
STATUTORY INSTRUMENTS

2000 No. 2055

ANIMALS, ENGLAND
ANIMAL HEALTH

The Brucellosis (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(1), and of all other powers enabling him in that behalf, hereby makes the following Order:

Title, commencement and extent

1.—(1) This Order may be cited as the Brucellosis (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—

“abortion or premature calving” means an abortion or calving which takes place less than 271 days after service or insemination, or 265 days after implantation or transfer of an embryo, whether the calf is born dead or alive;

“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 brucellosis;

“approved slaughterhouse” means a slaughterhouse approved by an officer to carry out the slaughter of reactors;

“bovine animal” means a bull, cow, heifer or calf but does not include a steer;

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

(1) 1981 c. 22. See section 86(1) for the 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). For the extension of the Act to brucellosis see S.I. 1971/531 and S.I. 1989/285.

“dealer in bovine animals” means any person whose trade or business regularly includes the selling of bovine animals purchased by him for the purpose of resale within 28 days;

“Divisional Veterinary Manager” means the veterinary inspector authorised for the time being by the Minister to receive information about diseased or suspected animals, or the carcasses of such animals, for the area in which such animals or carcasses are situated;

“full-term calving” means a calving which takes place 271 days or more after service or insemination, or 265 days or more after implantation or transfer of an embryo, whether the calf is born dead or alive;

“premises” includes land with or without buildings;

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

“slaughterhouse” means any premises used for the commercial slaughter or killing of animals, whether or not the flesh of those animals is intended for sale for human consumption, and includes any place available in connection therewith for the confinement of animals while awaiting slaughter there or for keeping or subjecting to any treatment or process, products of the slaughtering of animals there;

“steer” means a castrated bull or male calf aged four months or over;

“veterinary surgeon” means a veterinary surgeon (or veterinary practitioner) registered under the Veterinary Surgeons Act 1966(2);

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

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

Restrictions on vaccination and therapeutic treatment

3.—(1) No person other than—

- (a) a veterinary inspector;
- (b) a veterinary surgeon authorised by the Minister; or
- (c) a person to whom a licence has been issued for the purpose by a veterinary inspector,

shall vaccinate bovine animals against brucellosis.

(2) No person shall treat bovine animals for brucellosis.

Restrictions on the movement of bovine animals or steers

4. An officer may serve a notice on the occupier of any premises, prohibiting the movement of bovine animals or steers on to or off such premises, except under the authority of a licence issued by an officer.

Movement of bovine animals or steers to specified premises

5.—(1) An officer may, where he considers it necessary for the purpose of eradicating brucellosis, serve a notice on the owner or person in charge of bovine animals or steers kept on any premises, requiring the animals to be moved from the premises to such other premises and within such time limit as may be specified in the notice.

(2) Where a notice served in accordance with paragraph (1) above is in force, the owner or person in charge of such animals shall not move them from the premises specified in the notice except under the authority of a licence issued by an officer.

(3) If any person on whom a notice under paragraph (1) above is served fails to comply with it, the Minister may, without prejudice to any proceedings for an offence arising out of such default, carry out or cause to be carried out the requirements of the notice and the expenses reasonably incurred by the Minister shall be recoverable by him from the person in default.

Control of slaughterhouses

6. No slaughterhouse other than an approved slaughterhouse shall be used for the slaughter of reactors.

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.

Testing of bovine animals or steers for brucellosis

8.—(1) The owner or person in charge of bovine animals or steers kept on any premises shall comply with a request by an officer for facilities to examine, test or diagnose any bovine animal for brucellosis, and in particular, shall arrange for the collection, penning and securing of any such animal.

(2) If any person fails to comply with a reasonable request by an officer in accordance with paragraph (1) above, the Minister may, without prejudice to any proceedings for an offence arising out of such default, take or cause to be taken all such reasonable steps as may facilitate the examination, testing and diagnosis of bovine animals for brucellosis, and the expenses reasonably incurred by the Minister shall be recoverable from the person in default.

(3) Where the owner or person in charge of bovine animals or steers kept on any premises arranges or permits any diagnostic test for brucellosis to be carried out on those animals, otherwise than on behalf of the Minister, he shall notify the Minister of—

- (a) any positive test result within 24 hours; and
- (b) any negative test result within one month.

(4) The owner or person in charge of bovine animals or steers kept on any premises shall not do or cause to be done, anything which is likely to affect the result of a diagnostic test for brucellosis carried out on behalf of the Minister.

Marking of bovine animals

9.—(1) The owner or person in charge of bovine animals or steers kept on any premises shall, if so required by a veterinary inspector, mark those animals in a manner specified by the veterinary inspector.

