EXPLANATORY NOTE

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

The Secretary of State is empowered by section 3 of the Diseases of Animals Act, 1950, to make payments for the eradication of bovine tuberculosis these powers having been transferred to him by the Transfer of Functions (Animal Health) Order, 1955. The payments empowered by the section are to be made in accordance with a scheme approved by the Treasury. The scheme at present in force is the Tuberculosis (Attested Herds) Scheme, 1950 as amended (S.I. 1950/1126, 1803 (1950 I, pp. 177, 185)).

The powers so conferred are exercisable for a period ending on 30th September, 1958, but may by order be extended for three successive periods of five years. This Order, which applies to Scotland only, extends the period for five years so as to continue to 30th September, 1963.

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## 1958 No. 1912

## The Tuberculosis (Attested Herds) Scheme, 1958

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| *Made* - - - - | *17th November*, 1958 |
| *Laid before Parliament* | *24th November*, 1958 |
| *Coming into Operation* | *1st December*, 1958 |

The Minister of Agriculture, Fisheries and Food and the Secretary of State for Scotland, acting jointly, in exercise of the powers conferred on them by section 3 of the Diseases of Animals Act, 1950(a), and of all other powers them enabling and with the approval of the Treasury, hereby make Article 2 of the following Scheme, and the Minister of Agriculture, Fisheries and Food, in exercise of the powers conferred on him by the said section and of all other powers him enabling and with the approval of the Treasury, hereby makes the rest of the following Scheme:—

*Citation, Revocation and Interpretation*

**1.**—(1) This Scheme may be cited as the Tuberculosis (Attested Herds) Scheme, 1958, and shall come into operation on the 1st day of December, 1958.

(2) This Scheme applies to England and Wales.

**2.** The Tuberculosis (Attested Herds) Scheme, 1950, as amended(b) (hereinafter referred to as the Scheme of 1950), in its application to England and Wales, is hereby revoked, save so far as it relates to the payment of bonus in respect of any period falling before the coming into operation of this Scheme.

**3.**—(1) In this Scheme, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say—

"the Act" means the Diseases of Animals Act, 1950;

"animal" means a bovine animal;

"approved disinfectant" means a five per centum solution of standard phenol or a disinfectant otherwise approved for the time being for the purposes of the Diseases of Animals (Disinfection) Order of 1936(c);

(a) 14 Geo. 6. c. 36. (b) S.I. 1950/1126, 1803 (1950 I, pp. 177, 185).
(c) S.R. & O. 1938/191 (Rev. II, p. 320 : 1938 I, p. 303).

"approved premises" means, in relation to an Attested Herd, the premises for the time being 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 for the time being approved by the Minister as the premises on which that herd may be kept;

"Attested Herd" means a herd of cattle that is for the time being 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 that he has purchased and fed for that purpose;

"eradication area" means an area that is for the time being an eradication area for purposes connected with the control of tuberculosis by virtue of an order made under section 5 of the Act and "attested area" has a corresponding meaning;

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

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

"Register of Attested Herds" means the Register of Attested Herds kept by the Minister under this Scheme;

"Rules" means the Rules contained in the Schedule to this Scheme;

"Supervised Herd" means a herd of cattle that has been declared by the Minister to be a Supervised Herd for the purposes of this Scheme;

"veterinary surgeon" means a person registered in the Register of Veterinary Surgeons.

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

(3) Herds of cattle which, immediately before the coming into operation of this Scheme, were Attested Herds or Supervised Herds for the purposes of the Scheme of 1950 shall be treated as Attested Herds or Supervised Herds for the purposes of this Scheme and shall accordingly be subject to the provisions of this Scheme and of the Rules; any requirement, application, election, notice, consent, permit or other thing whatsoever which was imposed, made, given, issued or done under the Scheme of 1950 shall, if in force immediately before the commencement of this Scheme, continue in force and have effect as if imposed, made, given, issued or done under the corresponding provision of this Scheme; any document referring to the Scheme of 1950 shall be construed as referring to this Scheme or to the corresponding provision thereof; and any failure on the part of the owner of a herd occurring before the coming into operation of this Scheme to observe any of the Rules contained in the Scheme of 1950 or any of the conditions of a permit issued under those Rules or any requirement of the Minister under that Scheme shall, for the purposes of this Scheme, be deemed to be a failure occurring after the coming into operation of this Scheme to observe the corresponding Rule, condition or requirement imposed by or under this Scheme.

