STATUTORY INSTRUMENTS

1978 No. 689

ANIMALS

DISEASES OF ANIMALS

The Brucellosis (England and Wales) (Amendment) (No. 2) Order 1978

Made - - - *5th May* 1978

Coming into Operation *26th May* 1978

The Minister of Agriculture, Fisheries and Food, as respects England, and the Secretary of State, as respects Wales, in exercise of the powers conferred by sections 1, 5 and 85(1) of the Diseases of Animals Act 1950(**a**), as read with the Diseases of Animals (Extension of Definitions) Order 1971(**b**), and as extended by section 106(3) of the Agriculture Act 1970(**c**), and now vested in the said Minister in relation to England and the Secretary of State in relation to Wales(**d**), and of all other powers enabling them in that behalf, hereby make the following order:—

Citation and commencement

1. This order, which may be cited as the Brucellosis (England and Wales) (Amendment) (No. 2) Order 1978, shall come into operation on 26th May 1978.

Interpretation

2.—(1) This order shall be construed as one with the Brucellosis (England and Wales) Order 1977(**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) The principal order shall be amended in accordance with the following provisions of this Article.

(2) For paragraph (1) of Article 4 there shall be substituted the following paragraph:—

"(1) The provisions of Articles 6 to 23 and Article 27 of this order shall not apply to or have effect in—

(*a*) the eradication areas described in Part II of Schedule 1 hereto until 1st November 1978;

(*b*) the eradication areas described in Part III of that Schedule until 1st March 1979;

(*c*) the eradication areas described in Part IV of that Schedule until 1st November 1979.".

(**a**) 1950 c. 36. (**b**) S.I. 1971/531. (**c**) 1970 c. 40.
(**d**) By virtue of the Transfer of Functions (Wales) (No. 1) Order 1978 (S.I. 1978/272).
(**e**) S.I. 1977/1284. (**f**) S.I. 1977/1751, 1978/541 (**g**) 1889 c.63.

(3) In Article 5 the present paragraph shall be numbered paragraph (1) and the following paragraph shall be added immediately thereafter:—

"(2) No person shall treat bovine animals for brucellosis in an area declared by this order to be an eradication area or an attested area.".

(4) For paragraph (1) of Article 6 there shall be substituted the following paragraph:—

"No bovine animal shall be moved into an eradication area or attested area except under the authority of a licence issued, in the case of bovine animals being moved:—

(*a*) from a place in England, by a veterinary inspector or other officer of the Ministry;

(*b*) from a place in Scotland, by a veterinary inspector or an officer of the Secretary of State for Scotland;

(*c*) from a place in Wales, by a veterinary inspector or an officer of the Secretary of State for Wales;

and in accordance with the terms and conditions (if any) subject to which the licence is issued.".

(5) In paragraph (1) of Article 8 there shall be inserted after the word "animals" in the fourth line thereof the words "or steers".

(6) For paragraph (2) of Article 14 there shall be substituted the following paragraph:—

"(2)(*a*) An animal to which the preceding paragraph applies shall remain in isolation, and its foetus or calf and its 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, where the premises in question are in Wales, an officer of the Secretary of State for Wales requires, by notice in writing served on the owner or person in charge of the animal, the disposal of such foetus or calf and placenta.

(*b*) A notice served under the preceding sub-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 notice relates shall be carried out.".

(7)(*a*) In Article 15 there shall be inserted immediately after paragraph (1) the following paragraph:—

"(2) Where a veterinary inspector or other officer of the Ministry or, in the case of premises in Wales, an officer of the Secretary of State for Wales has certified that any animal kept on premises within an eradication area or attested area has reacted to a diagnostic test for brucellosis or is otherwise considered to be infected with brucellosis he may serve on the owner or other person in charge of such an animal or on the occupier of the premises a notice in writing requiring him to ensure that milk from such an animal is not fed to other animals on the same premises unless such milk has been pasteurised, sterilised or treated with ultra-heat.".

(*b*) Paragraphs (2) to (6) of Article 15 shall be renumbered paragraphs (3) to (7) respectively.

(*c*) In Article 15 there shall be inserted immediately after sub-paragraph (*d*) of paragraph (5) thereof the following sub-paragraphs:—

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

(*f*) to treat manure or slurry from any place which has been used by such animal and to store such manure or slurry in accordance with the requirements of the notice.".

