
STATUTORY INSTRUMENTS

2000 No. 2055

The Brucellosis (England) Order 2000

Sampling of milk for testing for evidence of brucellosis

7.—(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 brucellosis;
- (b) notify the Minister of the laboratory selected;
- (c) once each month and at his own expense ensure that a sample of milk (which includes milk from all the dairy cows in that herd whose milk is available for sale) is immediately sent 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) A person is exempt from the duty imposed by paragraph (1) above, if he only buys 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

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 a 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 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 in any month, a sample is not received 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 brucellosis 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 brucellosis and the result is negative; and
 - (e) he shall 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.
- (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.