STATUTORY INSTRUMENTS

1964 No. 1109 (S. 74)

ANIMALS

DISEASES OF ANIMALS

The Tuberculosis (Scotland) Order 1964

Made - - - -	14*th July* 1964
Laid before Parliament	24*th July* 1964
Coming into Operation	1*st August* 1964

The Secretary of State and the Minister of Agriculture, Fisheries and Food, acting jointly, in exercise of the power conferred on them by section 85(1) of the Diseases of Animals Act 1950(**a**) and of all other powers them enabling, as respects the revocation of the Orders mentioned in Article 2 of the following Order, and (save for such revocation) the Secretary of State in exercise of the powers conferred on him by sections 1, 8(3), 17(2), 20, 24(1), 28(2), 33(1), 77(3) and 84(3)(*a*) of the said Act, and of all other powers him enabling, hereby respectively make the following Order:—

Citation, revocation and interpretation

1. This Order may be cited as the Tuberculosis (Scotland) Order 1964 and shall come into operation on 1st August 1964.

2. The Tuberculosis Order of 1938, as amended(**b**) (save Articles 6 and 7 thereof), the Tuberculosis (Area Eradication) Order 1950(**c**), as amended(**d**), and the Tuberculosis (Slaughter of Reactors) Order 1950(**e**), as amended(**f**), in their application to Scotland, are hereby revoked.

3.—(1) In this Order, 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;

" affected animal " means a cow which is affected with tuberculosis of the udder or is giving tuberculous milk, or a bovine animal which is affected with tuberculous emaciation, or is excreting or discharging tuberculous material, or is affected with a chronic cough and shows clinical signs of tuberculosis;

" approved disinfectant " means a 5 per cent 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(**g**);

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

" cow " includes a heifer that has calved or is in milk;

" the divisional veterinary inspector " means the veterinary inspector appointed for the time being by the Minister to receive information

(a) 14 Geo. 6. c. 36. (b) S.R. & O. 1938/165, 1946/122 (Rev. II, p. 658; 1938 I, p. 293; 1946 I, p. 39). (c) S.I. 1950/2006 (1950 I, p. 173).
(d) S.I. 1954/762, 1955/1449, 1960/87 (1954 I, p. 148; 1955 I, p. 214; 1960 I, p. 307).
(e) S.I. 1950/2007 (1950 I, p. 188). (f) S.I. 1959/1461 (1959 I, p. 243).
(g) S.R. & O. 1938/191 (Rev. II, p. 320: 1938 I, p. 303).

about animals affected or suspected of being affected with specified diseases from time to time specified by the Minister for the area in which the animal is;

"licence" means a licence issued under this Order by a veterinary inspector or other officer of the Ministry or an officer of the Secretary of State;

"milk" includes cream and separated or skimmed milk;

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

"premises" includes land with or without buildings, but does not include any market, sale yard, fairground, lair, or place of exhibition;

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

(2) References in this Order to notices served in Form A or Form B shall be construed as references to notices served in the forms respectively so headed in the schedule to this Order, or in forms substantially to the like effect.

(3) The Interpretation Act 1889(a) shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament, and as if this Order and the Orders hereby revoked were Acts of Parliament.

(4) Without prejudice to the last foregoing paragraph any notice, consent, licence, requirement or other thing whatsoever which was served, given, issued, granted, imposed or done under any order revoked by this Order shall, if in force immediately before the commencement of this Order continue in force and have effect as if served, given, issued, granted, imposed or done under the corresponding provision of this Order; and any document referring to any order revoked by this Order shall be construed as referring to this Order or to the corresponding provision thereof.

Extent and scope

4. This Order applies to Scotland and the following provisions of it shall have effect for the purpose of preventing the introduction and spread of tuberculosis of cattle and of eradicating such tuberculosis.

