STATUTORY INSTRUMENTS

1978 No. 1480

ANIMALS

DISEASES OF ANIMALS

The Brucellosis (England and Wales) Order 1978

Made - - - -	12*th October* 1978
Coming into Operation	1*st November* 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, 17(2), 19(7) 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 their other enabling powers, hereby make the following order:—

Citation, operation and commencement

1. This order, which may be cited as the Brucellosis (England and Wales) Order 1978, applies in England and Wales and shall come into operation on 1st November 1978.

Interpretation

2.—(1) In this order, unless the context otherwise requires, the following expressions shall 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;

"the Act" means the Diseases of Animals Act 1950 as amended and extended by any subsequent Act;

"appropriate Minister" means in relation to areas or premises in England the Minister, and in relation to areas or premises in Wales the Secretary of State;

"appropriate officer" means a veterinary inspector or, in the case of premises in England, another officer of the Ministry or, in the case of premises situated in Wales, an officer of the Secretary of State;

"attested area" means an area declared to be an attested area under article 3(2) of this order;

"bovine animal" means a bull, cow, heifer or calf, but does not include a steer;

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

(a) 1950 c. 36. For change of title of the Minister see S.I. 1955/5544.
(b) S.I. 1971/531. **(c)** 1970 c. 40.
(d) In the case of the Secretary of State by virtue of the Transfer of Functions (Wales) (No. 1) Order 1978 (S.I. 1978/272).

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

"eradication area" means an area declared to be an eradication area under article 3(1) of this order;

"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 by an 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;

"reactor" means a bovine animal which gives rise to a reaction consistent with its being affected with brucellosis when tested for that disease either by or on behalf of the Minister or the Secretary of State or otherwise, as the case may be, provided that in the case of a test otherwise so carried out the result thereof has been reported to the Minister or the Secretary of State;

"slaughterhouse" means a slaughterhouse or knacker's yard, as defined in section 34 of the Slaughterhouses Act 1974**(a)**;

"steer" means a castrated bull or male calf 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) References in this order to any enactment or order are (unless the context otherwise requires) references thereto as from time to time amended or replaced.

(4) The Interpretation Act 1889**(b)** applies to the interpretation of this order as it applies to the interpretation of an Act of Parliament and as if this order and the orders revoked by it were Acts of Parliament.

Declaration of brucellosis eradication and attested areas

3.—(1) The areas described in Schedule 1 hereto, being areas as respects which the appropriate Minister is satisfied that a substantial majority of the cattle therein are free from brucellosis, are hereby declared to be eradication areas for purposes connected with the control of brucellosis.

(2) The areas described in Schedule 2 hereto, being areas as respects which the appropriate Minister is satisfied that brucellosis in cattle is for practical purposes non-existent therein, are hereby declared to be attested areas for purposes connected with the control of brucellosis.

Application of articles 6 *to* 23 *and* 27

4.—(1) The provisions of articles 6 to 23 and article 27 of this order shall not apply to or have effect in—

(a) 1974 c. 3. **(b)** 1889 c. 63.

(*a*) the eradication areas described in Part II of Schedule 1 hereto until 1st March 1979;

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

(2) The provisions of this order shall not apply to an export quarantine station, within the meaning of section 36(1) of the Diseases of Animals Act 1950, which is situated within an eradication area or attested area unless that station is referred to in the description of that area.

(3) The provisions of this order shall not apply in relation to approved premises, within the meaning of the Importation of Animals Order 1977**(a)**, and shall apply in relation to imported animals only—

(*a*) from the time specified in the licence issued in respect of those animals under article 11(5) of that order; or

(*b*) where the existence or suspected existence of disease in any part of Great Britain makes it expedient that no such licence should be issued for the time being, from the time when those animals have completed the period of detention in quarantine required under the provisions of that order or, as the case may be, have been rested at an approved reception centre for the period so required.

