The Tuberculosis (Area Eradication) Order, 1950

1950 No. 2006

Made - - - - 11*th December*, 1950
Coming into Operation 1*st January*, 1951

The Minister of Agriculture and Fisheries, by virtue and in exercise of the powers vested in him under section 23 of the Agriculture Act, 1937(a), the Diseases of Animals Acts, 1894 to 1937, and of every other power enabling him in this behalf, hereby makes the following Order:—

Citation and Commencement

1. This Order (which applies to Great Britain) may be cited as the Tuberculosis (Area Eradication) Order, 1950, and shall come into operation on the 1st day of January, 1951.

Interpretation

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

"approved disinfectant" means a five per cent. solution of standard phenol or a disinfectant otherwise approved for the time being by the Minister for the purposes of the Diseases of Animals (Disinfection) Order of 1936(b);

"Attested Herd" means a herd of cattle which is registered in the Register of Attested Herds kept in pursuance of the Tuberculosis (Attested Herds) Scheme, 1950(c), or any modification of that Scheme for the time being in force;

"bovine animal" means a bull, cow, ox, heifer or calf;

"Eradication Area" and "Attested Area" mean respectively an area which is for the time being an eradication area or an attested area as the case may be for purposes connected with the control of tuberculosis by virtue of an Order made under section 23 of the Agriculture Act, 1937(a);

"licence" means a licence issued under this Order by a veterinary inspector or other officer of the Ministry and includes a permit for the movement of an animal issued under the Tuberculosis (Attested Herds) Scheme, 1950(c), or any modification of that Scheme for the time being in force;

"Minister" and "Ministry" mean respectively the Minister and the Ministry of Agriculture and Fisheries;

"premises" includes land with or without buildings but does not include any market, saleyard, fairground, lair, place of exhibition or other place where animals are temporarily detained;

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

Other expressions have, where the context so permits, the same meaning as in the Diseases of Animals Acts, 1894 to 1937.

(2) The Interpretation Act, 1889(d), applies to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

(3) Tuberculosis shall be a disease to which section 23 of the Agriculture Act, 1937, applies.

(a) 1 Edw. 8. & 1 Geo. 6. c. 70.
(b) S.R. & O. 1938 (No. 191) I, p. 303.
(c) S.I. 1950 No. 1126, p. 177 below.
(d) 52 & 53 Vict. c. 63.

Application of Order

3.—(1) The provisions of this Order shall be applicable to and have effect in every Eradication Area and Attested Area subject nevertheless to such variations and exceptions (if any) as may be expressed in the Order declaring the Area to be an Eradication Area or Attested Area, as the case may be.

(2) Any farm, holding, park or enclosure which—

(*a*) is partly within an area to which this Order applies and partly outside any such area shall be deemed to be wholly within the first mentioned area ;

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

(3) For the purposes of paragraph (2) of this Article a detached part of a farm, holding or park shall be deemed to be a separate enclosure.

Movement of bovine animals into or through an Eradication Area or Attested Area

4.—(1) No bovine animal shall be moved into an Eradication Area or Attested Area except under the authority of a licence and in accordance with the conditions (if any) subject to which the licence is issued.

(2) Paragraph (1) of this Article shall not apply to—

(*a*) the movement of a bovine animal direct by water or by rail or road vehicle through an Eradication Area or Attested Area from a place outside that Area to another place outside that Area, provided that during its movement through the Area the animal is not permitted to come into contact with any bovine animal other than an animal which was in contact with it immediately before it entered the Area or with any goats or swine ; or

(*b*) the movement of a bovine animal from a place inside an Eradication Area or Attested Area direct to another place inside that Area by a route which is partly outside that Area, provided that no other convenient route wholly within the Area is available and provided that while it is outside the Area the animal is not permitted to come into contact with any bovine animal other than an animal which was in contact with it immediately before it left the Area or with any goats or swine.

Movement of bovine animals on to or off premises in an Eradication Area or Attested Area

5. A veterinary inspector or other officer of the Ministry may by notice in writing served on the occupier of any premises in an Eradication Area or Attested Area prohibit the movement of bovine animals on to or off the premises except under the authority of a licence and in accordance with the conditions (if any) subject to which the licence is issued. Such notice shall remain in force until it is withdrawn by a further notice in writing signed by a veterinary inspector or other officer of the Ministry and served as aforesaid.

