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SCOTTISH STATUTORY INSTRUMENTS

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**2001 No. 170**

**ANIMALS**

**ANIMAL HEALTH**

**The Foot-and-Mouth Disease Declaratory (Controlled Area) (Scotland) (No. 3) Amendment (No. 3) Order 2001**

*Made* - - - - *1st May 2001*  
*Coming into force at 8.00 p.m.*  
*on* - - - - *1st May 2001*

The Scottish Ministers, in exercise of the powers conferred by article 30(1) of the Foot-and-Mouth Disease Order 1983<sup>(1)</sup> and of all other powers enabling them in that behalf, hereby make the following Order:

**Citation and commencement**

1. This Order may be cited as the Foot-and-Mouth Disease Declaratory (Controlled Area) (Scotland) (No. 3) Amendment (No. 3) Order 2001 and shall come into force at 8.00 p.m. on 1st May 2001.

**Amendment of the Foot-and-Mouth Disease Declaratory (Controlled Area) (Scotland) (No. 3) Order 2001**

2.—(1) The Foot-and-Mouth Disease Declaratory (Controlled Area) (Scotland) (No. 3) Order 2001<sup>(2)</sup> is amended in accordance with this article.

(2) After article 4(15)<sup>(3)</sup> there is inserted—

“(16) The owner or person in charge of an animal shall take all such steps as may be necessary to prevent it from straying from the premises on which it is kept.

(17) If an inspector finds a stray or feral animal, that inspector may detain it, and if the owner cannot be ascertained after reasonable enquiries, the animal may be destroyed by the inspector.”

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(1) S.I.1983/1950, as amended by S.I. 1993/3119, S.I. 1995/2922 and, as regards Scotland, by S.S.I. 2001/52, 55 and 101. See article 3(1) for the definition of “the Minister”. The functions of “the Minister”, so far as exercisable in relation to Scotland, were transferred to the Scottish Ministers by section 53 of the Scotland Act 1998 (c. 46).

(2) S.S.I. 2001/111, as amended by S.S.I. 2001/131, 146, 150 and 159.

(3) Article 4(15) was inserted by S.S.I. 2001/159.

- (3) For article 4(9B)(4), there is substituted—
- “(9B) In paragraph (9A) above, “the permitted areas” are all areas of Scotland, except—
- (a) the Dumfries and Galloway and the Scottish Borders council areas; and
  - (b) those parts of Scotland outwith those council areas where an order made by the Scottish Ministers under article 17(1) of the 1983 Order is in force.”.

(4) In Schedule 1—

    - (a) in Part 1 after “Specified Route” shall be added—  
“including address of collection centre where appropriate”; and
    - (b) in paragraph 4(b) of the “Conditions of Licence”, after “scheduled stop” shall be added  
“(other than at a collection centre, provided that the location of such a centre is specified in the licence, and any stop at such a centre shall be for a period no longer than the period as shall be specified in the licence)”.

Pentland House,  
Edinburgh  
1st May 2001

*DAVID R DICKSON*  
A member of staff of the Scottish Executive

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order further amends the Foot-and-Mouth Disease Declaratory (Controlled Area) (Scotland) (No. 3) Order 2001.

It requires the owner or person in charge of an animal in a Controlled Area not to allow it to stray and makes provision for stray or feral animals to be detained and, if the owner cannot be found, destroyed.

It also amends the ban on hunting and stalking deer by changing the permitted areas where in certain circumstances, exceptions are allowed to the ban on hunting or stalking certain types of deer. Permitted areas now will comprise all of Scotland except the Dumfries and Galloway and the Scottish Borders council areas and those parts of Scotland outwith those council areas where an order made by the Scottish Ministers under article 17(1) of the Foot-and-Mouth Disease Order 1983 is in force.

It also allows for individual licences for movement to slaughter to permit scheduled stops to occur at specified collection centres.