STATUTORY INSTRUMENTS

1971 No. 1752 (S.184)

ANIMALS

DISEASES OF ANIMALS

The Brucellosis (Area Eradication) (Scotland) Order 1971

Made - - - - 22*nd October* 1971

Coming into Operation 1*st November* 1971

In exercise of the powers conferred upon me by sections 1 and 5 of the Diseases of Animals Act 1950(**a**), as read with the Transfer of Functions (Animal Health) Order 1955(**b**) and the Diseases of Animals (Extension of Definitions) Order 1971(**c**), and as extended 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) Order 1971, shall come into operation on 1st November 1971.

Interpretation

2.—(1) In this order, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them:—

"abortion or premature calving" means an abortion or a calving which takes place less than 271 days after service or insemination, whether the calf is born alive or dead;

"brucellosis" means the disease caused by brucella abortus, otherwise known as epizootic abortion or contagious abortion;

"cattle" means any bull, cow, heifer or calf, but does not include any steer;

"cattle dealer" means any person whose trade or business regularly includes the selling of cattle purchased by him for the purpose of resale within 28 days, and not for the purpose of rearing, fattening or breeding;

"Eradication Area" and "Attested Area" mean respectively an area which is, for the time being, an Eradication Area or Attested Area, as the case may be, for purposes connected with the control of brucellosis, by virtue of an order made under section 5 of the Diseases of Animals Act 1950, as extended by section 106(3) of the Agriculture Act 1970;

(a) 1950 c. 36.
(b) S.I. 1955/958 (1955 I, p. 1184).
(c) S.I. 1971/531 (1971 I, p. 1530).
(d) 1970 c. 40.

"full term calving" means a calving which takes place 271 days or more after service or insemination, whether the calf is born alive or dead;

"licence" means any licence issued under this order by a veterinary inspector or other officer of the Ministry or officer of the Secretary of State and includes any permit, approval, or other form of authorisation;

"the Minister" and "the Ministry" means respectively the Minister and the Ministry of Agriculture, Fisheries and Food;

"premises" includes land, with or without buildings, and where any person occupies together land which comprises two or more non-adjacent areas, each of those areas shall be deemed to be separate premises for the purposes of this order;

"slaughterhouse" means a slaughterhouse as defined in section 16 of the Slaughterhouses Act 1954(**a**);

"knacker's yard" means a knacker's yard as defined in section 3 of the Public Health (Scotland) Act 1897(**b**), as amended by Schedule 2 of the Slaughter of Animals (Amendment) Act 1954(**c**);

"steer" means a castrated male bovine animal aged six months or over;

"veterinary inspector" means a veterinary inspector appointed by the Minister.

(2) Other expressions used in this order have, so far as the context admits, the same meanings as in the Diseases of Animals Act 1950.

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

Application of order

3.—(1) The provisions of this order shall apply to, and have effect in—

(*a*) the Areas respectively designated in the Schedule to the Brucellosis (Eradication Areas) (Scotland) Order 1971(**e**) as the No. 1 Eradication Area and the No. 2 Eradication Area as from 1st November 1971;

(*b*) the Areas respectively designated in the Schedule to the said Order as the No. 3 Eradication Area, the No. 4 Eradication Area and the No. 5 Eradication Area as from a date or dates to be appointed by order of the Secretary of State;

(*c*) every other Eradication Area or Attested Area, as from the date appointed by the Secretary of State in the Order declaring the Area to be an Eradication Area or Attested Area, as the case may be, for purposes connected with the control of brucellosis:

provided that, in relation to an area referred to in subparagraph (*c*) of this paragraph, the provisions of this order shall apply, and have effect therein, subject to such variations, modifications and exceptions (if any) as may be expressed in the Order declaring the area to be an Eradication Area or Attested Area.

(**a**) 1954 c. 42.
(**b**) 1897 c. 38.
(**c**) 1954 c. 59.
(**d**) 1889 c. 63.
(**e**) S.I. 1971/571.