Notice of disease

5.—(1) Every person having in his possession or under his charge on any premises—

(*a*) any cow which is or appears to be—

(i) an affected animal, or

(ii) affected with an indurated udder or other chronic disease of the udder; or

(*b*) any other bovine animal which is or appears to be an affected animal,

and every veterinary surgeon or veterinary practitioner who in his private practice examines any bovine animal, and is of opinion or suspects that the animal is an affected animal shall with all practicable speed give notice of the fact to a constable of the police force for the area wherein the animal is or to a veterinary inspector.

(2) The person in possession or having charge of the animal shall forthwith detain it on the premises where it then is and isolate it as far as practicable from other bovine animals, and shall adopt precautions

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

with respect to milk as if a notice in Form A had already been served upon him under Article 6 of this Order.

(3) The constable receiving any notice under this Article shall forthwith give information of the receipt of such notice to the divisional veterinary inspector and to an inspector of the local authority.

Detention and isolation of animals and precautions to be adopted with respect to milk and prohibition of movement

6.—(1) An inspector of a local authority on receiving information in any manner whatsoever that there is on any premises a bovine animal which is or is suspected to be an affected animal shall proceed with all practicable speed to the place where such animal is, and shall forthwith serve a notice in Form A on the owner or person in charge of the animal. The inspector shall with all practicable speed send a copy of the notice to the divisional veterinary inspector and to the local authority.

(2) A veterinary inspector may serve a notice in Form A on the owner or person in charge of any bovine animal examined by him which in his opinion is or may be an affected animal.

(3) A notice (Form A) served under this Article shall remain in force until the animal to which it relates has died, or has been slaughtered pursuant to section 17 of the Act, or until the notice is cancelled by a further notice served in accordance with Article 7 of this Order.

Cancellation of restrictions

7. If the report of a veterinary inspector on any animal in respect of which a notice (Form A) has been served does not show that it is an affected animal, the veterinary inspector shall forthwith serve a notice on the person on whom the notice (Form A) was served cancelling such notice.

Tuberculin tests and vaccination

8.—(1) The owner or person in charge of any bovine animal shall comply with all reasonable requirements of a veterinary inspector or other officer of the Ministry as to the collection, penning and securing of any such animal for the purpose of examining it or of applying a tuberculin test or, in a case where the Secretary of State proposes to cause any such animal to be slaughtered by reason of its being affected, or suspected of being affected, with tuberculosis, of its having reacted to a tuberculin test, or of its having been exposed to the infection of tuberculosis, for the purpose of ascertaining its value.

This paragraph shall be without prejudice to the powers of entry (and other powers) conferred by sections 6 and 73 of the Act.

(2) No bovine animal shall be tested with tuberculin except with the consent of the Secretary of State.

(3) No bovine animal shall be vaccinated against tuberculosis.

Slaughter and disposal of affected animals and reactors

9. Where the Secretary of State is satisfied that a bovine animal kept on any premises—

(*a*) is an affected animal; or

(*b*) has reacted to a tuberculin test,

and he proposes to cause to be slaughtered any such animal, or any bovine animal kept on any premises which has been exposed to the infection

of tuberculosis by contact with any such animal as is mentioned in heads (*a*) or (*b*) of this Article, a veterinary inspector may serve a notice in Form B on the owner or person in charge of any such animal informing him of the proposed slaughter and requiring him to detain the animal pending such 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 other animals that are not for the time being specified in a notice served under this Article.

Precautions against spread of infection

10.—(1) Where the Secretary of State is satisfied that any bovine animal kept on any premises is an affected animal or has reacted to a tuberculin test, a veterinary inspector or other officer of the Ministry may, by notice in writing served on the owner or person in charge of any such animal, require him within a time specified therein—

(*a*) to take such steps as may be reasonably practicable to prevent any bovine animal kept on the premises from infecting by contact any bovine animal kept on any adjoining premises;

(*b*) to remove any bovine animal from such parts of any buildings on the premises as may be specified in the notice, and thereafter to cleanse and disinfect such parts in the following manner:—

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

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

(iii) 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 or cleansed in such other manner as may be approved in writing by the Secretary of State and finally sprayed with an approved disinfectant;