(8) In Article 17 the present paragraph shall be renumbered paragraph (1) and the following paragraphs shall be added immediately thereafter:—

"(2) Where a notice has been served on any person under paragraph (1) above, and any full-term calving occurs among the bovine animals to which the notice relates, the placenta and, if it dies at or after birth, the calf, shall be retained by that person, until such time as a veterinary inspector or other officer of the Ministry, or, where the premises on which the calving took place are in Wales, an officer of the Secretary of State for Wales requires, by notice in writing served on the owner or other person in charge of the animal concerned, the disposal or destruction of that placenta and dead calf, if any.

(3) A notice served under the preceding sub-paragraph may specify the manner in which and the period within which the disposal or destruction of the calf and placenta to which the notice relates should be carried out.".

Amendment of Schedule 1 *of the principal order*

4.—(1) Schedule 1 of the principal order shall be amended in accordance with the following provisions of this Article.

(2) In the description of the first eradication area in Wales in Part I of the Schedule under the heading "*In the county of Clwyd*" the words "(excluding Wrexham livestock market)" shall be deleted.

(3) In the description of the first eradication area in Part II of the Schedule the heading "*In the county of Humberside*" and the words "The district of Boothferry" shall be deleted.

(4) At the end of Part II there shall be added the following:—

"An area comprising—

The counties of West Yorkshire, Derbyshire, Warwickshire and the metropolitan county of West Midlands.

An area comprising—

The county of Humberside *excluding*

The districts of Scunthorpe, Glanford, Cleethorpes and Grimsby.".

(5) At the end of the Schedule there shall be added the following Parts:—

" PART III (Article 3(1))

ERADICATION AREAS TO WHICH ARTICLES 6–23 AND 27 ARE NOT APPLICABLE UNTIL 1 MARCH 1979

An area comprising—

The metropolitan county of South Yorkshire.

An area comprising—

The county of Cornwall *excluding*

The parishes to the north of, and including, St. Gennys Otterham, Warbstow, Trenglos, Tresmeer, Egloskerry and St. Stephens by Launceston Rural.

(Article 3(1)) PART IV

ERADICATION AREAS TO WHICH ARTICLES 6–23 AND 27 ARE NOT APPLICABLE UNTIL 1 NOVEMBER 1979

IN ENGLAND—

An area comprising—

The county of Northumberland

In the metropolitan county of Tyne and Wear

So much of the county as lies to the north of the River Tyne.

The said river is included in the eradication area where it forms part of its boundary.

An area comprising—

The county of Staffordshire.

In the county of Cheshire

So much of the county as lies to the east of the River Dee.

The said river is included in the eradication area where it forms part of its boundary.

IN WALES—

An area comprising—

In the county of Clwyd

That part of the district of Alyn and Deeside which lies to the north of the River Dee.

The said river is included in the eradication area where it forms part of its boundary."

In witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 2nd May 1978.

(L.S.)

John Silkin,
Minister of Agriculture, Fisheries and Food.

5th May 1978.

John Morris,
Secretary of State for Wales.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order amends the Brucellosis (England and Wales) Order 1977, as amended, in order to implement certain provisions of Council Directive 78/52/EEC of 13 December 1977 which relate to the accelerated eradication of brucellosis. The principal amendments made in implementation of these provisions are as follows:—

(*a*) a prohibition is imposed on the treatment of bovine animals for brucellosis in an eradication or attested area;

(*b*) a veterinary inspector or other officer of the Ministry or an officer of the Secretary of State for Wales is given a power (in addition to his previous power in relation to bovine animals) to prohibit the movement of steers on to or off premises within an eradication or attested area except under the authority of a licence;

(*c*) provision is made for the retention and disposal or destruction of the foetuses or calves and placentae from animals kept on premises within an eradication or attested area which are suspected of having aborted or calved prematurely;

(*d*) provision is also made for the retention and subsequent disposal or destruction of placentae and dead calves (if any) from full-term calvings from animals kept on premises within an eradication or attested area where infection is believed to exist;

(*e*) powers are given to require the disposal or destruction of straw, litter or other matter which has come into contact with animals suspected of having been in contact with brucellosis, and the treatment and storage of manure and slurry from places used by those animals;

(*f*) it is provided that milk from infected cows must be heat-treated before it may be fed to animals on the same premises as those cows.

This Order also declares new areas of England and Wales to be eradication areas. The new areas are set out in that part of Part II of Schedule 1 which is added by Article 4(4) of this Order and in Parts III and IV of Schedule 1. These areas comprise all those parts of England and Wales which are not already included in an eradication or attested area, except the Wrexham livestock market in the county of Clwyd, which is now included in the first eradication area in Wales already listed in Part I of Schedule 1 of the principal order.

SI 1978/689
ISBN 0-11-083689-8