(2) For purposes of this order, premises which—

(*a*) are situated partly within an Area to which this order applies, and partly outside any such Area, shall be deemed to be wholly within that Area;

(*b*) are situated wholly or partly within two or more Areas to which this order applies, shall be deemed to be situated wholly within that one of such Areas as was first declared by order to be an Attested Area, or, if no part thereof is situated within an Attested Area, then situated wholly within that one of such Areas as was first declared by order to be an Eradication Area.

Movement of cattle into or through Eradication Areas or Attested Areas

4.—(1) No cattle shall be moved into an Eradication Area or Attested Area, except under the authority of a licence issued by a veterinary inspector or other officer of the Ministry or an officer of the Secretary of State and in accordance with the terms and conditions (if any) subject to which the licence is issued.

(2) The provisions of the preceding paragraph shall not apply to—

(*a*) the movement of cattle (otherwise than on foot) through an Eradication Area or Attested Area from a place outside that Area direct to another place outside that Area;

(*b*) the movement of cattle (otherwise than on foot) into an Eradication Area or Attested Area, from a place outside that Area direct to a slaughterhouse or knacker's yard, from which they shall not be removed alive:

provided that, while in the area, cattle to which this paragraph applies are not unloaded from the vehicle by means of which they are being transported (except in case of emergency), or permitted to come into contact with cattle other than cattle with which they were in contact immediately before they entered the area.

Movement of cattle within an Eradication Area or Attested Area

5.—(1) No cattle shall be moved on to premises within an Eradication Area, except under the authority of a licence issued by a veterinary inspector or other officer of the Ministry, or an officer of the Secretary of State, and in accordance with the terms and conditions (if any), subject to which the licence is issued: provided that the provisions of this paragraph shall not apply to—

(*a*) cattle to which the provisions of subparagraph (*b*) of paragraph 2 of the preceding Article apply; or

(*b*) cattle being moved (otherwise than on foot) from a place within an Eradication Area direct to a slaughterhouse or market within that Area.

(2) Notwithstanding the existence of a licence issued in accordance with the provisions of the preceding paragraph, a veterinary inspector or other officer of the Ministry or an officer of the Secretary of State may, by notice in writing served at any time on the occupier of any premises situated within an Eradication Area or Attested Area, prohibit the movement of cattle on to or off such premises, except under the authority of a licence or (as the case may be) of a further licence, and in accordance with the terms and conditions (if any) subject to which such licence or further licence is issued. A notice served in accordance with the preceding provisions of this paragraph shall remain in force until withdrawn by a further notice in writing signed by a veterinary inspector or such other officer as aforesaid, and served as aforesaid.

Testing of cattle for brucellosis

6.—(1) The owner or other person in charge of cattle kept on premises within an Eradication Area or Attested Area shall comply with all reasonable requirements of a veterinary inspector or other officer of the Ministry or officer of the Secretary of State with a view to facilitating the examination of any cattle by a veterinary inspector or such other officer or the application thereto of any diagnostic test for brucellosis, and in particular, shall arrange for the collection, penning and securing of any such cattle if so required.

(2) If any person fails to comply with any reasonable requirement of a veterinary inspector or such other officer as aforesaid made in accordance with the provisions of the preceding paragraph, 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 cattle, or the application thereto of any diagnostic test for brucellosis, and the amount of any expenses reasonably incurred by the Secretary of State for the purpose of making good the default shall (without prejudice to any proceedings which may be taken for the default) be recoverable by him as a civil debt from the person in default.

(3) Where the owner or other person in charge of cattle kept on premises within an Eradication Area or Attested Area arranges for, or permits, any diagnostic test for brucellosis to be carried out on any such cattle (other than any such diagnostic test which is carried out by or on behalf of the Secretary of State) he shall, after receipt thereof, forthwith communicate the results of such test to the Secretary of State.

(4) The owner or other person in charge of cattle kept on premises within an Eradication Area or Attested Area shall not do, or cause or permit to be done, anything which is likely to affect in any way the result of any diagnostic test for brucellosis carried out, or to be carried out, on any such cattle by or on behalf of the Secretary of State.

