the relevant premises at the time of the service of the notice. The relevant premises are—

- (a) the premises on which any animal required to be treated under Article 4 of the principal order was present at any time during the treatment period; or
- (b) the premises specified in a notice served under Article 5(1) of the principal order.

The Order also—

- (a) prescribes the form of notice which is to be served requiring treatment and the form of the declaration required to be sent to a veterinary inspector within 14 days of the treatment being applied;

- (b) requires the person on whom the notice requiring treatment is served to give to the veterinary inspector at least 3 days notice of the date and time on which the treatment is to be applied; and
- (c) extends the prohibition on movement provided for in Article 6 of the principal order to all cattle aged 12 weeks or over on the relevant premises at the time of the service of the notice.

SI 1981/1190
ISBN 0-11-017190-X



780110 171906