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

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

Notification of abortion or premature calving

10.—(1) Where the owner or person in charge of bovine animals kept on any premises reasonably believes that an abortion or premature calving has occurred, he shall within 24 hours—

- (a) give notice of that fact to an officer; and

(b) arrange for the isolation so far as practicable of the animal concerned and its foetus or calf and placenta from all other bovine animals in his ownership or charge.

(2) An animal to which the provisions of paragraph (1) above apply shall remain in isolation and its foetus or calf and placenta shall be retained by the owner or person in charge of the animal, until such time as an officer serves a notice requiring the disposal or destruction of the foetus or calf and placenta.

(3) If any person on whom a notice under paragraph (2) above is served fails to comply with it, the Minister may, without prejudice to any proceedings for an offence arising out of such default, carry out or cause to be carried out the requirements of the notice and the expenses reasonably incurred by the Minister shall be recoverable by him from the person in default.

Precautions against the spread of infection

11.—(1) Where an officer has certified that any bovine animal kept on any premises has reacted to a diagnostic test for brucellosis, the occupier of the premises shall, on being given notice of certification, take all reasonably steps to prevent the infection of bovine animals kept on adjoining premises by contact with bovine animals kept on his premises.

(2) Where an officer has certified that any bovine animal kept on any premises has reacted to a diagnostic test for brucellosis or he reasonably believes it is infected with that disease, he may serve a notice on the owner or person in charge of that bovine animal or the occupier of the premises requiring him to ensure that milk from such animals is not fed to other animals on the same or any other premises unless it has been pasteurised, sterilised or ultra-heat treated.

(3) Where an officer reasonably believes that any bovine animal kept or formerly kept on any premises is infected with brucellosis, or has been exposed to the risk of infection by that disease, he may serve a notice on the owner or person in charge of the animal requiring him to—

- (a) arrange for the isolation of any animal or animals which may be specified in the notice on any part or parts of the premises specified in the notice;
- (b) ensure that any part or parts of the premises specified in the notice shall not be used by any animals on the premises, or by such animals as may be specified;
- (c) cleanse and disinfect at his own expense such part or parts of the premises as may be specified in the notice, or any vehicle, plant or equipment before it leaves the premises;
- (d) treat and store manure or slurry from any place which has been used by such animal and to restrict the spreading of manure or the spraying of such slurry in accordance with the requirements of the notice; and
- (e) burn, disinfect, bury or destroy any straw, litter or other matter which has or might have, come into contact with such animal or its foetus or calf and placenta in accordance with the terms specified in the notice.

(4) A notice served in accordance with paragraph (3) above may require any cow or heifer on the premises which is about to calve to be isolated as far as practicable from all other bovine animals on the premises during the period of calving.

(5) Where an officer reasonably believes that any bovine animal which is present at, or has been present at any slaughterhouse or premises used for a show or exhibition, market, sale or fair, is infected with brucellosis, he may serve a notice on the occupier of such slaughterhouse or other premises, prescribing the manner in which any manure, slurry or other animal waste, straw, litter or other matter which has come into contact with any such animal, is disposed of.

(6) If any person on whom a notice under paragraph (5) above is served fails to comply with it, the officer may, without prejudice to any proceedings for an offence arising out of such default, carry out or cause to be carried out the requirements of the notice and the expenses incurred by him shall be recoverable by the Minister from the person in default.

Notification of full-term calving in herds affected with brucellosis

12.—(1) Where an animal kept or formerly kept on any premises has reacted to a diagnostic test for brucellosis or where an officer reasonably believes that brucellosis exists on any premises, he may serve a notice on the owner or person in charge of any such bovine animal requiring him to notify the Minister within such period as may be specified in the notice, of any full-term calving which may occur among such animals.

(2) Where a notice has been served on any person under paragraph (1) above and any full-term calving occurs among bovine animals to which such notice relates, the placenta and, if it dies at or after birth, the calf, shall be retained by that person until such time as an officer may, by a further notice in writing, require the disposal or destruction of the placenta and dead calf (if any).

(3) If any person on whom a notice under paragraph (2) above is served fails to comply with it, the Minister may, without prejudice to any proceedings for an offence arising out of such default, carry out or cause to be carried out the requirements of the notice and the expenses reasonably incurred by the Minister shall be recoverable by him from the person in default.

Animal waste

13. Where a notice has been served on the occupier of any premises under the provisions of article 5 above, no manure, slurry or other animal waste shall be removed from the premises except under authority of a licence issued by an officer.