Marking of bovine animals

6.—(1) If so required by the Minister, the owner of a bovine animal kept on premises in an Eradication Area or Attested Area shall mark the animal in a manner approved by the Minister and notified to the owner.

(2) A veterinary inspector or other officer of the Ministry may paint, stamp or clip any mark on any bovine animal kept in an Eradication Area or Attested Area.

(3) No person shall efface, obliterate or remove or attempt to efface, obliterate or remove any such mark.

Testing and vaccination of bovine animals

7.—(1) No bovine animal kept in an Eradication Area or Attested Area shall be tested with tuberculin except with the consent of the Minister.

(2) No bovine animal kept in an Eradication Area or Attested Area shall be vaccinated against tuberculosis.

Use of milk and other products for feeding animals

8.—(1) No milk or dairy by-product (other than milk or a dairy by-product produced on and brought direct from premises in an Attested Area on which bovine animals are kept or produced on and brought direct from premises on which an Attested Herd is kept) shall be brought on to any premises in an Eradication Area or Attested Area on which any bovine animal is kept, for the purpose of feeding to bovine or other animals thereat, unless such milk or dairy by-product has been converted into powder form or is boiled or pasteurised.

(2) For the purposes of this Article "pasteurised" means retained at a temperature of not less than 145° and not more than 150° Fahrenheit for at least thirty minutes, or at a temperature of not less than 162° Fahrenheit for at least fifteen seconds.

Control of goats and swine

9. For the purpose of preventing the risk of infection from goats or swine kept on any premises in an Eradication Area or Attested Area on which any bovine animal is kept, a veterinary inspector or other officer of the Ministry may by notice in writing served on the occupier of the premises require him to keep any such goats or swine under such control as may be prescribed in the notice or to confine them to any specified part of the premises.

Assistance to veterinary inspector

10. The occupier of any premises in an Eradication Area or Attested Area on which bovine animals are kept shall comply with all reasonable requirements of a veterinary inspector as to the collection, penning and securing of such animals for the purposes of a tuberculin test or an examination.

Precautions against spread of infection

11. Where a veterinary inspector has certified that any bovine animal kept on premises in an Eradication Area or Attested Area has reacted to a tuberculin test, the occupier of the premises shall, on being notified by the Minister of such certification, take such steps as may be reasonably practicable to prevent the infection of any bovine animals kept on the adjoining land by contact with bovine animals on his premises.

Disinfection

12.—(1) Where a veterinary inspector has certified that any bovine animal kept on premises in an Eradication Area or Attested Area has reacted to a tuberculin test, a veterinary inspector or other officer of the Ministry may by notice in writing served on the occupier of the premises require him within a time specified therein to cleanse and disinfect such parts of the buildings on the premises as may be specified in the notice and the occupier shall cause the cleansing and disinfection to be carried out within the time so specified in the following manner:—

(*a*) before the removal of manure from the said parts of the buildings, those parts shall be sprayed or saturated with an approved disinfectant;

(*b*) manure shall then be removed from the said parts and stacked in a place remote from bovine animals, goats and swine and shall not subsequently be spread on pasture land;

(*c*) after the removal of the manure, the said parts shall be thoroughly scraped, the scrapings shall be removed and the said parts shall then be scrubbed and washed thoroughly with a 4 per cent. solution of washing soda in hot water and finally sprayed with an approved disinfectant;

(*d*) all utensils or other articles used for or about the said animal shall be thoroughly cleansed and washed with a 4 per cent. solution of washing soda in hot water;

(*e*) the boots worn by and the hands of persons who have carried out the disinfection shall be washed in an approved disinfectant.

(2) If the occupier fails to cleanse and disinfect buildings as required by a notice given under this Article and in the manner aforesaid, it shall be lawful for the Minister, without prejudice to the recovery of any penalty for the infringement of this Article, to cause the buildings to be cleansed and disinfected and to recover from such occupier summarily as a civil debt the expenses of such cleansing and disinfection.