(4) For the 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 partly within an attested area or areas and partly within an eradication area or areas, shall be deemed to be wholly within that attested area within which the greater or greatest part of the premises is situated;

(*c*) are situated wholly or partly within two or more attested areas or two or more eradication areas, shall be deemed to be within that area within which the greater or greatest part of the premises is situated.

Restriction on vaccination

5.—(1) No person other than—

(*a*) a veterinary inspector,

(*b*) a veterinary surgeon authorised for the purpose by the appropriate Minister,

(*c*) a person acting under the authority of a licence issued for the purpose by a veterinary inspector who complies with the conditions (if any) subject to which the licence is issued,

shall vaccinate bovine animals against brucellosis in an area declared by this order to be an eradication area or an attested area.

(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.

Movement of bovine animals into or through eradication areas or attested areas

6.—(1) 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;

(a) S.I. 1977/994.

(*b*) from a place in Scotland or Wales, by a veterinary inspector 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 paragraph (1) above shall not apply to the movement, otherwise than on foot, of bovine animals—

(*a*) through an eradication area or attested area from a place outside that area direct to another place outside that area;

(*b*) into an eradication area or attested area direct to a slaughterhouse in that area (from which they shall not be removed alive) for the purpose of unloading and slaughter there;

(*c*) (other than reactors) into an eradication area or attested area direct to premises in that area for the purpose of unloading and sale there, being premises used for the time being in connection with the holding of a market under the authority of a licence issued under article 21 of this order imposing a condition that cattle in the premises may only be sold there for immediate slaughter;

(*d*) under the age of 6 months into an eradication area or attested area direct to premises in that area for the purpose of unloading and sale there, being premises used for the time being in connection with the holding of a market under the authority of a licence issued under article 21 of this order; or

(*e*) from one attested area to another attested area by a route which, disregarding any part thereof which involves the carriage of such animals by sea or air, is entirely over land comprised in an attested area.

(3) When bovine animals are moved into or through an eradication area or attested area in the circumstances referred to in any of sub-paragraphs (*a*) to (*d*) of paragraph (2) above, the person in charge of those animals shall ensure that they do not come into contact with any other bovine animals, other than those with which they were in contact immediately before they entered the area, and that they are not (except in case of emergency) unloaded within the area from the vehicle by means of which they are transported otherwise than as provided for in the relevant sub-paragraph.

Movement of bovine animals on to premises within an eradication area

7. No bovine animals shall be moved on to premises within an eradication area, except under the authority of a licence issued—

(*a*) in the case of such premises in England by an officer of the Ministry,

(*b*) in the case of such premises in Wales, by an officer of the Secretary of State, or

(*c*) in the case of such animals being moved onto such premises in England or in Wales from a place in Scotland, by an officer of the appropriate Minister;

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*) bovine animals to which the provisions of subparagraphs (*b*) to (*d*) of paragraph (2) of the preceding article apply, or

(*b*) bovine animals being moved (otherwise than on foot) from a place within an eradication area direct to a slaughterhouse or market within that area.

Movement of bovine animals within an eradication area or attested area

8.—(1) An appropriate officer 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 bovine animals or steers on to or off those premises except under the authority of a licence or, where a licence has been issued under the preceding article, of a further licence, and in accordance with the terms and conditions (if any) of that licence or further licence.

(2) A notice served in accordance with the provisions of the preceding paragraph shall remain in force until withdrawn by a further notice in writing signee by an appropriate officer, and served as aforesaid.

Movement of cattle to temporary accommodation for cattle intended for export

9.—(1) Nothing in articles 6(1) and 7 of this order shall apply to bovine animals being moved otherwise than on foot into an eradication area or attested area direct to approved premises within that area.

(2) In this article, "approved premises" means premises which have been approved under article 3(1) of the Exported Animals Protection Order 1964**(a)** for the resting of animals immediately before their exportation from Great Britain, and also approved in writing for the purposes of this order by an officer of the appropriate Minister.