*Register of Attested Herds*

**4.** The Minister may keep a register to be known as the Register of Attested Herds and may register therein every herd of cattle—

(*a*) which, immediately before the coming into operation of this Scheme, was registered in the Register of Attested Herds kept under the Scheme of 1950, or

(a) 52 & 53 Vict. c. 63.

(*b*) which qualifies for registration in accordance with the provisions of Article 5 or Article 6 of this Scheme

and the premises on which such herd is kept.

*Qualification for Registration in the Register of Attested Herds*

**5.**—(1) Subject as hereinafter provided, the owner of a herd of cattle (not being a herd kept in an area which is for the time being an eradication area or attested area) may apply to the Minister for an official test with a view to the registration of the herd in the Register of Attested Herds and on so applying he shall be required to—

(*a*) satisfy the Minister that the management of the herd and the conditions in which it is kept are suitable for the observance of the Rules;

(*b*) produce the following evidence of the freedom of the herd from tuberculosis, namely, certificates signed by a veterinary surgeon showing that he has applied a tuberculin test to the herd and that on the last two occasions on which the test was applied no reactor was found; provided that there was an interval of not less than 60 days and not more than 12 months between the two tests and that the second of the two tests was carried out not more than 12 months before the date of application to the Minister for an official test;

(*c*) furnish a declaration that all cattle on the premises on which the herd was kept at the time of the two tests were included in the tests; and

(*d*) give a written undertaking that he will, upon the herd being declared to be a Supervised Herd, observe the Rules and that, pending a decision on his application, no cattle will be moved on to the premises on which the herd is kept without the Minister's sanction.

(2) If these requirements are met to the satisfaction of the Minister, he may declare the herd to be a Supervised Herd with effect from a date to be determined by the Minister being a date not earlier than the date of application for an official test and the herd shall from the date of such declaration be subject to the Rules.

(3) An official test shall not be applied earlier than 60 days from the date of the second of the two tests referred to in sub-paragraph (*b*) of paragraph (1) of this Article and when applied to a herd shall be applied to all animals in that herd, except those kept in isolation pursuant to paragraphs (4) or (5) of Rule 8.

(4) If the official test discloses no reactor the herd may be registered in the Register of Attested Herds.

(5) If any reactor is found at the official test, the following procedure shall apply—

(*a*) on the Minister by notice in writing requiring the owner of the herd to isolate the reactor immediately and to remove it from the approved premises as quickly as possible and immediately thereafter to cause those premises to be disinfected in the manner prescribed in Article 9 of this Scheme, the owner of the herd shall comply with that requirement and on the service of the notice the reactor shall cease to form part of the Supervised Herd;

(*b*) not earlier than 60 days from the date of completion of the disinfection of the premises a second official test shall be applied to the herd;

(*c*) if the second official test discloses no reactor the herd may be registered in the Register of Attested Herds;

(*d*) if any reactor is found at the second official test the procedure described in sub-paragraphs (*a*) and (*b*) of this paragraph shall be repeated until an official test discloses no reactor whereupon the herd may be registered in the Register of Attested Herds.

(6) Where in pursuance of this Article a herd is registered in the Register of Attested Herds, it shall cease to be a Supervised Herd but shall continue to be subject to the Rules.

(7) The Minister may in any case in which it seems to him expedient so to do waive such of the requirements of this Article or modify them in such manner as in the circumstances of the case he may deem proper.

**6.** In the case of a new herd being constituted by animals transferred from Attested Herds, the Minister may, if he thinks fit, register such herd in the Register of Attested Herds with effect from such date as he may determine, without an official test, and the herd shall from the date of such registration be subject to the Rules.

*Cancellation of Registration of Attested Herd or Direction in respect of Supervised Herd*

**7.** The Minister may at any time cancel the registration of a herd in the Register of Attested Herds, or may at any time direct that a Supervised Herd shall cease to be a Supervised Herd, if in his opinion the owner of the herd has failed to observe any of the Rules or any of the conditions of a permit issued under the Rules or any requirement of this Scheme or any requirement of the Minister under this Scheme or under the Rules.

*Tuberculin Tests*

**8.**—(1) The official tests referred to in this Scheme and in the Rules will be carried out without charge to the owner of the herd.

(2) The Minister may if he thinks fit at any time cause an official test to be made of all or any animals in an Attested Herd. If any reactor is found on such official test, then, on the Minister by notice in writing requiring the owner of the herd to isolate the reactor immediately and to remove it from the approved premises as quickly as possible and immediately thereafter to cause those premises to be disinfected in the manner prescribed in Article 9 of this Scheme, the owner of the herd shall comply with that requirement and on the service of the notice the reactor shall cease to form part of the Attested Herd.