Marking of cattle

7.—(1) If so required in writing by a veterinary inspector or other officer of the Ministry or an officer of the Secretary of State the owner or other person in charge of cattle kept on premises within an Eradication Area or Attested Area, shall mark such cattle in the manner required by the veterinary inspector or such other officer as aforesaid.

(2) A veterinary inspector or such other officer as aforesaid may paint, stamp, clip, tag, or otherwise mark cattle kept on premises within an Eradication Area or Attested Area.

(3) No person shall alter, remove, obliterate or deface, or attempt to alter, remove, obliterate or deface any such mark as is referred to in the foregoing provisions of this Article.

Notification of abortion or premature calving

8.—(1) Where the owner or other person in charge of cattle kept on premises within an Eradication Area or Attested Area has reason to believe that any abortion or premature calving has occurred among such cattle, he shall forthwith—

(*a*) give notice of the fact to a veterinary inspector or other officer of the Ministry or officer of the Secretary of State, and

(*b*) arrange for the isolation, as far as is practicable, of the animal concerned, and its calf and placenta, from all other animals in his ownership, or under his charge.

(2) An animal to which the preceding paragraph applies shall remain in isolation and its calf and placenta shall be retained by the owner or other person in charge of the said animal, until such time as a veterinary inspector or other officer of the Ministry or of the Secretary of State otherwise directs in writing.

Precautions against spread of infection

9.—(1) Where a veterinary inspector or other officer of the Ministry or of the Secretary of State has certified that any animal kept on premises within an Eradication Area or Attested Area has reacted to a diagnostic test for brucellosis, the occupier of the premises shall, on being notified of such certification, take such steps as may be reasonably practicable to prevent the infection of cattle kept on adjoining premises by contact with cattle kept on his premises.

(2) Where a veterinary inspector or such other officer as aforesaid has reason to believe that any cattle kept on premises within an Eradication Area or Attested Area may be infected with brucellosis, or have been exposed to such infection, he may serve on the owner or other person in charge of such cattle, or on the occupier of the premises, a notice in writing requiring him to isolate any cattle specified in the notice from any other cattle.

(3) A notice served in accordance with the provisions of the preceding paragraph may provide that any cow or heifer on the premises which is about to calve should, as far as is practicable, be isolated from all other cattle on the premises during the period of calving.

(4) Where a veterinary inspector or such other officer as aforesaid has reason to believe that any cattle kept, or formerly kept, on premises within an Eradication Area or Attested Area may be infected with brucellosis, he may, by separate notice in writing served on the owner or other person in charge of such cattle, or on the occupier of the premises, require him—

(*a*) to arrange for the isolation of any animal or animals which may be specified in the notice on any part or parts of the premises so specified;

(*b*) to ensure that any part or parts of the premises specified in the notice shall not be used by any animal on the premises, or by such animal or animals as may be so specified;

(*c*) at his own expense, and within a period specified in the notice, to cleanse and disinfect such part or parts of the premises as may be so specified, in the manner (if any) indicated in the notice;

(*d*) to restrict the spreading of manure or the spraying of slurry, in accordance with the requirements of the notice.

(5) If any person on whom a notice is served in accordance with the provisions of the preceding paragraph fails to comply with the requirements thereof in so far as they relate to any of the matters referred to in subparagraph (*c*) of that paragraph, the Secretary of State may, without prejudice to any proceedings for

an offence arising out of such default, carry out, or cause to be carried out, the works specified in the notice and the amount of any expenses reasonably incurred by the Secretary of State for the purpose of making good the default shall (without prejudice to any proceedings which may be taken for the default) be recoverable by him as a civil debt from the person in default.

(6) Where a veterinary inspector or other officer of the Ministry or of the Secretary of State has reason to believe that any cattle present at, or which have been present at, any slaughterhouse, knacker's yard or other premises within an Eradication Area or Attested Area which are used for any show, exhibition, market, sale or fair, may be infected with brucellosis, he may serve on the occupier of such slaughterhouse, knacker's yard or other premises a notice in writing prescribing the manner in which any manure, slurry or other animal waste shall be disposed of.