Control of slaughterhouses in attested areas

10. No slaughterhouse in an attested area, other than a slaughterhouse which has been approved for the purposes of this order by a veterinary inspector, shall admit, or be used for the purpose of slaughtering, a reactor from within the attested area or any bovine animal from any place outside the attested area.

Supplementary provisions as to approvals

11.—(1) An approval of premises under article 9 or of a slaughterhouse under article 10 of this order may be given subject to compliance by the owner or occupier of the premises or, as the case may be, the slaughterhouse to which it relates with such conditions as may be specified in the approval.

(2) Such an approval may, by notice in writing served on such owner or occupier, be withdrawn or varied at any time by a veterinary inspector, but without prejudice to anything lawfully done pursuant to such approval before such withdrawal or variation has taken effect.

Testing of bovine animals for brucellosis

12.—(1) The owner or other person in charge of bovine animals kept on premises within an eradication area or attested area shall comply with all reasonable requirements of an appropriate officer with a view to facilitating the examination of any such animals by a veterinary inspector, or the application thereto of any diagnostic test for brucellosis, and in particular, shall arrange for the collection, penning and securing of any such animals if so required.

(2) If any person fails to comply with any reasonable requirement of an appropriate officer made in accordance with the provisions of the preceding paragraph, the appropriate Minister 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

(a) S.I. 1964/704.

thereto of any diagnostic test for brucellosis, and the amount of any expenses reasonably incurred by the appropriate Minister 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 bovine animals 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 animals (other than any such diagnostic test which is carried out by or on behalf of the appropriate Minister) he shall, after receipt thereof, forthwith communicate the results of such test to the appropriate Minister.

(4) The owner or other person in charge of bovine animals 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 animals by or on behalf of the appropriate Minister.

Marking of bovine animals

13.—(1) If so required in writing by an appropriate officer the owner or other person in charge of bovine animals kept on premises within an eradication area or attested area shall mark such animals in the manner required by the appropriate officer.

(2) An appropriate officer may paint, stamp, clip, tag or otherwise mark bovine animals 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 mark made under either of the foregoing provisions of this article.

Notification of abortion or premature calving

14.—(1) Where the owner or other person in charge of bovine animals kept on premises within an eradication area or attested area has reason to believe that any abortion or premature calving has occurred among such animals, he shall forthwith—

(*a*) give notice of the fact to an appropriate officer;

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

(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 an appropriate officer 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.

Precautions against spread of infection

15.—(1) Where an appropriate officer 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 bovine animals kept on adjoining premises by contact with bovine animals kept on his premises.

(2) Where an appropriate officer 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.

(3) Where an appropriate officer has reason to believe that any bovine animal kept on premises within an eradication area or attested area may be infected with brucellosis, or has been exposed to such infection, he may serve on the owner or other person in charge of such animal, or on the occupier of the premises, a notice in writing requiring him to isolate any bovine animals specified in the notice from any other such animals.

(4) 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 practicable, be isolated from all other bovine animals on the premises during the period of calving.

(5) Where an appropriate officer has reason to believe that any bovine animal 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 animal, 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;

(*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.

(6) 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*), (*e*) or (*f*) of that paragraph, the appropriate Minister 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 appropriate Minister 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.

(7) Where an appropriate officer has reason to believe that any bovine animal present at, or which has been present at, any slaughterhouse 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 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

16.—(1) Where an appropriate officer has reason to believe that any bovine animal 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 appropriate Minister 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 appropriate Minister 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

17.—(1) 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 an appropriate officer has reason to believe that brucellosis infection exists on such premises, he may serve on the owner or other person in charge of any bovine animal thereon a notice in writing requiring him to notify the appropriate Minister within such period as may be specified therein, of any full-term calving which may occur among such bovine animals.

(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 an appropriate officer 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 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.

