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STATUTORY INSTRUMENTS

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**1995 No. 2042 (S.147)**

**ANIMALS**

**ANIMAL HEALTH**

**The Warble Fly (Scotland) Amendment Order 1995**

*Made* - - - - *31st July 1995*

*Coming into force* - - *1st September 1995*

The Secretary of State, in exercise of the powers conferred on him by sections 1, 8(1), 15(4) and 86(1) of the Animal Health Act 1981(1) and of all other powers enabling him in that behalf hereby makes the following Order:

**Citation and commencement**

1. This Order may be cited as the Warble Fly (Scotland) Amendment Order 1995 and shall come into force on 1st September 1995.

**Amendment of the Warble Fly (Scotland) Order 1982**

2. The Warble Fly (Scotland) Order 1982(2) shall be amended as follows:—

(a) after paragraph (2) of article 2 (interpretation) there shall be inserted the following paragraph:—

“(3) For the purposes of this Order any premises which are partly within and partly outside a radius referred to in this Order shall be deemed to be wholly within such radius.”;

(b) for paragraph (4) of article 5 (service of notices in Form A) there shall be substituted the following paragraph:—

“(4) If, on completing his enquiries, the veterinary inspector is satisfied that an affected animal or an affected carcass is present or within the previous 56 days has been present on the premises he may serve a notice in Form A—

(a) on the owner or person in charge of any animal on the premises; and

(b) on the owner or person in charge of any animal which is kept on any premises which are within a 3 km radius of the premises on which the affected animal or affected carcass is or has been present.”; and

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(1) 1981 c. 22; section 86(1) contains a definition of “the appropriate Minister” relevant to the exercise of the statutory powers under which this Order is made.

(2) S.I. 1982/207.

(c) after article 5 there shall be inserted the following article:—

“**5A.** Where, on examination by a veterinary inspector, a sample of blood taken from an animal is found to indicate warble fly infestation in that animal he may serve a notice in Form A—

- (a) on the owner or person in charge of that animal;
- (b) on the owner or person in charge of any other animal which is kept on the same premises as that animal; and
- (c) on the owner or person in charge of any animal which is kept on any premises which are within a 3 km radius of the premises on which that animal is kept.”.

St Andrew’s House,  
Edinburgh  
31st July 1995

*Lindsay*  
Parliamentary Under Secretary of State, Scottish  
Office

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## EXPLANATORY NOTE

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

This Order amends the Warble Fly (Scotland) Order 1982 (“the 1982 Order”) by providing that where, on examination by a veterinary inspector, blood samples taken from cattle are found to indicate warble fly infestation in those cattle, he may serve a notice in Form A—

- (i) on the owner or person in charge of those cattle,
- (ii) on the owner or person in charge of any other cattle which are kept on the same premises as those cattle, and
- (iii) on the owner or person in charge of any cattle which are kept on any premises which are within a 3 km radius of the premises on which those cattle are kept (article 2(c)).

The Order also empowers a veterinary inspector, where he is satisfied that any cattle infected with the warble fly are or have within the previous 56 days been present on any premises, to serve a notice in Form A on the owner or person in charge of any cattle which are kept on any premises which are within a 3 km radius of the premises on which the infected cattle are or have been present (article 2(b)).

A notice in Form A will require the treatment of the cattle to which that notice relates and will prohibit the movement of those cattle except under licence (article 6 of the 1982 Order).