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STATUTORY INSTRUMENTS

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**2000 No. 2056**

**ANIMALS, ENGLAND**  
**ANIMAL HEALTH**

**The Enzootic Bovine Leukosis (England) Order 2000**

*Made* - - - - *27th July 2000*

*Coming into force* - - *1st September 2000*

The Minister of Agriculture, Fisheries and Food, in exercise of the powers conferred on him by sections 1, 6, 7(1), 15(4), 28, 32(2), 34(7), 35(3) and 87(2) of the Animal Health Act 1981<sup>M1</sup> and of all other powers enabling him in that behalf, hereby makes the following Order:

**Marginal Citations**

**M1** 1981 c. 22. See section 86(1) for definitions of “the Ministers” and “the Minister”. Functions of “the Ministers” so far as exercisable in relation to England were transferred to the Minister of Agriculture, Fisheries and Food by the [Transfer of Functions \(Agriculture and Food\) Order 1999 \(S.I. 1999/3141\)](#).

**Title, commencement and extent**

1.—(1) This Order may be cited as the Enzootic Bovine Leukosis (England) Order 2000 and shall come into force on 1st September 2000.

(2) This Order extends to England only.

**Interpretation**

2.—(1) In this Order—

“affected animal” means a bovine animal that is affected with enzootic bovine leukosis or is infected with the bovine leukosis virus;

“officer” means a veterinary inspector or other officer of the Minister;

“approved laboratory” means a laboratory approved by the Minister to carry out testing of milk bought in England for evidence of the presence of enzootic bovine leukosis;

“approved slaughterhouse” means a slaughterhouse approved by an officer for the slaughter of reactors;

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

“carcase” means the carcase of a bovine animal and includes part of a carcase and the meat, bones, hideskin, hooves, offal or other part of a bovine animal, separately or otherwise, or any portion thereof;

F1 ...

“premises” includes land, with or without buildings;

“suspected animal” means a bovine animal that is suspected of being affected with enzootic bovine leukosis because—

- (a) it is exhibiting swollen, painless lymph nodes or tumorous changes (other than haemangiomas, papillomas or warts) in parts of its body; or
- (b) a haematological examination of the animal has disclosed a lymphocyte count within the range specified in the Schedule to this Order; or
- (c) any other test carried out on the animal has indicated the possible presence of infection with the bovine leukosis virus;

“veterinary inspector” means a veterinary inspector appointed by the Minister;

“veterinary surgeon” means a veterinary surgeon or veterinary practitioner registered under the Veterinary Surgeons Act 1966 <sup>M2</sup>.

(2) For the purposes of the Animal Health Act 1981 in its application to this Order, the definition of “disease” in section 88(1) is hereby extended to include all forms of bovine leukosis.

(3) All notices, licences or approvals issued under this Order shall be in writing and may be made subject to conditions and may be amended, suspended or revoked in writing at any time.

#### Textual Amendments

F1 Words in art. 2(1) revoked (1.11.2009) by [The Animal Health \(Divisional Veterinary Managers\) Order 2009 \(S.I. 2009/2713\)](#), arts. 1, 2(2), [Sch. 2](#)

#### Marginal Citations

M2 1966 c. 36.

### Notification of disease in bovine animals

3.—(1) A person who has in his possession or under his control an affected or suspected animal, or a veterinary surgeon who examines any such animal shall with all practicable speed give notice of that fact to—

- (a) an inspector of the local authority; or
- (b) the [<sup>F2</sup>Secretary of State].

(2) Where notice under paragraph (1) of this article is given to an inspector of the local authority, he shall immediately inform the [<sup>F3</sup>Secretary of State].

(3) A person who has in his possession or under his charge an affected animal or a suspected animal shall detain it on the premises where it is kept until it has been examined by a veterinary inspector.

#### Textual Amendments

F2 Words in art. 3(1)(b) substituted (1.11.2009) by [The Animal Health \(Divisional Veterinary Managers\) Order 2009 \(S.I. 2009/2713\)](#), arts. 1, 2(1), [Sch. 1](#)

**F3** Words in art. 3(2) substituted (1.11.2009) by [The Animal Health \(Divisional Veterinary Managers\) Order 2009 \(S.I. 2009/2713\)](#), arts. 1, 2(1), **Sch. 1**

#### Notification of disease in carcasses

4.—(1) Any person who has in his possession or under his charge the carcase of an affected or suspected animal, showing signs of tumorous changes (other than haemangiomas, papillomas or warts) in the lymph nodes or any part thereof, shall with all practicable speed, give notice of that fact to the [<sup>F4</sup>Secretary of State].

(2) A person who has in his possession or under his charge a carcase to which paragraph (1) of this article applies, shall detain it on the premises where it is kept until it has been examined by a veterinary inspector or until a veterinary inspector has determined that an inspection is not required.

