
SCOTTISH STATUTORY INSTRUMENTS

2009 No. 232

The Brucellosis (Scotland) Order 2009

PART 3

Notification and testing

Sampling of milk

7.—(1) Any person who buys milk from the owner or keeper of a herd of dairy cows in Scotland for resale as milk or milk products must—

- (a) select an approved laboratory to carry out testing of such milk for brucellosis;
- (b) notify the Scottish Ministers of the laboratory selected;
- (c) once each month and at that person's own expense submit a sample of milk (which includes milk from all the dairy cows in that herd whose milk is available for sale) to that laboratory for testing for evidence of the existence of brucellosis;
- (d) add such preservative to the sample as may be requested by the person in charge of the laboratory; and
- (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) No person may in any way treat, other than by adding a preservative in accordance with paragraph (1)(d), or tamper with, any sample or its label, and a person is deemed to have treated or tampered with a sample or its label if that person does anything in relation to it which is likely to affect the result of the testing required under this article.

(3) The person in charge of an approved laboratory must—

- (a) maintain a record of the herds from which milk is sent for testing under paragraph (1);
- (b) notify the Scottish Ministers as soon as reasonably practicable if, in any month, a sample is not received from one of the herds listed in the records held under sub-paragraph (a);
- (c) notify the Scottish Ministers within 24 hours where a sample has been tested for evidence of the existence of brucellosis and the result is positive;
- (d) notify the Scottish Ministers within one month where a sample has been tested for evidence of the existence of brucellosis and the result is negative; and
- (e) maintain a record of the results of all the tests carried out for evidence of the existence of brucellosis for a period of one year from the date of the test.

(4) If any person fails to take any action required under the provisions of paragraph (1), 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 in so doing are recoverable by the Scottish Ministers from the person in default.

(5) In this article, “approved laboratory” means a laboratory approved by the Scottish Ministers to carry out testing of milk for brucellosis.