(3) To prevent the risk of infection from goats or swine on the same premises as an Attested Herd or Supervised Herd, the Minister may cause such goats or swine to be tested with tuberculin or may by notice in writing require them to be tested with tuberculin by a veterinary surgeon at the expense of the owner of the herd and in any event may require him to secure such limitation on the free movement of the goats or swine within the premises as the Minister may consider necessary. If any reactor is found on any such test, then, on being informed of that fact by the person who carried out the test, the owner of the herd shall immediately isolate the reactor and remove it from the approved premises as quickly as possible and shall immediately thereafter cause those premises to be disinfected in the manner prescribed in Article 9 of this Scheme.

*Disinfection of Premises*

**9.** Where, by or under this Scheme or the Rules, the disinfection of premises is required to be carried out after the removal of cattle, goats or swine reacting to the tuberculin test, such disinfection shall be carried out in the following manner:—

(*a*) after the removal of the reactors from the approved premises and before the removal of manure from such parts of the buildings on those premises as have been occupied by the reactors, the said 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 cattle, goats and swine and shall not subsequently be spread on pasture land;

(*c*) after the removal of the manure, the said parts and also any other parts of the said buildings with which the cattle, goats or swine or their excretions or sputum may have come in contact shall be thoroughly scraped, the scrapings shall be removed and all those parts shall then be scrubbed and washed thoroughly with a 4 per centum 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 cattle, goats or swine shall be thoroughly cleansed and washed with a 4 per centum 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.

*Payment of Bonus*

**10.**—(1) Subject as hereinafter provided, the Minister may pay to the owner of a herd that is for the time being a Supervised Herd or an Attested Herd a bonus in accordance with the terms of either Article 11 or Article 12 of this Scheme:

Provided that, if the owner of a herd contravenes or fails to comply with the Rules or any condition of a permit issued under the Rules or any requirement of this Scheme or any requirement of the Minister under this Scheme or under the Rules, the Minister may withhold the whole of the bonus that would otherwise be payable thereafter to the owner of that herd or reduce it by such proportion as he may determine to be appropriate.

(2) The owner may elect in writing under which of the last mentioned Articles he desires to benefit:

Provided that the Minister may treat all or any of the herds in the same ownership as one herd for the purposes of this paragraph and may, with effect from such date as he may determine, permit the owner to cancel an election made under this paragraph and to make a fresh election.

(3) For the purposes of the following provisions of this Scheme, the expression " the commencing date " means—

(*a*) in the case of a herd that was, immediately before the coming into operation of this Scheme, an Attested Herd or Supervised Herd for the purposes of the Scheme of 1950, the commencing date then applicable to that herd under the provisions of that Scheme; and

(*b*) in the case of any other herd, the date with effect from which it was declared to be a Supervised Herd or, if it was registered as an Attested Herd without previously having been a Supervised Herd, the date on which it was so registered:

Provided that—

(i) if, in the case of any herd referred to in sub-paragraph (*b*) of this paragraph, the date referable to that herd under that sub-paragraph is not the first day of a calendar month, the commencing date shall be the first day of the following month ; and

(ii) in a case where two herds (each being an Attested Herd or a Supervised Herd) have been combined consequent upon the acquisition of one herd and the approved premises on which it is kept by the owner of the other herd, the commencing date in respect of the combined herd shall be such date intermediate between the commencing dates formerly referable to the two herds so combined as the Minister may determine.

(4) The period in respect of which bonus may be paid in respect of a herd shall be—

(*a*) if the herd was, immediately before the coming into operation of this Scheme, an Attested Herd or Supervised Herd for the purposes of the Scheme of 1950, such part of the period of six years beginning with the commencing date as falls after the coming into operation of this Scheme ; and

(*b*) in any other case, the period of six years beginning with the commencing date :

Provided that—

(i) if before the commencing date a herd had already been an Attested Herd or a Supervised Herd but had ceased to be such under the provisions of Article 7 of this Scheme or the corresponding provisions of the Scheme of 1950 or by reason of the owner's voluntary withdrawal of the herd from either of those Schemes, then, in reckoning the said period of six years applicable to that herd and in selecting the rate of bonus payable under Article 11 or 12 of this Scheme, the Minister may take into account any period before the commencing date during which bonus was payable under those Schemes or either of them in respect of that herd ;

(ii) in reckoning the period of six years applicable to a herd, the Minister may leave out of account any part of that period for which no bonus was paid by reason of the fact that, during that part of the period, there was no animal on the approved premises that was eligible for bonus ; and

(iii) nothing in this Scheme shall be taken as authorising the payment of any bonus after the expiration of the period mentioned in section 3 of the Act as extended by any Order made under that section.