Control of milk and milk products

18.—(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 bovine animals 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 an appropriate officer 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 an appropriate officer 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 purposes of this article—

(*a*) "accredited herd" means a herd of bovine animals in Great Britain which, to the satisfaction of the Minister (in relation to a herd in England) or of the Secretary of State (in relation to a herd in Scotland or in Wales) 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;

(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

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

Manure, slurry, etc

19. No manure, slurry or slaughterhouse or other animal waste shall be brought on to premises within an eradication area or attested area on which bovine animals are kept, except under the authority of a licence issued by an appropriate officer, and in accordance with the terms and conditions (if any) subject to which the licence is issued.

Restriction on use of semen

20. An appropriate officer may, by notice in writing served on the owner or other person in charge of bovine animals kept on premises within an eradication area or attested area, prohibit the use of semen among such animals, or restrict its use to the extent specified in the notice.

Shows, exhibitions, markets, etc

21.—(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 bovine animals are to be present, except under the authority of a licence issued by an officer of the appropriate Minister, and in accordance with the terms and conditions (if any) subject to which the licence is issued.

(2) Where an appropriate officer has reason to suspect that any bovine animal 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 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 sub-paragraphs (*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 an appropriate officer.

Control of premises used by dealers in bovine animals

22.—(1) No premises within an eradication area or attested area shall be used by a dealer in bovine animals for the keeping of such animals in connection with his business as a dealer, other than premises which have been approved for the purpose by an appropriate officer.

(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 bovine animals

23. An appropriate officer may, by notice in writing served on the owner or other person in charge of bovine animals 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 animals do not come into contact with any other animals kept on the premises.

Power to slaughter on account of brucellosis

24. Section 17 of the Diseases of Animals Act 1950 shall apply to brucellosis.

Notice of intended slaughter

25.—(1) Where the appropriate Minister proposes to cause a bovine animal kept on any premises within an eradication area or attested area to be slaughtered under the powers conferred by section 17 of the Act in its application to brucellosis, a veterinary inspector may serve a notice of intended slaughter on the owner or other person in charge of the animal informing him of the proposed slaughter and requiring him to detain the animal pending its slaughter (or pending its surrender and removal for such slaughter) on such part of the premises as is specified in the notice and to isolate it as far as practicable from such other animals as are so specified.

(2) The person on whom such a notice has been served—

(*a*) shall comply with the notice, and

(*b*) shall not move the animal, or cause or permit it to be moved, off the part of the premises on which it is required to be detained, except under the authority of a licence issued by an officer of the appropriate Minister.

(3) In this article, "notice of intended slaughter" means a notice served in the form specified in Schedule 3 to this order, or in a form substantially to the like effect.

Assistance in securing animals

26.—(1) Where the appropriate Minister proposes to cause a bovine animal kept on any premises within an eradication area or attested area to be slaughtered under section 17 of the Act in its application to brucellosis, the owner or other person in charge of the animal shall comply with all reasonable requirements of an appropriate officer as to the collection, penning and securing of the animal for identification and inspection in connection with the ascertainment of its value.

(2) If the owner or other person in charge of an animal fails to comply with such a requirement as is mentioned in paragraph (1) above, the appropriate Minister may carry out the requirement, without prejudice to any proceedings

for an offence arising out of the default, and may on demand recover from the person in default as a civil debt the reasonable expense of doing so.

(3) Nothing in this article shall affect the powers of entry and other powers conferred by sections 6 and 73 of the Diseases of Animals Act 1950.

Production of licences

27. Where, under the provisions of this order, a licence is required for the movement of a bovine animal, the person in charge of any such animal being so moved shall, on demand made under this order by an appropriate officer, 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

28. 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 dealer in bovine animals, the use of any premises contrary to article 22(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

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

Revocation

30. The orders listed in Schedule 4 are hereby revoked.

Transitional provisions

31. Where at the date of coming into operation of this order there is in force a notice or licence issued under the Brucellosis (England and Wales) Order 1977**(a)**, as amended**(b)**, that notice or licence shall be deemed for the purposes of this order to have been issued under this order.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 10th October 1978.

