STATUTORY INSTRUMENTS

1972 No. 1645

ANIMALS

DISEASES OF ANIMALS

The Milk (Eradication of Brucellosis) (Variation) Scheme 1972

Made - - -	1*st November* 1972
Laid before Parliament	9*th November* 1972
Coming into Operation	30*th November* 1972

The Minister of Agriculture, Fisheries and Food, the Secretary of State for Scotland and the Secretary of State for Wales, acting jointly, in exercise of the powers conferred upon them by section 106(2), (9) and (10) of the Agriculture Act 1970(**a**) and of all other powers enabling them in that behalf, with the consent of the Treasury, hereby make the following scheme:—

Citation, commencement and interpretation

1.—(1) This scheme may be cited as the Milk (Eradication of Brucellosis) (Variation) Scheme 1972 and shall come into operation on 30th November 1972.

(2) The Interpretation Act 1889(**b**) shall apply to the interpretation of this scheme as it applies to the interpretation of an Act of Parliament.

Further amendment of the Milk (Eradication of Brucellosis) Scheme 1970

2. The Milk (Eradication of Brucellosis) Scheme 1970(**c**), as varied by the Milk (Eradication of Brucellosis) (Variation) Scheme 1971(**d**), shall be further varied as follows:—

(*a*) by substituting in paragraphs 3(2)(*b*)(i), 3(2)(*b*)(ii) and 3(2)(*c*) respectively (which fix the qualifying periods for herds in Great Britain which were not accredited on 1st April 1970) for the words "the final diagnostic test as a result of which the herd became an accredited herd", wherever they occur, the words "the final diagnostic test as a result of which the herd first became an accredited herd";

(*b*) by inserting in paragraph 3(4) (which fixes the qualifying period for herds in Northern Ireland), after the proviso, the following further proviso:

"Provided also that the period referred to in sub-paragraph (*c*) above, if it has not expired on or before 30th November 1974, shall end with that date unless on 30th November 1972—

(*a*) the herd was in being and was not a certified herd, and

(a) 1970 c. 40.
(b) 1889 c. 63.
(c) S.I. 1970/1277 (1970 II, p. 4162).
(d) S.I. 1971/532 (1971 I, p. 1532.)

(*b*) the final diagnostic test as a result of which the herd was certified had not begun."

(*c*) by inserting, after paragraph 7, the following paragraph:

"*Herds in Great Britain which are ineligible for payments*

8. No payment may be made under this scheme in respect of milk from a herd in Great Britain in respect of which dairy incentive payments are being or have been made under the Brucellosis Payments Scheme 1971(**a**) or in respect of which there is not for the time being in force between the owner of the herd and the appropriate Minister a voluntary arrangement for the eradication of brucellosis from the herd upon terms which include the slaughter by the owner of reactors found in the herd."

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 30th October 1972.

(L.S.)

J. M. L. Prior,
Minister of Agriculture, Fisheries and Food.

Gordon Campbell,
Secretary of State for Scotland.

30th October 1972.

Given under my hand on 31st October 1972.

Peter Thomas,
Secretary of State for Wales

We approve,
1st November 1972.

Tim Fortescue,
V. H. Goodhew,
Two of the Lords Commissioners of
Her Majesty's Treasury.

(**a**) S.I. 1971/1967 (1971 III, p. 5311).

EXPLANATORY NOTE

(This Note is not part of the scheme.)

This scheme makes four further amendments to the Milk (Eradication of Brucellosis) Scheme 1970, under which incentive payments are made by Milk Marketing Boards in connection with the eradication of brucellosis from herds in Great Britain and Northern Ireland.

First, it removes an ambiguity in the scheme by making it clear that where a herd becomes accredited more than once the duration of the qualifying period for such payments is calculated from the first accreditation.

Secondly, it brings to an end on 30th November 1974 any outstanding period for which incentive payments may be made in Northern Ireland, except for a herd which exists, but is not certified or about to become certified, on 30th November 1972.

Thirdly, it ensures that if milk from a herd becomes eligible for dairy incentive payments under the Brucellosis Payments Scheme 1971, which applies only to herds in certain eradication areas, payment will not be made under the 1970 scheme on milk produced from that herd thereafter.

Fourthly, no payment may be made under the 1970 scheme in respect of milk from a herd in Great Britain unless the herd is subject to a voluntary arrangement for the slaughter of reactors by the owner; this rules out cases where eradication is left to be carried out by the appropriate Minister, using his compulsory powers.

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