Production of licences—names and addresses

13. The person in charge of any animal being moved, where under this Order a licence for the movement is necessary, shall on demand made under this Order by a veterinary inspector or other officer of the Ministry, or by an inspector of a Local Authority or a Police Constable, produce the licence, and allow a copy of or extract from it to be taken, and shall also if required give his name and address.

Local Authority to enforce Order

14. This Order shall, except where otherwise expressly provided, be executed and enforced by the Local Authority.

Offences

15. Any person committing or aiding, abetting, counselling or procuring the commission of any breach of the provisions of this Order or the conditions of any licence granted or notice served under this Order is liable on summary conviction to the penalties provided by the Diseases of Animals Acts, 1894 to 1937.

In witness whereof the Official Seal of the Minister of Agriculture and Fisheries is hereunto affixed this eleventh day of December, nineteen hundred and fifty.

(L.S.) *T. Williams,*
Minister of Agriculture and Fisheries.

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

Under section 23 of the Agriculture Act, 1937, the Minister of Agriculture and Fisheries may make an order declaring an 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 therein are free from that disease. For similar purposes he may make an order declaring an area to be an Attested Area if he is satisfied that that disease of cattle is for practical purposes non-existent therein. When an area is so declared to be an Eradication Area or Attested Area for purposes connected with the control of tuberculosis, the provisions of this general order will apply to that area.

The provisions include a prohibition against movement of cattle into such an area (except 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 tuberculosis.

The Tuberculosis (Attested Herds) Scheme, 1950

1950 No. 1126

Made - - - -	10*th July*, 1950
Laid before Parliament	11*th July*, 1950
Coming into Operation	1*st October*, 1950

In pursuance of Section 20 of the Agriculture Act, 1937(**a**), as amended by Section 4 of the Agriculture (Miscellaneous War Provisions) (No. 2) Act, 1940(**b**) and Section 1 of the Animals Act, 1948(**c**), the Minister of Agriculture and Fisheries, with the approval of the Treasury, hereby makes the following scheme:—

Citation and Interpretation

1. This Scheme (which applies to Great Britain) may be cited as the Tuberculosis (Attested Herds) Scheme, 1950, and shall come into operation on the 1st day of October, 1950.

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

"animal" means bovine animal;

"approved disinfectant" means a five per cent. solution of standard phenol or a disinfectant otherwise approved for the time being by the Minister for the purposes of the Diseases of Animals (Disinfection) Order of 1936(**d**);

"approved premises" means, in relation to an Attested Herd, the premises registered in the Register of Attested Herds as the premises on which that herd is kept and, in relation to a Supervised Herd, the premises on which that herd is kept;

"Attested Herd" means a herd of cattle which is registered in the Register of Attested Herds;

"dealer" means a person habitually engaged in the trade or business of selling cattle (other than cattle bred or reared by him), but does not include a person whose business is to sell for further feeding or for slaughter cattle which he has purchased and fed for that purpose;

"licensed" means licensed under the Milk (Special Designation) (Raw Milk) Regulations, 1949(**e**), or under the Milk (Special Designations) (Scotland) Orders, 1936 to 1949(**f**), or under any modification of those Regulations or Orders for the time being in force;

"Minister" and "Ministry" mean respectively the Minister and the Ministry of Agriculture and Fisheries;

"official test" means a test with tuberculin carried out by a veterinary inspector of the Ministry;

(a) 1 Edw. 8. & 1 Geo. 6. c. 70. (b) 3 & 4 Geo. 6. c. 50.
(c) 11 & 12 Geo. 6. c. 35. (d) S.R. & O. 1938 (No. 191) I, p. 303.
(e) S.I. 1949 (No. 1590) I, p. 1733.
(f) S.R. & O. 1936 (No. 687) I, p. 1832; 1937 (No. 212) p. 1722; 1938 (Nos. 183 and 1158) II, pp. 2173 and 2177; 1941 (No. 1336) I, p. 624; 1944 (No. 1258) I, p. 464; S.I. 1949 (No. 1856) I, p. 2564.