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 STATUTORY INSTRUMENTS
 

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**1973 No. 2101 (S.154)****ANIMALS****DISEASES OF ANIMALS****The Tuberculosis (Scotland) Amendment Order 1973**

*Made* - - - - - *7th December 1973*  
*Laid before Parliament*      *20th December 1973*  
*Coming into Operation*              *1st January 1974*

In exercise of the powers conferred by sections 1, 8(3), 20, 77(3) and 85(1) of the Diseases of Animals Act 1950(a) and now vested in me(b), and of all other powers enabling me in that behalf, I hereby make the following order:—

*Citation and commencement*

1. This order, which may be cited as the Tuberculosis (Scotland) Amendment Order 1973, shall come into operation on 1st January 1974.

*Interpretation*

2.—(1) This order shall be construed as one with the Tuberculosis (Scotland) Order 1964(c), hereinafter referred to as “the principal order”.

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

*Amendment of Principal Order*

3. There shall be inserted in Article 3(1) of the principal order (interpretation) the following definitions:—

“carcase” means the carcase of any bovine animal and includes any part of the carcase or any flesh, bone, hide, skin, hooves, offal or other part of a bovine animal, separately or otherwise or any part thereof;

“veterinary meat inspector” and “veterinary surgeon” have the meaning assigned to them by Article 2(1) of the Food (Meat Inspection) (Scotland) Regulations 1961(e).

4. The following Article shall be inserted in the principal order immediately following Article 5 thereof, namely:—

*“Notice of disease in a carcase*

5A.—(1) Every person having in his possession or under his charge on any premises any carcase which is affected with or suspected of being affected with tuberculosis, and every veterinary surgeon, veterinary prac-

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(a) 1950 c.36.                      (c) S.I. 1964/1109 (1964 II, p.2463).

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

(d) 1889 c.63.

(e) S.I. 1961/243 (1961, p.395).

tioner or veterinary meat inspector who examines any carcase and is of the opinion or suspects that such carcase is affected with tuberculosis shall give with all practical speed notice of the fact to a veterinary inspector.

(2) Any person having in his possession or under his charge a carcase which is affected with or suspected of being affected with tuberculosis shall detain it (or the part thereof affected with or suspected of being affected with tuberculosis) until it has been examined by a veterinary inspector."

5. Article 8 of the principal order (tuberculin tests and vaccination) shall be amended by the addition after paragraph (3) thereof of the following paragraph:--

"(4) If any person fails to comply with any reasonable requirement of a veterinary inspector or other officer of the Ministry or of the Secretary of State made in accordance with the provisions of paragraph (1) of this Article, the Secretary of State may, without prejudice to any proceedings for an offence arising out of such default, take or cause to be taken all such steps as may be necessary to facilitate the examination of such bovine animal, or the application thereto of any diagnostic test for tuberculosis, and the amount of any expenses reasonably incurred by the Secretary of State for the purpose of making good the default shall be recoverable by him as a civil debt from the person in default.

6. There shall be inserted at the end of Article 11(1) of the principal order (precautions against the spread of infection) the words "and may, by such notice, require the isolation of any bovine animals specified in the notice in a specified part of the premises to which the notice relates."

*Gordon Campbell,*  
One of Her Majesty's  
Principal Secretaries of State.

St. Andrew's House,  
Edinburgh.  
7th December 1973.

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**EXPLANATORY NOTE**

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

This Order amends the Tuberculosis (Scotland) Order 1964 so as to include provisions requiring notification in respect of the carcase of a bovine animal which is suspected of being affected with tuberculosis, and detention of whole or part of such carcase pending inspection by a veterinary inspector.

The Order also enables the Secretary of State, where the owner or person in charge of a bovine animal fails to take steps to facilitate the examination of such an animal or the application thereto of any diagnostic test for tuberculosis, to recover from him the expenses reasonably incurred in making good the default as a civil debt.

Provision is also made for the isolation of bovine animals in a certain part of any premises if this appears necessary for the prevention of the spread of disease.

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