#### Textual Amendments

**F4** Words in art. 4(1) substituted (1.11.2009) by [The Animal Health \(Divisional Veterinary Managers\) Order 2009 \(S.I. 2009/2713\)](#), arts. 1, **6(2)**

#### Notification of disease in laboratory samples

5.—(1) Subject to paragraph (2) below, where by reason of a laboratory examination of a sample taken from a bovine animal, evidence of the existence of enzootic bovine leukosis is identified, the person in charge of the laboratory shall, within 24 hours, notify the [<sup>F5</sup>Secretary of State], of that fact.

(2) The obligation to give notification in paragraph (1) shall not apply where enzootic bovine leukosis has been deliberately introduced into a laboratory sample.

#### Textual Amendments

**F5** Words in art. 5(1) substituted (1.11.2009) by [The Animal Health \(Divisional Veterinary Managers\) Order 2009 \(S.I. 2009/2713\)](#), arts. 1, **6(3)**

#### Sampling of milk for testing for evidence of enzootic bovine leukosis

6.—(1) Any person who buys milk in England in any form for resale as milk or milk products from the owner or person in charge of a herd of dairy cows shall—

- (a) select an approved laboratory to carry out testing of such milk for enzootic bovine leukosis;
- (b) notify the Minister of the laboratory selected;
- (c) once every five years and at his own expense, submit two samples of milk to that laboratory for testing for evidence of enzootic bovine leukosis. The samples shall be taken at least four months apart and shall include milk from all the dairy cows in that herd whose milk is available for sale;
- (d) add such preservative to the sample as may be requested by the person in charge of the laboratory;
- (e) ensure that the sample is labelled with—
  - (i) a bar code or other device which enables the laboratory to identify the herd or part of a herd from which the sample was taken; and
  - (ii) the date on which the sample was taken.

(2) A person is exempt from the duty imposed by paragraph (1) above, if he only purchases pre-packed raw milk for resale—

- (a) in the container in which he received it with the fastenings unbroken;
- (b) from a vehicle which is lawfully used as shop premises; and
- (c) direct to the ultimate consumer.

(3) In paragraph (2) above, “ultimate consumer” means any person who buys milk other than for the purposes of—

- (i) resale;
- (ii) a catering establishment; or
- (iii) a manufacturing business.

(4) No person shall in any way treat, other than by adding preservative in accordance with paragraph (1)(d) above, or tamper with any sample or its label and a person shall be deemed to have treated or tampered with a sample if he does anything in relation to it which is likely to affect the result of the testing required under this article.

(5) The person in charge of an approved laboratory shall comply with the following provisions of this paragraph as a condition of the approval—

- (a) he shall maintain a record of the herds from which milk is sent for testing under paragraph (1) above;
- (b) he shall immediately notify the Minister if a sample is not received when due from one of the herds listed in the records held under sub-paragraph (a) above;
- (c) he shall notify the Minister within 24 hours where a sample has been tested for evidence of the existence of enzootic bovine leukosis and the result is positive;
- (d) he shall notify the Minister within one month where a sample has been tested for evidence of the existence of enzootic bovine leukosis and the result is negative; and
- (e) he shall maintain a record of the result of all the tests carried out for evidence of the existence of enzootic bovine leukosis for a period of one year from the date of the test.

(6) If any person fails to take any action required of him under the provisions of paragraph (1) above, a veterinary inspector may, without prejudice to any proceedings for an offence arising out of such default, take or cause to be taken such action and any expenses reasonably incurred by him in so doing shall be recoverable by the Minister from the person in default.

### **Veterinary inquiry as to the existence of enzootic bovine leukosis**

7.—(1) Where by reason of information received under articles 3, 4, 5, or 6 or otherwise, there is reason to believe that enzootic bovine leukosis exists or has within the previous 56 days existed on any premises, a veterinary inspector shall, with all practicable speed, take such steps as may be necessary to establish—

- (a) whether that disease is enzootic bovine leukosis;
- (b) the length of time that the disease has existed on the premises; and
- (c) the possible origin of the disease on the premises.

(2) Where a veterinary inspector is carrying out an inquiry under this article as to the existence of enzootic bovine leukosis—

- (a) the occupier of the premises in relation to which the inquiry is taking place, and his employees;
- (b) any person who is or has been in possession or charge of any bovine animal which is or has been on such premises; and

(c) any veterinary surgeon who has been attending any bovine animal on those premises or has been consulted about any bovine animal or carcase kept on those premises shall give such reasonable facilities and comply with such reasonable requirements as may be necessary for the purpose of the inquiry.

(3) A veterinary inspector entering premises under the provisions of this article shall, if required by the occupier or person in charge of bovine animals on the premises, state his reasons for entering.

#### **Powers of veterinary inspectors to prohibit or control movement of bovine animals**

**8.** If a veterinary inspector has reasonable grounds for believing that the movement of any bovine animal from any place may give rise to the risk of enzootic bovine leukosis being spread he may, for the purpose of preventing the spread of that disease, serve a notice on the owner or occupier of that place or the owner or person in charge of the bovine animal,—

- (a) prohibiting the movement of that animal;
- (b) requiring physical separation from other bovine animals on the premises;
- (c) imposing such conditions in respect of its movement as he may consider expedient.

#### **Marking of affected animals**

**9.—(1)** The owner or person in charge of bovine animals kept on any premises shall, if so required by notice served by a veterinary inspector, mark his animals in accordance with the requirements of the veterinary inspector.