(L.S.)

John Silkin,
Minister of Agriculture, Fisheries and Food.

John Morris,
Secretary of State for Wales.

12th October 1978

(a) S.I. 1977/1284.
(b) S.I. 1977/1751; 1978/541, 689

Article 3(1)

SCHEDULE 1

PART I

ERADICATION AREAS

IN ENGLAND

An area comprising—

The counties of Durham, Cleveland, Humberside, Nottinghamshire, Derbyshire, Lincolnshire, Leicestershire, Northamptonshire, Warwickshire, Buckinghamshire, Berkshire, Hampshire, Wiltshire, Dorset, Somerset, Devon, Avon, Gloucestershire, Hereford and Worcester (excluding Kidderminster livestock market), Salop (excluding Market Drayton livestock market) and the metropolitan counties of Merseyside, Greater Manchester, West Yorkshire and West Midlands.

In the metropolitan county of Tyne and Wear

So much of the county as lies to the south of the river Tyne.

The said river is excluded from the eradication area where it forms part of its boundary.

The county of North Yorkshire excluding that part of the district of Craven which lies to the west of the river Ribble.

In the county of Lancashire

The Boroughs of Burnley, Blackburn, Chorley, South Ribble and Rossendale and the districts of West Lancashire, Hyndburn and Pendle.

In the Borough of Ribble Valley

So much of the Borough as lies to the south and east of the river Ribble.

The said river is excluded from the eradication area where it forms part of the boundary.

In the county of Cheshire

So much of the county as lies to the west of the river Dee. The said river is excluded from the eradication area where it forms part of its boundary.

The county of Oxfordshire *excluding*

So much of the parish of Banbury as lies to the east of the railway line from Oxford to Banbury and to the south of the road A422 from Middleton Cheney to its intersection with the said railway line.

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

In the county of Cornwall

In the district of North Cornwall

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

IN WALES

An area comprising—

In the county of Clwyd

The Boroughs of Rhuddlan, Delyn, and Wrexham-Maelor.

The district of Alyn and Deeside (excluding that part of the district which lies to the north of the river Dee).

The said river is excluded from the eradication area where it forms part of its boundary.

PART II Article 3(1)

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

IN ENGLAND

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.

PART III Article 3(1)

ERADICATION AREAS TO WHICH ARTICLES 6–23 AND 27 ARE NOT APPLICABLE UNTIL 1ST 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.

SCHEDULE 2 Article 3(2)

ATTESTED AREAS

IN ENGLAND

An area comprising—

The counties of Norfolk, Suffolk, Cambridgeshire, Bedfordshire, Hertfordshire, Essex, Kent, Surrey, East Sussex, West Sussex and the City and Boroughs of Greater London.

An area comprising—

The county of the Isle of Wight.

An area comprising—

The Isles of Scilly.

An area comprising—

The county of Cumbria

In the county of Lancashire

The Boroughs of Lancaster, Blackpool, Fylde, Preston and Wyre.

In the Borough of Ribble Valley

So much of the Borough as lies north and west of the river Ribble.

In the county of North Yorkshire

In the district of Craven

So much of the district as lies to the west of the river Ribble.

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

IN WALES

An area comprising—

The counties of Dyfed, Mid Glamorgan, South Glamorgan, West Glamorgan, Gwent, Gwynedd and Powys.

The county of Clwyd (excluding the boroughs of Rhuddlan, Delyn, Wrexham-Maelor, and the district of Alyn and Deeside).

SCHEDULE 3 Article 25(3)

DISEASES OF ANIMALS ACT 1950

Ministry of Agriculture, Fisheries and Food.

Welsh Office, Agricultural Department.

THE BRUCELLOSIS (ENGLAND AND WALES) ORDER 1978
NOTICE OF INTENDED SLAUGHTER

Herd Ref. No. .....