Restrictions on the use of semen

14. An officer may serve a notice on the owner or person in charge of bovine animals kept on any premises, prohibiting the use of semen among such animals, or restricting its use.

Shows, exhibitions and markets

15.—(1) No person shall use any premises in connection with the holding of any show, exhibition, market, sale or fair at which bovine animals are present, except under the authority of a licence issued by an officer.

(2) Where an officer believes that any bovine animal on any premises at which a show, exhibition, market, sale or fair is being held, is infected with, or has been exposed to the risk of infection by brucellosis, he may require the animal to be removed from those premises and the owner or person in charge of such animals may choose to take them—

- (a) to a slaughterhouse for immediate slaughter;
- (b) back to the premises from which the animal was brought to the show, exhibition, market, sale or fair; or
- (c) to such other premises as the officer may direct.

(3) A bovine animal shall only be removed in accordance with the provisions of sub-paragraphs (b) and (c) of paragraph (2) above on condition that it is immediately put into isolation for a period to be terminated by a notice served by an officer on the owner or person in charge of the animal.

Control of premises used by dealers and others for the keeping of bovine animals

16. No person shall use premises for the keeping of bovine animals for or in connection with—

- (a) his business as a dealer of bovine animals; or
- (b) the regular purchase by him of pregnant bovine animals for resale within 30 days of their expected date of calving or of their having calved

unless he has notified the Minister in writing.

Control of infection from other animals

17. Where a veterinary inspector reasonably believes that a bovine animal kept on any premises is, or may be infected with brucellosis, he may serve a notice on the occupier of the premises, requiring him to keep it under control in such manner or confined to such part of the premises as may be specified in the notice.

Application of section 32 of the Animal Health Act 1981 to brucellosis

18. Section 32 of the Animal Health Act 1981 shall apply to brucellosis.

Notice of intended slaughter

19.—(1) Where the Minister proposes to cause bovine animals to be slaughtered under the powers conferred by section 32 of the Animal Health Act 1981 in its application to brucellosis, a veterinary inspector may serve a notice of intended slaughter on the owner or person in charge of the animal informing him of the proposed slaughter and requiring him to detain the animal pending slaughter and isolate it as far as practicable from such other animals as may be specified.

(2) The person on whom such a notice has been served shall ensure that the animal is not moved, or cause or permit it to be moved except under the authority of a licence issued by an officer.

Assistance in securing animals

20.—(1) Where the Minister proposes to cause a bovine animal to be slaughtered under section 32 of the Animal Health Act 1981, the owner or person in charge of the animal shall comply with all reasonable requirements of an officer for assistance in the collection, penning, and securing of the animal for identification and inspection in connection with the ascertainment of its value.

(2) If the owner or person in charge of a bovine animal fails to comply with a reasonable request for assistance made under paragraph (1) above, the Minister may, without prejudice to any proceedings for an offence arising out of such default, carry out or cause to be carried out such requirements and the expenses reasonably incurred by the Minister shall be recoverable by him from the person in default.

Production of licences

21. Where, under the provisions of this Order, a licence is required for the movement of a bovine animal or steer, the person in charge of such an animal shall, on demand made under this Order by an officer, an inspector of a local authority or a police constable, furnish his name and address and shall produce the licence and allow a copy thereof or an extract therefrom to be taken.

Offences

22. Any person who without lawful authority or excuse contravenes or fails to comply with any provision of this Order shall be guilty of an offence against the Animal Health Act 1981.

Enforcement

23. This Order shall be enforced by the local authority.

Revocation

24. Insofar as it applies to England, the Brucellosis Order 1997(3) is hereby revoked.

27th July 2000

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

EXPLANATORY NOTE

(This note is not part of the Order)

This Order revokes and substantially re-enacts the Brucellosis Order 1997 (S.I.1997/758) in relation to England.

It implements the provisions relating to milk of Council Directive 64/432/EEC, as amended (on animal 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 leucosis in cattle) (O.J. No. L145, 13.6.77. p.44). These Directives require the operation of a monitoring and testing programme to maintain the officially brucellosis-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 brucellosis and the removal of the List of Approved Laboratories that were contained in Schedule 1 to the 1997 Order. Article 7(1) sets out the duties of those who buy 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 within 24 hours if the result of any test for brucellosis is positive and within one month if the result is negative. He must maintain records of all the tests carried out for a period of one year (article 7(4)).

The Order is enforced by the local authority (article 23).

A failure to comply with any provision of this Order is an offence against the Animal Health Act 1981 (article 22).

A Regulatory Impact Assessment in relation to this Order has not been prepared as the Order places no new burdens on those affected by the Order.