(5) Bonus shall not be payable to a dealer in respect of any cattle in his possession or under his charge for the purpose of dealing.

(6) An instalment of bonus shall not be paid under Article 12 of this Scheme unless an application for it is made, on a form provided by the Minister, not later than three months after the day in June or December, as the case may be, by reference to which is calculated the number of animals in respect of which that instalment is payable, or within such longer time as the Minister may allow in circumstances that he considers exceptional.

(7) In all matters relating to this Article and to Articles 11 and 12 of this Scheme, the decision of the Minister shall be final.

*Bonus on Milk*

**11.**—(1) The bonus that may be paid under this Article during the period of four years from the commencing date shall be twopence and during the period of two years next succeeding shall be one penny in respect of each gallon of milk which is sold from the herd under the provisions of the Milk Marketing Scheme, 1933(a), or which is produced from the herd and used for the manufacture on the farm comprising the approved premises of cheese the sale of which is approved for payment by the Milk Marketing Board under any agreement or arrangement that they may have with farmhouse cheese-makers or which is produced from the herd and used for any purpose for the time being approved by the Minister for the purposes of this Article.

(2) The bonus that may be paid under this Article shall be payable in respect of the aggregate quantity of milk sold or produced and used as aforesaid in each calendar month after the commencing date and shall be payable at the end of that month to the person who is then the owner of the herd:

Provided that—

(i) subject to the next succeeding paragraph of this proviso, if there is a change in the ownership of the herd during any such calendar month and if the herd is a Supervised Herd or an Attested Herd throughout the whole of that month, the bonus for that month shall be apportioned between the former owner and the new owner proportionately to the quantity of milk sold or produced and used as aforesaid during the respective ownerships in that month; and

(ii) if, during any such calendar month, the herd is disposed of to a person who has not also acquired the approved premises or is disposed of piecemeal, the bonus for that month shall be calculated on the quantity of milk sold or produced and used as aforesaid during that month while the herd was in the ownership of the former owner and shall be payable to him at the end of that month.

*Bonus on Cattle*

**12.**—(1) Subject as hereinafter provided, bonus that may be paid under this Article during the period of four years from the commencing date shall be twenty shillings and during the period of two years next succeeding shall be ten shillings in respect of each animal in the herd at the end of the day in June or December, as the case may be, falling within each successive period of six months from the commencing date, on which agricultural statistics are required to be furnished in accordance with regulations made under section 78 of the Agriculture Act, 1947(b).

(2) Each payment of bonus under this Article shall be deemed to be made in respect of the period of six months in which the said day in June or December, as the case may be, falls and shall be payable as soon as may be after that day to the person who was the owner of the herd at the end of that day.

(3) If, on any day referred to in paragraph (1) of this Article, an animal is required to be isolated under paragraph (5) of Rule 8, no payment of bonus under this Article shall be made in respect of the period of six months in which that day falls.

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(a) S.R. & O. 1933/789 (Rev. I, p. 224 : 1933 p. 20). (b) 10 & 11 Geo. 6. c. 48.

In witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed this thirteenth day of November, nineteen hundred and fifty-eight.

(L.S.)

*John Hare,*
Minister of Agriculture, Fisheries and Food.

Given under the Seal of the Secretary of State for Scotland this fourteenth day of November, nineteen hundred and fifty-eight.

(L.S.)

*John S. Maclay,*
Secretary of State.

We approve,

*Michael Hughes-Young,*
*P. E. O. Bryan,*
Two of the Lords Commissioners of Her Majesty's Treasury.

17th November 1958.

## SCHEDULE

### Rules applicable to Attested Herds and Supervised Herds

1. *Records.*—The owner of an Attested Herd or Supervised Herd shall keep accurate records of—

(*a*) all cattle on the approved premises stating breed, age, sex and marking; and name of animal, if any;

(*b*) all births and deaths of cattle on the approved premises including cattle slaughtered; and

(*c*) all cattle moved on to or off the approved premises, showing the addresses of the premises from or to which they were so moved, the name of the vendor or purchaser as the case may be, if available, and the date of such movement.

2. *Marking.*—Every animal in an Attested Herd or Supervised Herd shall be marked by the owner in a manner approved by the Minister.

