STATUTORY INSTRUMENTS

1978 No. 663 (S. 59)

ANIMALS

DISEASES OF ANIMALS

The Brucellosis (Area Eradication) (Scotland) Amendment Order 1978

Made - - - -	*28th April* 1978
Coming into Operation	*22nd May* 1978

In exercise of the powers conferred by sections 1, 5 and 85(1) of the Diseases of Animals Act 1950(**a**) and now vested in me(**b**), as read with the Diseases of Animals (Extension of Definitions) Order 1971(**c**) and as extended in the case of the said section 5 by section 106(3) of the Agriculture Act 1970(**d**), 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 Brucellosis (Area Eradication) (Scotland) Amendment Order 1978, shall come into operation on 22nd May 1978.

Interpretation

2.—(1) This order shall be construed as one with the Brucellosis (Area Eradication) (Scotland) Order 1971(**e**) as amended(**f**), hereinafter referred to as "the principal order".

(2) The Interpretation Act 1889(**g**) applies for the interpretation of this order as it applies for the interpretation of an Act of Parliament.

Amendment of principal order

3.—(1) In article 2 of the principal order (Interpretation):—

(*a*) there shall be inserted in the definition of "cattle" after the word "steer" the words "unless expressly so provided";

(*b*) there shall be inserted in the definition of the word "licence" after the words "Secretary of State" the words "of Scotland or the Secretary of State for Wales".

(**a**) 1950 c. 36.
(**b**) By the Transfer of Functions (Animal Health) Order 1955 (S.I. 1955/958).
(**c**) S.I. 1971/531.
(**d**) 1970 c. 40.
(**e**) S.I. 1971/1752.
(**f**) S.I. 1972/738, 1219, 1975/1332, 1977/958.
(**g**) 1889 c. 63.

(2) In article 4 of the principal order (Movement of cattle into or through Eradication Areas or Attested Areas) in paragraph (1) the words "issued by a veterinary inspector or other officer of the Ministry or an officer of the Secretary of State" shall be deleted.

(3) In article 5 of the principal order (Movement of cattle within an Eradication Area or Attested Area): —

(*a*) in paragraph (1) the words "issued by a veterinary inspector or other officer of the Ministry, or an officer of the Secretary of State", shall be deleted;

(*b*) after paragraph (2) there shall be inserted: —

"(3) For the purpose of the preceding paragraph, cattle includes any steer."

(4) For article 5D of the principal order (Restriction of vaccination in attested areas) there shall be substituted the following Article: —

"*Restriction of vaccination and therapeutic treatment*

5D—(1) No person shall treat cattle for brucellosis in an eradication area or an attested area.

(2) No person other than—

(a) a veterinary inspector;

(b) a veterinary surgeon authorised for the purpose by the Secretary of State;

(c) a person to whom a licence has been issued for the purpose by a veterinary inspector, employed by the Minister, and who complies with the conditions (if any) specified in such licence

shall vaccinate cattle in an eradication area or an attested area against brucellosis."

(5) In article 8 of the principal order—

(*a*) in paragraph (1)(b) and in paragraph (2) there shall be inserted before the words "calf and placenta" the words "foetus or";

(*b*) in paragraph (2) there shall be deleted the words "otherwise directs in writing", and substituted therefor the words "requires, by notice in writing served on the owner or the person in charge of the animal, the disposal or destruction of such calf or foetus and placenta";

(*c*) after paragraph (2) there shall be inserted the following paragraph: —

"(3) A direction under the preceding paragraph may specify the manner in which and the period within which the disposal or destruction of the foetus or calf and placenta to which the direction relates shall be carried out."

(6) In article 9 of the principal order (Precautions against spread of infection) for sub-paragraph (d) of paragraph (4) there shall be substituted the following sub-paragraphs: —

"(d) to treat and store manure or slurry from any place which has been used by such cattle and to restrict the spreading of such manure or the spraying of such slurry in accordance with the requirements of the notice.

(e) to burn, disinfect and bury, or destroy any straw, litter or other matter which has or might have come into contact with such cattle or with the foetus or calf and the placenta of such cattle, in accordance with the requirements of the notice."

(7) For article 11 of the principal order (Notification of full term calving in herds affected with brucellosis) there shall be substituted the following article: —

"*Notification of full term calvings in herds affected with brucellosis*

11. Where an animal kept, or formerly kept, on premises within an Eradication Area or Attested Area has reacted to a diagnostic test for brucellosis, or where a veterinary inspector or other officer of the Ministry or of the Secretary of State has reason to believe that brucellosis infection exists on such premises, he may serve on the owner or other person in charge of cattle thereon a notice in writing—

(a) requiring him to notify the Secretary of State within such period as may be specified therein, of any full term calving which may occur among such cattle;

(b) specifying the manner in which, and the period within which, the disposal or destruction of any placenta relating to such calving and, if it dies at or after birth, the calf, shall be carried out."

(8) In article 12 of the principal order (Control of milk and milk products) after paragraph (2) there shall be inserted the following:—

"(2A) No milk from a reactor or from any other animal otherwise considered by a veterinary inspector to be infected with brucellosis kept on premises within an eradication area or an attested area shall be fed to other animals on the same premises unless such milk has been heat treated."

Bruce Millan,
One of Her Majesty's Principal Secretaries of State.

New St Andrew's House,
Edinburgh.

28th April 1978.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order amends the Brucellosis (Area Eradication) (Scotland) Order 1971 (as previously amended) in order to implement certain provisions of EEC Council Directive 78/52/EEC of 13 December 1977 which established the Community criteria for national plans for the accelerated eradication of brucellosis and other diseases (A UK plan for the accelerated eradication of brucellosis was considered by the Commission on 22 March 1978).

The principal amendments are as follows:—

(a) a prohibition has been imposed on any treatment of cattle for brucellosis in an eradication or attested area;

(b) where restrictions are placed upon the movement of cattle into and out of premises in an eradication or attested area on account of infection or suspected infection, the restrictions may be extended to steers;

(c) veterinary inspectors and officers of the Secretary of State are given additional powers where in an eradication or attested area a cow aborts or calves prematurely, or a herd is infected with brucellosis, in relation to the disposal or destruction of foetuses, calves which die at or after birth, placentae, and any straw, litter or other matter which has come into contact with any infected or suspected cow, foetus, calf or placenta; and to impose requirements as to the treatment and storage of manure and slurry from places occupied by such cows, etc.;

(d) a prohibition is placed upon milk from infected cows being fed to other animals on the same premises without heat-treatment.

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