
 STATUTORY INSTRUMENTS

1972 No. 1521

ANIMALS

DISEASES OF ANIMALS

The Brucellosis (England and Wales) Order 1972

Made - - - 9th October 1972

Coming into Operation 1st November 1972

The Minister of Agriculture, Fisheries and Food, in exercise of the powers conferred on him by sections 1(1)(a), 1(2)(h), 5, 17(2) and 19(7) of the Diseases of Animals Act 1950(a), as extended to brucellosis by article 3(1) of the Diseases of Animals (Extension of Definitions) Order 1971(b) and (in the case of section 5) as extended by section 106(3) of the Agriculture Act 1970(c), and of all his other enabling powers, hereby makes the following order:—

Citation, extent and commencement

1. This order, which may be cited as the Brucellosis (England and Wales) Order 1972, shall apply to England and Wales and shall come into operation on 1st November 1972.

Interpretation

- 2.—(1) In this order, unless the context otherwise requires—
- “the Act” means the Diseases of Animals Act 1950, as amended or extended by any subsequent Act;
 - “attested area” means an area declared by order under section 5(b) of the Act to be for the time being an attested area for purposes connected with the control of brucellosis;
 - “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 epizootic abortion or contagious abortion;
 - “eradication area” means an area declared by order under section 5(a) of the Act to be for the time being an eradication area for purposes connected with the control of brucellosis;
 - “the Minister” and “the Ministry” mean respectively the Minister and the Ministry of Agriculture, Fisheries and Food;
 - “notice of intended slaughter” means a notice served in the form specified in the Schedule to this order, or in a form substantially to the like effect;
 - “steer” means a castrated bull or male calf aged six months or over.

(a) 1950 c. 36. For change of title of the Minister, see S.I. 1955/554 (1955 I, p. 1200).

(b) S.I. 1971/531 (1971 I, p. 1530).

(c) 1970 c. 40.

(2) The Interpretation Act 1889(a) applies to the interpretation of this order as it applies to the interpretation of an Act of Parliament.

Power to slaughter on account of brucellosis

3. Section 17 of the Act (which enables the Minister to slaughter animals on account of disease, on payment of compensation) shall apply to brucellosis.

Notice of intended slaughter

4.—(1) Where the Minister proposes to cause a bovine animal kept on any premises within an eradication area or attested area to be slaughtered under the powers conferred by section 17 of the Act in its application to brucellosis, a veterinary inspector may serve a notice of intended slaughter on the owner or other person in charge of the animal informing him of the proposed slaughter and requiring him to detain the animal pending its slaughter (or pending its surrender and removal for such slaughter) on such part of the premises as is specified in the notice and to isolate it as far as practicable from such other animals as are so specified.

(2) The person on whom such a notice has been served—

(a) shall comply with the notice, and

(b) shall not move the animal, or cause or permit it to be moved, off the part of the premises on which it is required to be detained, except under the authority of a licence issued by an officer of the Ministry.

Assistance in securing animals

5.—(1) Where the Minister proposes to cause a bovine animal kept on any premises within an eradication area or attested area to be slaughtered under the powers conferred by section 17 of the Act in its application to brucellosis, the owner or other person in charge of the animal shall comply with all reasonable requirements of a veterinary inspector or other officer of the Ministry as to 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 other person in charge of an animal fails to comply with such a requirement as is mentioned in paragraph (1) above, the Minister may carry out the requirement, without prejudice to any proceedings for an offence arising out of the default, and may on demand recover from the person in default as a civil debt the reasonable expense of doing so.

(3) Nothing in this article shall affect the powers of entry and other powers conferred by sections 6 and 73 of the Act.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 9th October 1972.

(L.S.)

J. M. L. Prior,

Minister of Agriculture, Fisheries and Food.

SCHEDULE

Articles 2(1) and 4.

DISEASES OF ANIMALS ACT 1950

MINISTRY OF AGRICULTURE,
FISHERIES AND FOOD
THE BRUCELLOSIS (ENGLAND AND
WALES) ORDER 1972

DEPARTMENT OF AGRICULTURE AND
FISHERIES FOR SCOTLAND
THE BRUCELLOSIS (SCOTLAND)
ORDER 1972

Notice of Intended Slaughter

To..... Herd Ref. No.....

of

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.....

I, the undersigned, being a Veterinary Inspector appointed by the Minister of Agriculture, Fisheries and Food, hereby give notice that the Minister proposes to cause the following bovine animals to be slaughtered with all convenient speed under the powers conferred by section 17 of the above Act in its application to brucellosis, namely:

(a) *affected animals and reactors* (see Note 2 below)

kept at

.....

(b) *other animals* (see Note 2 below)

kept at

.....

I require you, pending such slaughter (or pending surrender and removal for such slaughter), to detain the animal(s) specified above in

.....

being part of the premises where it is/they are now kept, and to keep it/them isolated as far as practicable from other bovine animals.

Dated.....19

Signed.....

Veterinary Inspector of the Ministry
of Agriculture, Fisheries and Food.

NOTE 1: In accordance with Articles 9(1) of the Brucellosis (Area Eradication) (England and Wales) Order 1971 (as amended) and the Brucellosis (Area Eradication) (Scotland) Order 1971 (as amended) you are required to take such steps as may be reasonably practicable to prevent the infection of cattle kept on adjoining premises by contact with cattle kept on your premises.

NOTE 2: The Brucellosis (England and Wales) Compensation Order 1972 and the Brucellosis Compensation (Scotland) Order 1972 define affected animals and reactors and fix rates of compensation for them and for other bovine animals which are slaughtered as a result of being exposed to the infection of brucellosis.

EXPLANATORY NOTE

(This Note is not part of the order.)

This order enables the Minister of Agriculture, Fisheries and Food to cause animals in England and Wales to be slaughtered on account of brucellosis, on payment of compensation.

Where he proposes to cause cattle in an eradication or attested area to be slaughtered, he can serve notice requiring them to be detained and isolated until this is done. The person in charge of such cattle can be required to collect, pen and secure them for valuation, and in default the Minister can carry out the requirement and recover from him the reasonable expense of doing so.

SI 1972/1521
ISBN 0-11-021521-4