Disinfecting of vehicles, plant or equipment on infected premises

10.—(1) Where a veterinary inspector or other officer of the Ministry or of the Secretary of State has reason to believe that any cattle kept, or formerly kept, on premises within an Eradication Area or Attested Area may be infected with brucellosis, he may serve on the occupier of the premises a notice in writing requiring him to arrange for the cleansing and disinfection of any vehicle, plant or equipment before it leaves the premises.

(2) If any person on whom a notice is served under the provisions of the preceding paragraph fails to comply with any of the requirements thereof, the Secretary of State may, without prejudice to any proceedings for an offence arising out of such default, carry out, or cause to be carried out, the works therein specified, and the amount of any expenses reasonably incurred by the Secretary of State for the purpose of making good the default shall (without prejudice to any proceedings which may be taken for the default) be recoverable by him as a civil debt from the person in default.

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 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.

Control of milk and milk products

12.—(1) No milk or dairy by-product (other than milk or a dairy by-product produced by an accredited herd) shall be brought on to any premises within an Eradication Area or Attested Area on which any cattle are kept, for the purpose of processing or bottling on such premises, or of feeding to animals thereon, unless such milk or dairy by-product has been—

(*a*) converted into powdered form, boiled or otherwise heat-treated; or

(*b*) brought on to the premises under the authority of a licence issued by a veterinary inspector or other officer of the Ministry or of the Secretary of State, and in accordance with the terms and conditions (if any) subject to which the licence is issued.

(2) Notwithstanding the provisions of the preceding paragraph, where a veterinary inspector or other officer of the Ministry or of the Secretary of State has reason to believe that any milk or dairy by-product produced by an accredited herd may be infected with brucellosis, he may serve on the occupier of any premises within an Eradication Area or Attested Area a notice in writing prohibiting any such milk or dairy by-product from being brought on to such premises.

(3) For the purpose of this Article—

(*a*) "accredited herd" means a herd of cattle in Great Britain which, to the satisfaction of the Minister (in relation to England and Wales) or of the Secretary of State (in relation to Scotland), either—

(i) has been found to be free from brucellosis by means of a series of diagnostic tests carried out by him or on his behalf and has been, since the date of commencement of such tests, the subject of adequate precautions against the introduction or re-introduction and consequent spreading of brucellosis; or

(ii) has been wholly constituted by the transfer of animals from other accredited herds in Great Britain or from such similar herds outside Great Britain as the Minister or the Secretary of State (as the case may be) may either generally, or in any special case, allow, and has been, since being so constituted, the subject of such precautions as aforesaid; and

(*b*) "heat treated" means pasteurised, sterilised or ultra heat treated.

Manure, slurry, etc.

13. No manure, slurry, slaughterhouse, knacker's yard or other animal waste, shall be brought on to premises within an Eradication Area or Attested Area on which cattle are kept, except under the authority of a licence issued by a veterinary inspector or other officer of the Ministry or of the Secretary of State and in accordance with the terms and conditions (if any) subject to which the licence is issued.

Restriction of use of semen

14. A veterinary inspector or other officer of the Ministry or of the Secretary of State may, by notice in writing served on the owner or other person in charge of cattle kept on premises within an Eradication Area or Attested Area, prohibit the use of semen among such cattle, or restrict its use to the extent specified in the notice.

Shows, exhibitions, etc.

15.—(1) No premises within an Eradication Area or Attested Area shall be used in connection with the holding of any show, exhibition, market, sale or fair at which cattle are to be present, except under the authority of a licence issued by a veterinary inspector or other officer of the Ministry or of the Secretary of State and in accordance with the terms and conditions (if any) subject to which the licence is issued.

(2) Where a veterinary inspector or other officer of the Ministry or of the Secretary of State has reason to suspect that any cattle on premises within an Eradication Area or Attested Area at which a show, exhibition, market, sale or fair is being held, is infected with, or has been exposed to the infection of, brucellosis, he may require the animal to be removed from those premises, and (as the owner or other person in charge of the animal may elect) taken either—

(*a*) to a slaughterhouse or knacker's yard for immediate slaughter; or

(*b*) back to the premises from which the animal was brought to the show, exhibition, market, sale or fair; or

(*c*) to such other premises as may be approved by him for the purpose.