(iv) all utensils or other articles used for or about the animal in respect of which notice has been served shall be thoroughly cleansed and washed with a 4 per cent solution of washing soda in hot water or in such other manner as may be approved in writing by the Secretary of State;

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

(2) If any person on whom a notice is served under paragraph (1) of this Article fails to comply with such notice so far as it relates to any of the requirements mentioned in subparagraph (*b*) of that paragraph, it shall be lawful for a veterinary inspector, without prejudice to any proceedings for an offence arising out of such default, to enter on to the premises in respect of which the notice is served and to carry out the works therein specified (or to cause them to be carried out), and the amount of any expenses reasonably incurred by the veterinary inspector for the purpose of making good the default shall (without prejudice to any proceedings which may be taken for the default) be recoverable by the Secretary of State as a civil debt from the person in default.

11.—(1) Where, for the purpose mentioned in Article 4 of this Order, it appears to a veterinary inspector expedient so to do, he may, by notice in writing served on the owner or person in charge of bovine animals kept

on such premises as are specified in the notice, prohibit the movement of bovine animals on to or off such premises (not being a movement to a slaughterhouse for the purposes of slaughter either pursuant to section 17 of the Act or in consequence of an injury or similar emergency) except under the authority of a licence and in accordance with the conditions subject to which the licence is issued.

(2) Such notice shall remain in force until it is cancelled by a further notice in writing given by a veterinary inspector and served as aforesaid.

Suspected animals in markets, fairs and sales

12.—(1) Where any bovine animal which is or is suspected by a veterinary inspector to be an affected animal is exposed in a market, fairground, or sale yard, or other public or private place where animals are commonly exposed for sale (in this Article referred to as "sale premises") the veterinary inspector may, by notice served on the owner or person in charge of the animal, require it to be removed from the sale premises to the premises from which it was brought thereto (unless such premises are also sale premises), or, at the option of the owner or person in charge (or, where such premises are also sale premises, without such option) to other suitable premises or to a slaughterhouse, to be specified in the notice, and thereupon the animal shall forthwith be moved by the owner or person in charge to such premises for the purpose of examination under the foregoing provisions of this Order, or as the case may be, to such slaughterhouse.

(2) Where any such notice as is mentioned in paragraph (1) of this Article has been served, a veterinary inspector or other officer of the Ministry may, by notice in writing served on the occupier or other person in charge of the sale premises in respect of which such first mentioned notice was served, require him within a time specified in the notice to cleanse and disinfect such parts of the sale premises as may be specified therein, and the person on whom such a notice is served shall within the time so specified cause the cleansing and disinfection to be carried out in the manner prescribed in Article 10(1)(*b*) of this Order.

(3) Where an animal is so moved to a slaughterhouse it shall not be moved from the slaughterhouse and shall be caused by its owner to be slaughtered within ninety-six hours after its arrival thereat.

(4) No compensation shall be payable in respect of an animal caused by the owner to be slaughtered under this Article.

Prohibition of importation of diseased animals

13.—(1) The landing in Scotland from any country outside Great Britain of any bovine animal which is or appears to be an affected animal is hereby prohibited.

(2) A veterinary inspector may cause any such animal landed in contravention of the foregoing paragraph to be slaughtered, and no compensation shall be payable in respect thereof.

Movement of imported animals

14.—(1) Where a bovine animal, having been imported from the Republic of Ireland is moved to a slaughterhouse under the authority of a licence granted under schedule 2 to the Act, and the animal is described in that

licence as not being of attested status, the person owning or in charge of the animal shall ensure that the animal—

(*a*) shall, before it is moved to the slaughterhouse, be marked by the clipping on its left hind quarter of a broad arrow 6 inches long and by the clipping of the hair off the end of its tail;

(*b*) shall not, during the movement authorised by the licence aforesaid, be permitted to come into contact with any bovine animal other than one that is for the time being subject to the requirements of this paragraph;

(*c*) shall not, when moved to the slaughterhouse, be moved therefrom alive, but shall be slaughtered not later than 6 days after the day of its arrival there.