3. *Fences.*—The fences dividing the approved premises from adjoining land shall be maintained to the satisfaction of the Minister in such a condition as to prevent the infection of the herd by cattle on the adjoining land.

4. *Use of Milk, etc. for feeding animals.*—No milk or dairy by-product shall be brought on to the approved premises for feeding to bovine or other animals except direct from premises at which an Attested Herd is kept unless such milk or dairy by-product has been converted into powder form or is boiled or pasteurised. For the purposes of this Rule "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.

5. *Consent of Minister to unofficial tuberculin tests.*—No animal in an Attested Herd or Supervised Herd shall be submitted to a test with tuberculin without the consent of the Minister.

6. *Vaccination.*—No animal in an Attested Herd or Supervised Herd shall be vaccinated against tuberculosis.

7. *Entry and examination by Inspector.*—The owner of an Attested Herd or Supervised Herd shall give all reasonable facilities for the entry of a veterinary inspector or other officer of the Ministry into the approved premises for the purpose of an examination of the premises, and of the bovine or other animals thereon, and of the records required to be kept or permits issued for the purposes of this Scheme, and for the testing of the animals. The owner shall furnish to the inspector or other officer all such information as may reasonably be required by him for the purposes of the administration of the Scheme.

8. *Regulation of Movement of Cattle*

(1) *Movement Permits.* No animal shall be moved on to approved premises except under the authority of a permit issued by the Minister under this Rule and in accordance with any conditions subject to which the permit is issued: provided that no such permit shall be required in respect of the movement of an animal between premises situated within the same attested area or between premises situated in two adjoining attested areas.

(2) *Conditions of Permit.* Every such permit shall be issued subject to the following general conditions, namely:—

(*a*) during the movement the animal shall not be allowed to come into contact with any other cattle not being moved with a similar permit granted in accordance with these Rules, or with any goats or swine;

(*b*) any vehicle in which the animal is conveyed shall be cleansed and disinfected in the following manner immediately before the animal is placed in it;

(i) *in the case of a road vehicle*—

the floor, roof and sides of the inside of the vehicle, and all other parts thereof with which such animal or any fodder, litter or other matter may come in contact, shall be scraped and swept, and the scrapings and sweepings and all dung, sawdust, litter and other matter shall be effectually removed from contact with animals; the same parts of the vehicle shall then be thoroughly washed or scrubbed or scoured with water; and then be disinfected by being thoroughly coated or washed with an approved disinfectant;

(ii) *in the case of a railway vehicle*—

the vehicle shall have been cleansed and disinfected in accordance with Article 24 of the Transit of Animals Order of 1927(a), since it was last used for the conveyance of animals, and in addition to such cleansing and disinfection it shall receive a further coating or washing of the floor, roof and sides of the inside with an approved disinfectant immediately before the animal is placed in it;

(*c*) if it is found necessary to water the animal during the movement, water must be supplied in a clean bucket direct from a tap or from a movable water trough that has been emptied and thoroughly cleansed after the previous occasion on which it was used and has been refilled direct from a tank and is provided solely for the use of Attested Herds and Supervised Herds;

(a) S.R. & O, 1927/289 (Rev. II, p. 259: 1927 p. 57).

and subject to such special conditions (if any) as the Minister may consider appropriate in the circumstances of the case. Subject, however, to the Minister's right at any time to vary the conditions of permits applicable to particular types of movement or to withhold the issue of a permit if he thinks fit, permits for the movements referred to in paragraphs (3) to (7) of this Rule will normally be granted subject to the special conditions (if any) specified in those paragraphs.

(3) *Movement to an Attested Herd or to a Supervised Herd from an Attested Herd.* The permit will normally be issued subject only to the general conditions specified in paragraph (2) of this Rule.

(4) *Movement to an Attested Herd or to a Supervised Herd from a Supervised Herd.* A permit will be granted only if the animal when tested on the last occasion with tuberculin at the premises of origin did not react, or is a calf under 14 days old. The animal will be subjected to an official test after the movement has taken place, but not earlier than 60 days after the date of the last test of the animal or, in the case of a calf under 14 days old, not earlier than 60 days after its arrival on the approved premises, and the animal shall be isolated until the result of the test is communicated to the owner of the herd except for such contact with other animals in the herd as may be necessary for breeding purposes only. If the animal does not react to this test it need no longer be isolated, but, if it reacts, then, on the Minister by notice in writing requiring the owner of the herd to isolate the reactor immediately and to remove it from the approved premises as quickly as possible and immediately thereafter to cause those premises to be disinfected in the manner prescribed in Article 9 of this Scheme, the owner of the herd shall comply with that requirement.