(3) If the premises to which an animal is to be removed in accordance with the provisions of subparagraphs (*b*) or (*c*) of the preceding paragraph are situated within an Eradication Area or Attested Area, the animal shall only be removed thereto on condition that it is immediately put into isolation for a period to be terminated by a notice in writing served on the owner or other person in charge of the said animal by a veterinary inspector or other officer of the Ministry or of the Secretary of State.

Control of premises used by cattle dealers

16.—(1) No premises within an Eradication Area or Attested Area shall be used by a cattle dealer for the keeping of cattle in connection with his business as a dealer, other than premises which have been approved for the purpose by a veterinary inspector or other officer of the Ministry or of the Secretary of State.

(2) Any such approval as is referred to in the preceding paragraph may be given subject to compliance by the owner or occupier of the premises to which it relates with such conditions as may be specified therein.

Animals other than cattle

17. A veterinary inspector or other officer of the Ministry or of the Secretary of State may, by notice in writing served on the owner or other person in charge of cattle kept on premises within an Eradication Area or Attested Area, or on the occupier of such premises, require him to take such steps as may be specified in the notice to ensure that such cattle do not come into contact with any other animals kept on the premises.

Production of licences

18. Where, under the provisions of this order, a licence is required for the movement of cattle, the person in charge of any cattle being so moved shall, on demand made under this order by a veterinary inspector or other officer of the Ministry or of the Secretary of State or by an inspector of a local authority or police constable, produce the licence, and allow a copy thereof or extract therefrom to be taken, and shall also, if required, furnish his name and address.

Offences

19. The contravention of any provision of this order, or of any notice served or licence issued thereunder, or the failure to comply with any condition of any such notice or licence, or the causing or permitting of any such contravention or non-compliance, or, in the case of a cattle dealer, the use of any premises contrary to Article 16(1) of this order, or contrary to any condition subject to which such premises are approved, shall be an offence against the Diseases of Animals Act 1950.

Local authority to enforce order

20. This order shall, except where otherwise expressly provided, be executed and enforced by the local authority.

Gordon Campbell

One of Her Majesty's Principal Secretaries of State.

St Andrew's House,
Edinburgh.

22nd October 1971.

EXPLANATORY NOTE

(This Note is not part of the Order.)

Under section 5 of the Diseases of Animals Act 1950, the Secretary of State for Scotland may make an Order declaring any area to be an Eradication Area for purposes connected with the control of any particular disease, if he is satisfied that a substantial majority of the cattle in that area are free from that disease, and for similar purposes, he may declare an area to be an Attested Area if he is satisfied that that disease of cattle is for practical purposes non-existent therein. In relation to brucellosis, the provisions of section 5 of the 1950 Act have been extended by section 106(3) of the Agriculture Act 1970, so as to give the Secretary of State (in addition to the powers conferred on him by the earlier section) power to impose in respect of cattle in a brucellosis Eradication or Attested Area such other prohibitions or requirements as he may consider necessary or desirable for the purpose of eradicating that disease.

The present Order contains general provisions which will apply in all brucellosis Eradication or Attested Areas. They include a prohibition against the movement of cattle into such an Area (except cattle going direct to a slaughterhouse or knacker's yard, or under licence or on certain transit journeys), a power to prohibit the movement of cattle on to or off particular premises in such an Area, and ancillary provisions designed to prevent the introduction or spreading of brucellosis.

By virtue of the Brucellosis (Eradication Areas) (Scotland) Order 1971, five areas of Scotland have already been designated by the Secretary of State to be Eradication Areas for purposes connected with the control of brucellosis. The provisions of the present Order will take effect in those Areas designated in the Schedule to the Eradication Areas Order as the No. 1 and No. 2 Eradication Areas as from 1st November 1971.