(2) In this Article the expression "slaughterhouse" has the meaning assigned to it in paragraph 7 of schedule 2 to the Act.

Control of goats and swine

15. For the purposes of preventing the risk of infection by tuberculosis from goats or swine kept on any premises 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 them under such control as may be prescribed in the notice or to confine them to a specified part of the premises.

Marking of bovine animals

16.—(1) The owner of a bovine animal kept on any premises shall mark or identify the animal in a manner approved by the Secretary of State and shall thereafter maintain such mark or identification so as to be clearly legible:

Provided that this requirement shall not apply in relation to any animal less than 14 days old that is not removed, or is removed only to a slaughterhouse from such premises, within such period of 14 days.

(2) A veterinary inspector or other officer of the Ministry may, if in his opinion it is necessary so to do, for the purposes of this Order, paint, stamp, or clip any mark on, or affix any tag to the ear of any bovine animal.

(3) No person shall, or shall attempt to, efface, alter, obliterate or remove any such mark, identification or tag as is made or affixed pursuant to the foregoing paragraphs of this Article.

Notices and Licences

17.—(1) Every such notice as mentioned in Articles 6, 9, 10, 11(1), 12 and 15 of this Order shall be complied with by the person on whom the notice is served.

(2) Failure by any person without lawful authority or excuse, proof whereof shall lie on him, to comply with the conditions of a licence issued under this Order shall be an offence against the Act.

(3) Every licence issued under this Order shall accompany the animal to which it relates throughout the time during which the animal is being moved thereunder, and the person for the time being in charge of the animal shall on demand produce it to any veterinary inspector or other officer of the Ministry or an officer of the Secretary of State or inspector of a local authority or police constable and allow a copy of or extract from it to be taken and shall also, if required, give his name and address.

Extension of definition of disease

18. For the purposes of the Act the definition of the expression "disease" in section 84(3)(*a*) thereof shall continue to be extended so as to include a reference to tuberculosis, and section 17 of the Act shall continue to apply to that disease.

Enforcement by local authority

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

Given under the Seal of the Secretary of State for Scotland.

(L.S.) *Michael Noble,*
Secretary of State for Scotland.

13th July 1964.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed.

(L.S.) *Christopher Soames,*
Minister of Agriculture, Fisheries and Food.

14th July 1964.

SCHEDULE *Articles 5, 6 and 7*

(Forms of Notice prescribed in the Order)

FORM A

DISEASES OF ANIMALS ACT 1950

TUBERCULOSIS (SCOTLAND) ORDER 1964

Notice requiring detention and isolation of suspected animals, adoption of precautions with respect to milk and probihiting movement of bovine animals

To A.B. of

I, the undersigned, being [a veterinary inspector appointed by the Minister of Agriculture, Fisheries and Food or] [an inspector appointed by the local authority of the $\frac{\text{(burgh)}}{\text{(county)}}$ of] hereby give you notice as the owner or person in charge of the following animal, namely,
on the under-mentioned premises which is or is suspected to be an affected animal for the purposes of the above-mentioned Order requiring you to detain

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the animal on the said premises and to keep the animal isolated as far as practicable from other bovine animals that is to say, bulls, cows, steers, heifers or calves, and, if the aforesaid animal is a cow, requiring you to take steps to ensure that the milk produced by the cow shall not be mixed with other milk until the cow has been examined by a veterinary inspector in accordance with the provisions of the said Order and until a subsequent notice cancelling such notice has been served upon you under the said Order; and also requiring you to take steps to ensure that all milk affected by this notice shall forthwith be boiled or otherwise sterilised, and that any utensil in which such milk is placed before being so treated shall be thoroughly cleansed and scalded with steam or boiling water before any other milk is placed therein; and also prohibiting the movement of bovine animals on to or off the premises except under the authority of a licence and in accordance with the conditions subject to which the licence is issued.