(5) *Movement to an Attested Herd or to a Supervised Herd from a herd other than an Attested Herd or a Supervised Herd.* A permit will be granted only if the animal was tested with tuberculin by a veterinary surgeon within 14 days prior to movement and did not react, or is a calf under 14 days old. The animal (including a calf under 14 days old) will be subjected to an official test after the movement has taken place, but not earlier than 60 days after its arrival on the approved premises, and the animal shall be isolated until the result of the test is communicated to the owner of the herd except for such contact with other animals in the herd as may be necessary for breeding purposes only. If the animal does not react to this test, it need no longer be isolated, but if it reacts, then, on the Minister by notice in writing requiring the owner of the herd to isolate the reactor immediately and to remove it from the approved premises as quickly as possible and immediately thereafter to cause those premises to be disinfected in the manner prescribed in Article 9 of this Scheme, the owner of the herd shall comply with that requirement:

Provided that in exceptional circumstances the Minister may waive the requirement of a tuberculin test within 14 days prior to movement, substitute therefor a condition that the animal shall be tested with tuberculin by a veterinary surgeon at the owner's expense within 7 days after the arrival of the animal on the approved premises, and delay correspondingly the official test.

(6) *Movement from a market, sale or agricultural show.* Permits for the movement of cattle from approved accommodation for return to an Attested Herd or for entry into another Attested Herd or into a Supervised Herd will be granted subject to such special conditions as the Minister may consider appropriate in the circumstances of the case. For the purposes of this sub-paragraph, "approved accommodation" means accommodation set apart for the reception of cattle moved from Attested Herds at any market, showground or other place and approved by the Minister.

(7) *Movement for breeding purposes.* Permits for the movement of animals for breeding purposes between Attested Herds and Supervised Herds will be granted subject to such special conditions as the Minister may consider appropriate in the circumstances of the case.

EXPLANATORY NOTE

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

This Scheme, which comes into operation on the 1st December, 1958, revokes the Tuberculosis (Attested Herds) Scheme, 1950, so far as it relates to England and Wales, and re-enacts it with amendments. The principal changes are as follows :—

1. In the event of non-observance of the Scheme by the owner of an Attested or Supervised Herd, the amount by which the bonus in respect of that herd may be reduced is now at the discretion of the Minister of Agriculture, Fisheries and Food.
2. Provision is made for the fixing by the Minister of a new date from which the bonus period is to be calculated where two Attested or Supervised Herds are combined.
3. Claims for capitation bonus are to be made within three months of the June and December statutory return dates.

Notwithstanding the revocation of the 1950 Scheme, it is provided that existing Attested Herds and Supervised Herds shall be treated as such for the purposes of the present Scheme, but the period during which bonus is payable in respect of them under this Scheme is reduced by the length of the period during which bonus was payable under the revoked Scheme.

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## 1958 No. 1967 (S. 108)

## The Tuberculosis (Attested Herds) (Scotland) Scheme, 1958

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| *Made* - - - - | 21*st November*, 1958 |
| *Laid before Parliament* | 28*th November*, 1958 |
| *Coming into Operation* | 1*st December*, 1958 |

The Secretary of State for Scotland in exercise of the powers conferred on him by section 3 of the Diseases of Animals Act, 1950(**a**), as read with the Transfer of Functions (Animal Health) Order, 1955(**b**), and of all other powers enabling him in that behalf and with the approval of the Treasury hereby makes the following Scheme other than Article 2 thereof, and the Secretary of State for Scotland and the Minister of Agriculture, Fisheries and Food acting jointly under the said section 3 as read with the said Order and with the approval of the Treasury hereby make the said Article 2:—

*Citation, Revocation and Interpretation*

**1.**—(1) This Scheme may be cited as the Tuberculosis (Attested Herds) (Scotland) Scheme, 1958, and shall come into operation on the first day of December, 1958.

(2) This Scheme shall apply to Scotland only.

**2.** The Tuberculosis (Attested Herds) Scheme, 1950, as amended(**c**), (hereinafter referred to as the Scheme of 1950) in its application to Scotland is hereby revoked, save so far as it relates to the payment of bonus in respect of any period falling before the coming into operation of this Scheme.

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(a) 14 Geo. 6. c. 36. (b) S.I. 1955/958 (1955 I, p. 1184).
(c) S.I. 1950/1126, 1803 (1950 I, pp. 177, 185).