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SCOTTISH STATUTORY INSTRUMENTS

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**2009 No. 232**

**The Brucellosis (Scotland) Order 2009**

**PART 1**

Introductory provisions

**Citation, commencement and extent**

1.—(1) This Order may be cited as the Brucellosis (Scotland) Order 2009 and comes into force on 26th June 2009.

(2) This Order extends to Scotland only.

**Interpretation**

2.—(1) In this Order—

“the Act” means the Animal Health Act 1981;

“average price” means, for any given month, a price calculated in accordance with article 20;

“bovine animal” means domestic cattle of the genus *Bos*, species *Bubalus bubalis* or *Bison bison* but does not include a steer;

“brucellosis” means the disease caused by *Brucella abortus*, otherwise known as contagious abortion;

“heifer” means a young cow that has not had a calf;

“infected animal” means a bovine animal which is infected with brucellosis;

“premises” includes land, with or without buildings;

“market value” means—

(a) in the case of a bovine animal born before 1st August 1996, the higher of—

(i) the price which might reasonably have been obtained for it at the time of valuation from a purchaser in the open market if the animal were not an infected animal or a reactor, or, in the case of an animal exposed to brucellosis, had not been so exposed; or

(ii) the purchase price which would have applied had the animal been slaughtered in accordance with Commission Regulation (EC) No. 716/96 adopting exceptional support measures for the beef market in the United Kingdom, as amended<sup>MI</sup>; and

(b) in the case of a bovine animal born on or after 1st August 1996, the price which might reasonably have been obtained for it at the time of valuation from a purchaser in the open market if the animal were not an infected animal or a reactor or, in the case of an animal exposed to brucellosis, had not been so exposed;

“milk” includes cream and separated or skimmed milk;

“reactor” means a bovine animal which gives rise to a reaction consistent with its being infected with brucellosis when tested for that disease;

“steer” means a castrated male aged 4 months or over; and

“veterinary inspector” means a veterinary inspector appointed by the Scottish Ministers.

(2) For the purpose of this Order the animals comprised in a herd include—

(a) any bovine animal which is isolated on the premises on which the herd is kept for the purpose of its being incorporated in the herd; and

(b) any bovine animal which is temporarily removed from the herd.

(3) Any notice, approval or licence issued under this Order must be in writing, may be issued subject to conditions and may be amended, suspended, withdrawn or revoked in writing at any time.

(4) A reference in this Order to any notice, approval or licence specified in paragraph (3) includes a reference to an electronic communication, as defined in section 15(1) of the Electronic Communications Act 2000 <sup>M2</sup>, which has been recorded and is consequently capable of being reproduced.

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**Marginal Citations**

**M1** O.J. No. L 99, 20.4.96, p.14, as last amended by Commission Regulation (EC) No. 2109/2005 (O.J. No. L 337, 22.12.2005, p.25).

**M2** 2000 c. 7; amended by paragraph 158 of Schedule 17 to the [Communications Act 2003 \(c. 21\)](#).

**Extension of definition of “disease” and power to slaughter on account of brucellosis**

**3.** For the purposes of the Act (slaughter in other diseases), the definition of “disease” in section 88(1) of the Act is extended to include brucellosis, and section 32 of the Act applies to that disease.

**Changes to legislation:**

There are currently no known outstanding effects for the The Brucellosis (Scotland) Order 2009, PART 1.