

1976 No. 919

ANIMALS

DISEASES OF ANIMALS

The Diseases of Animals (Local Authorities) (Miscellaneous Provisions) Order 1976

Made - - - - - 10th June 1976

Coming into Operation - 1st July 1976

The Minister of Agriculture, Fisheries and Food and the Secretary of State, acting jointly, in exercise of powers conferred by sections 1(1), 2, 20 and 85(1) of the Diseases of Animals Act 1950(a) and now vested in them(b), and of all other powers enabling them in that behalf, hereby order as follows:—

Citation, extent, commencement and interpretation

1.—(1) This order, which may be cited as the Diseases of Animals (Local Authorities) (Miscellaneous Provisions) Order 1976, shall apply to Great Britain and shall come into operation on 1st July 1976.

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

Amendment of the Animals (Miscellaneous Provisions) Order of 1927

2. Article 8 of the Animals (Miscellaneous Provisions) Order of 1927(d), as amended(e), shall be amended by omitting from paragraph (2) the words from “Provided” to the end of that paragraph, and by omitting paragraph (4).

Amendment of the Control of Dogs Order 1930

3. The Control of Dogs Order 1930(f), as amended(g), shall be amended by—

- (a) omitting paragraph (3) of Article 2;
- (b) omitting from paragraph (4) of Article 2 the words “and to have been duly confirmed” and the word “confirmation”;
- (c) omitting from Article 3 the words “or revoked by the Minister”.

(a) 1950 c. 36.

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

(c) 1889 c. 63.

(d) S.R. & O. 1927/290 (Rev. II, p. 449).

(e) The amending order is not relevant to the subject matter of this order.

(f) S.R. & O. 1930/399 (Rev. VI, p. 96: 1930 p. 458).

(g) The relevant amending instrument is S.R. & O. 1931/80 (1931 p. 341).

Amendment of the Swine Fever Order 1963

4. Article 21 of the Swine Fever Order 1963(a) shall be amended by—

- (a) omitting paragraphs (2), (3) and (6);
- (b) omitting from paragraph (4) the words “and to have been duly confirmed by the Minister” and the word “confirmation”;
- (c) omitting from paragraph (5) the words “in accordance with paragraph (3) of this Article”.

Amendment of the Markets (Protection of Animals) (Amendment) Order 1965

5. The following amendments shall be made to the Markets (Protection of Animals) (Amendment) Order 1965(b):—

- (a) for paragraph (2) of article 2 there shall be substituted the following paragraph—

“2(2) In this order, unless the context otherwise requires, “covered accommodation” means covered accommodation adequate for the purpose specified in article 3(1) of this order.”;

- (b) for article 3 there shall be substituted the following article—

“3.—(1) Subject to the provisions of this article, the market authority of every market in which calves, dairy cows in milk or pigs are exposed for sale shall, for the purpose of protecting such animals from unnecessary suffering by exposure to the weather, including excessive exposure to direct sunlight, while exposed for sale or awaiting removal, provide or cause to be provided for them in the market covered accommodation adequate in design, construction and extent for the said purpose, having regard to the location of the market, the climatic conditions generally prevailing in the district in which the market is situated, and the maximum number of calves, dairy cows in milk and pigs normally exposed for sale and awaiting removal in the market at any one time.

(2) The appropriate Minister may, where he considers that in the case of any particular market there are exceptional circumstances justifying exemption, grant a certificate exempting the market authority from the requirements of paragraph (1) of this article in respect of that market for such period and subject to such conditions as may be stated in the certificate, and he may revoke such certificate at any time by notice in writing to the market authority.”;

- (c) in articles 4 and 5 for the words “approved accommodation” in each place where they occur there shall be substituted the words “covered accommodation”.

In Witness whereof the official seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 8th June 1976.

(L.S.)

Frederick Peart,

Minister of Agriculture, Fisheries and Food.

10th June 1976.

Bruce Millan,

Secretary of State for Scotland.

(a) S.I. 1963/286 (1963 I, p. 239).

(b) S.I. 1965/1981 (1965 III, p. 5855).

EXPLANATORY NOTE

(This Note is not part of the Order.)

By this Order requirements for regulations of local authorities to be confirmed by the Minister or the Secretary of State are removed from the Animals (Miscellaneous Provisions) Order 1927, as amended, the Control of Dogs Order 1930, as amended, and the Swine Fever Order 1963.

The Order also removes the requirement imposed on market authorities by the Markets (Protection of Animals) (Amendment) Order 1965 to provide in every market covered accommodation approved by the Minister or the Secretary of State, as the case may be, and substitutes a requirement to provide covered accommodation adequate to protect animals in the market from unnecessary suffering by exposure to the weather.

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