(2) A veterinary inspector may paint, stamp, clip, tag or otherwise mark bovine animals kept on any premises.

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

#### **Cleansing and disinfection**

**10.—(1)** A veterinary inspector may serve a notice on the occupier of any premises where there is or has been an affected or suspected animal, or the carcase of such an animal, requiring him at his own expense to cleanse and disinfect—

- (a) the premises or any part thereof; or
- (b) any apparatus, equipment or thing used in connection with any affected animal, suspected animal or the carcase of such an animal.

(2) If the requirements of a notice served under paragraph (1) above are not complied with, a veterinary inspector may, without prejudice to any proceedings for an offence arising out of such default, carry out or cause to be carried out, such cleansing and disinfection and any expenses reasonably incurred by him shall be recoverable by the Minister from the person in default.

(3) For the purpose of exercising his powers under paragraph (1) above a veterinary inspector may, on production on demand of his authority, enter the premises to which a notice served under this article relates, taking with him such persons as he considers necessary and he shall if so required by the occupier or person in charge of the premises, state his reasons for entering.

#### **Application of section 32 of the Animal Health Act 1981 to enzootic bovine leukosis**

**11.** Section 32 of the Animal Health Act 1981 shall apply to enzootic bovine leukosis.

### Notice of intended slaughter

**12.**—(1) Where the Minister proposes to slaughter a bovine animal under the powers conferred on him by section 32 of the Animal Health Act 1981 in its application to enzootic bovine leukosis, a veterinary inspector shall serve a notice of intended slaughter on the owner or person in charge of such animal informing him of the proposed slaughter and requiring him to surrender the animal for slaughter (or to detain the animal pending slaughter) and to isolate it as far as practicable from other animals which are not specified in the notice.

(2) The person on whom such a notice is served shall not move the animal off the premises or part thereof except under the authority of a licence issued by the Minister and in accordance with the terms thereof.

### Offences

**13.** Any person who, without lawful authority or excuse, contravenes or fails to comply with any provision of this Order or a notice or licence served under it shall be guilty of an offence against the Animal Health Act 1981.

### Enforcement

**14.** This Order shall be enforced by the local authority.

### Revocations

**15.** In so far as it applies to England, the Enzootic Bovine Leukosis Order 1997 <sup>M3</sup> is hereby revoked.

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#### Marginal Citations

**M3** [S.I. 1997/757](#).

*Hayman*  
Minister of State, Ministry of Agriculture,  
Fisheries and Food

## SCHEDULE

### Haematological testing of bovine animals

| Age of Bovine Animal      | Abnormal Range No. of Lymphocytes per cubic millimetre | S.I. Units     |
|---------------------------|--|----------------|
| Under 1 year              | More than 11,000                                       | more than 11.0 |
| 1 year but under 2 years  | More than 10,000                                       | more than 10.0 |
| 2 years but under 3 years | More than 8,500  | more than 8.5  |
| 3 years but under 4 years | More than 7,500  | more than 7.5  |
| 4 years but under 5 years | More than 6,500  | more than 6.5  |
| 5 years but under 6 years | More than 6,000  | more than 6.0  |
| 6 years and over          | More than 5,500  | more than 5.5  |

### EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order revokes and re-enacts the Enzootic Bovine Leukosis Order 1997 (S.I. 1997/757) in England.

The Order implements the provisions relating to milk of Council Directive [64/432/EEC](#), as amended (on health problems affecting intra-Community trade in bovine animals and swine) (O.J. No. L121, 29.7.64. p. 1977) and Council Directive [77/391 EEC](#), as amended, (introducing Community measures for the eradication of brucellosis tuberculosis and leukosis) (O.J. No. L145, 13.6.77, p. 44). These Directives require the operation of a monitoring and testing programme in order to maintain officially enzootic bovine leukosis-free status of Great Britain under Council Directive [64/432/EEC](#).

The principal changes made by this Order relate to the arrangements for testing milk for evidence of enzootic bovine leukosis and the removal of the list of approved laboratories that were contained in Schedule 1 to the 1997 Order.

Notice must be given to the Divisional Veterinary Manager if any animal, carcase or laboratory sample is found to be infected with enzootic bovine leukosis (articles 3, 4 and 5).

Article 6 sets out the duties of purchasers of milk in England in any form for resale to ensure that milk is sent for testing to an approved laboratory.

The person in charge of an approved laboratory must notify the Minister of any positive test results within 24 hours and negative test results within one month. He must also maintain records of all the tests carried out for a period of one year from the date of the test (article 6(4)).

Failure to comply with any provision of the Order is an offence under the Animal Health Act 1981.

A Regulatory Impact Assessment in relation to this Order has been placed in the libraries of both Houses of Parliament and copies can be obtained from the Tuberculosis and Zoonoses Division of the Ministry of Agriculture, Fisheries and Food, 1A Page Street, London SW1P 4PQ.

**Changes to legislation:**

There are currently no known outstanding effects for the The Enzootic Bovine Leukosis (England) Order 2000.