To .....

of .....

.....

.....

.....

I, the undersigned, being a Veterinary Inspector appointed by the Minister of Agriculture, Fisheries and Food, hereby give notice that the Minister/Secretary of State for Wales* proposes to cause the following bovine animals to be slaughtered with all convenient speed under the powers conferred by section 17 of the above Act in its application to brucellosis, namely:

(*a*) affected animals and reactors (see Note 2 below)
kept at.....
.....

(*b*) other animals (see Note 2 below)
kept at .....
.....

*Delete as appropriate

I require you, pending such slaughter (or pending surrender and removal for such slaughter), to detain the animal(s) specified above in

.....

.....

being part of the premises where it is/they are now kept, and to keep it/them isolated as far as practicable from other bovine animals.

Dated .....19.....

Signed .....

Veterinary Inspector of the Ministry of Agriculture, Fisheries and Food.

Note 1: In accordance with article 15(1) of the Brucellosis (England and Wales) Order 1978 you are required to take such steps as may be reasonably practicable to prevent the infection of cattle kept on adjoining premises by contact with cattle kept on your premises.

Note 2: The Brucellosis (England and Wales) Compensation Order 1972 (as amended or replaced) defines affected animals and reactors and fixes rates of compensation for them and for other bovine animals which are slaughtered as a result of being exposed to the infection of brucellosis.

SCHEDULE 4 Article 30

Orders revoked	Reference
The Brucellosis (England and Wales) Order 1977	S.I. 1977/1284
The Brucellosis (England and Wales) (Amendment) Order 1977	S.I. 1977/1751
The Brucellosis (England and Wales) (Amendment) Order 1978	S.I. 1978/541
The Brucellosis (England and Wales) (Amendment) (No. 2) Order 1978	S.I. 1978/689

EXPLANATORY NOTE

(*This Note is not part of the Order.*)

Under section 5 of the Diseases of Animals Act 1950, the Minister of Agriculture, Fisheries and Food in respect of England and the Secretary of State for Wales in respect of Wales may make Orders declaring areas to be eradication areas for purposes connected with the control of any particular disease, if they are satisfied that a substantial majority of the cattle in those areas are free from that disease, and, for similar purposes, they may declare areas to be attested areas if they are satisfied that that disease 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 1950, so as to give the Minister and the Secretary of State power (in addition to the powers conferred on him by the earlier section) 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.

This Order, which supersedes the various existing Orders—

(*a*) consolidates in Part I of Schedule 1 the eradication areas in existence at 1 November 1978 and sets out in Parts II and III of the same Schedule new eradication areas which are declared with effect from 1 March 1979 and 1 November 1979 respectively;

(*b*) consolidates and adds to the attested areas set out in Schedule 2. The parts of England and Wales which are newly declared to be within attested areas are as follows:—

IN ENGLAND

(i) Cambridgeshire
Bedfordshire
Hertfordshire
Essex
Kent
Surrey
East Sussex
West Sussex
The City and Boroughs of Greater London;

(ii) Northern Cumbria

IN WALES

The remainder of Mid Glamorgan
South Glamorgan
The remainder of West Glamorgan
The remainder of Gwent
In Clwyd, the Borough of Colwyn and the remainder of the district of Glyndwr;

(*c*) sets out provisions which apply in eradication or attested areas. These include a prohibition on the movement of bovine animals into such areas (except under licence or on certain journeys), a power to prohibit the movement of such animals onto or off particular premises in such areas, a restriction on the vaccination of bovine animals in such areas against brucellosis, and ancillary prohibitions designed to prevent the introduction or spreading of brucellosis;

(*d*) enables the Minister or the Secretary of State to cause animals which are affected or suspected of being affected with brucellosis, or which have been exposed to the infection of that disease, to be slaughtered on payment of compensation, and, where such animals are kept at premises situated in an eradication or attested area, to require them to be detained and isolated until removed for slaughter.

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