This notice remains in force until the animal to which it relates has died or has been slaughtered pursuant to the above-mentioned Act, or until it is cancelled by a subsequent notice served by a veterinary inspector on the owner or person in charge of the animal.

Dated 19 .

(Signed)

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Veterinary Inspector/Inspector.

Description of premises on which the animal is to be detained and isolated.

Note. The veterinary inspector/inspector is with all practicable speed to send a copy of this notice to the divisional veterinary inspector of the Ministry of Agriculture, Fisheries and Food and to the local authority.

Article 9

DISEASES OF ANIMALS ACT 1950

TUBERCULOSIS (SCOTLAND) ORDER 1964

FORM B

Notice requiring detention and isolation of bovine animals found to be affected with tuberculosis or to be reactors, and contacts of such animals, pending slaughter

To A.B. of

I, the undersigned, being a veterinary inspector appointed by the Minister of Agriculture, Fisheries and Food, hereby give notice that the Secretary of State is satisfied that the following bovine animal, namely (*insert description of animal*) which is now kept at (*insert description of premises where it is now kept*)—

(A) is an affected animal within the meaning of the above-mentioned Order in that it—

(*a*) is affected with tuberculosis of the udder;

(*b*) is giving tuberculous milk;

(*c*) is affected with tuberculous emaciation:

(*d*) is excreting or discharging tuberculous material;

(*e*) is affected with a chronic cough and shows clinical signs of tuberculosis;

OR

(B) has reacted to a tuberculin test,

and that it is proposed, subject to the provisions of the above-mentioned Act, with all convenient speed, to cause the said animal to be slaughtered [and also the following bovine animal (*insert description of animal*) which has been exposed to the infection of tuberculosis by contact with the first-mentioned animal].

I require you, pending such slaughter (or pending surrender and removal for such slaughter), to detain the animal(s) specified above in (*specify part of the premises*) 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.

This Notice should be adapted throughout according to the circumstances in which it is served.

EXPLANATORY NOTE

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

This Order, made under the Diseases of Animals Act 1950, revokes and re-enacts (with amendments) for Scotland—

(*a*) the Tuberculosis Order of 1938 (S.R. & O. 1938/165; 1946/122), other than Articles 6 and 7 thereof which since they relate to compensation are revoked by a separate order, namely the Tuberculosis (Compensation) (Scotland) Order 1964 (S.I. 1964/1152); and

(*b*) the Tuberculosis (Slaughter of Reactors) Order 1950 (S.I. 1950/2007), as amended by S.I. 1959/1461.

The Order also revokes the Tuberculosis (Area Eradication) Order 1950 (S.I. 1950/2006), as amended by S.I. 1954/762, 1955/1449 and 1960/87, much of which, in consequence of the Tuberculosis (Scotland Attested Area) Order 1959 (S.I. 1959/1590) declaring the whole of Scotland to be an attested area, is obsolete.

By virtue of section 17 of the Diseases of Animals Act 1950 (and the extension of the definition of disease re-enacted in this Order) the Secretary of State may, if he thinks fit, cause to be slaughtered any animal which is affected or suspected of being affected with tuberculosis or has been exposed to the infection of such disease.

This Order prescribes the precautionary measures to be adopted, and the form of notice (Form A) to be served, where a bovine animal is suspected of being an affected animal (within the meaning of the Order). These measures include the detention and isolation of the animal and, in the case of a cow, the sterilisation of its milk. Where the Secretary of State is satisfied that an animal is affected with tuberculosis, or, following the carrying out pursuant to the Order of a tuberculin test, is a reactor, and he proposes to cause the animal to be slaughtered, the Order provides for the service of another notice (Form B) requiring the detention and isolation of the animal pending slaughter; and, generally, the Order assimilates the procedure henceforth to be followed in either such case.

The Order also contains in re-enacted form (but with miror alterations) ancillary provisions for the purpose of preventing the introduction and spread of tuberculosis and of eradicating that disease.