

1980 No. 79

ANIMALS

DISEASES OF ANIMALS

The Enzootic Bovine Leukosis Order 1980*Made* - - - - 23rd January 1980*Laid before Parliament* 31st January 1980*Coming into Operation* 21st February 1980

The Minister of Agriculture, Fisheries and Food, the Secretary of State for Scotland and the Secretary of State for Wales, acting jointly, in exercise of the powers conferred by sections 1, 8(3), 17(2), 20, 24, 77(3), 84(3)(a) and 85(1) of the Diseases of Animals Act 1950(a) and now vested in them(b) and of all other powers enabling them in that behalf, hereby order as follows:—

Citation, extent and commencement

1. This order, which may be cited as the Enzootic Bovine Leukosis Order 1980, applies throughout Great Britain and shall come into operation on 21st February 1980.

Extension of definition of "disease" for the purposes of the Act

2. For the purposes of the Act, the definition of the expression "disease" in section 84(3)(a) thereof is hereby extended so as to include all forms of bovine leukosis.

Interpretation

3. In this order, unless the context otherwise requires—

"the Act" means the Diseases of Animals Act 1950;

"affected animal" means a bovine animal which is affected with enzootic bovine leukosis;

"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, hide, skin, hooves, offal or other part of a bovine animal, separately or otherwise, or any portion thereof;

"disease" means any form of bovine leukosis;

"Divisional Veterinary Officer" means the veterinary inspector appointed for the time being by the Minister to receive information about bovine animals or carcasses affected with or suspected of being affected with specified diseases for the area in which a bovine animal or carcase is;

(a) 1950 c. 36; section 24 was amended by section 1 of the Diseases of Animals Act 1975 (c. 40).

(b) By the Transfer of Functions (Animal Health) Order 1955 (S.I. 1955/958) and the Transfer of Functions (Wales) (No. 1) Order 1978 (S.I. 1978/272).

“inspector” means a person appointed to be an inspector for the purposes of the Act by the Minister or by a local authority and, when used in relation to a person so appointed by the Minister, includes a veterinary inspector;

“the Minister” and “the Ministry” mean respectively the Minister and the Ministry of Agriculture, Fisheries and Food;

“premises” includes land, with or without buildings;

“suspected animal” means a bovine animal which is suspected of being affected with enzootic bovine leukosis by reason of the fact that—

- (a) it is showing signs of swollen, painless lymph nodes, or of tumorous changes (other than haemangiomas or papillomas or warts) in any part of its body, or
- (b) a haematological examination in respect of the animal has disclosed a lymphocyte count within the range specified in the Schedule hereto, or
- (c) any other test in respect of the animal has indicated the possible presence of infection with bovine leukosis virus;

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

“veterinary surgeon” means a person registered in the register of veterinary surgeons or the supplementary veterinary register.

Notification of disease in bovine animals

4.—(1) A person who has in his possession or under his charge an affected animal or a suspected animal, and a veterinary surgeon who examines such an animal shall, with all practicable speed, give notice of the fact to a constable of the police force for the area in which the animal is or to an inspector of the local authority or to the Divisional Veterinary Officer.

(2) Where notice under paragraph (1) of this Article is given to a constable or to an inspector of the local authority, he shall immediately transmit the information contained therein by the most expeditious means to the Divisional Veterinary Officer.

(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.

Notification of disease in carcasses

5.—(1) A person who has in his possession or under his charge the carcass of an affected animal or of a suspected animal, or a carcass showing signs of tumorous changes (other than haemangiomas or papillomas or warts) in the lymph nodes or in any other part thereof, and—

- (a) a veterinary surgeon who, in the course of his practice, examines any such carcass, and
- (b) a person who, in the course of his duties under the Meat Inspection Regulations 1963(a) or the Food (Meat Inspection) (Scotland) Regulations 1961(b), or whilst inspecting meat for any other purpose, inspects any such carcass.

(a) S.I. 1963/1229; relevant amending instruments are S.I. 1965/1497 and S.I. 1966/915.

(b) S.I. 1961/243.

shall, with all practicable speed, give notice of the fact to an inspector of the local authority or to the Divisional Veterinary Officer.

(2) Where under paragraph (1) above notice is given to an inspector of the local authority, he shall immediately transmit the information contained therein by the most expeditious means to the Divisional Veterinary Officer.

(3) A person who has in his possession or under his charge a carcass to which paragraph (1) of this Article applies shall detain it on the premises, or so much of it as is affected with or suspected of being affected with enzootic bovine leukosis, until it has been examined by a veterinary inspector.

Veterinary inquiry as to the existence of enzootic bovine leukosis

6.—(1) Where by reason of information received, whether under Article 4 or Article 5 above or otherwise, there is reason to believe that 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) the correctness of that information, and
- (b) if so established, whether that disease is in the form of enzootic bovine leukosis;

and for the purpose of carrying out his duties under the foregoing provisions of this paragraph, a veterinary inspector may examine any bovine animal or carcass on the premises.

(2) For the purposes of such inquiry, a veterinary inspector may on production of his authority on demand—

- (a) enter on any part of the premises, and
- (b) take such samples as may be required for the purpose of diagnosis from any bovine animal or carcasses on the premises;

and the occupier of the premises, and his employees and any person who is or has been in possession or charge of any bovine animal which is or has been on the premises, shall give such reasonable facilities and comply with such reasonable requirements as are necessary for the purposes of the inquiry. A veterinary inspector entering premises under this paragraph shall, if required by the occupier or person in charge, state his reasons for entering.

(3) Any such occupier or person, and the veterinary surgeon (if any), who has been attending any bovine animal on the premises, or who has been consulted respecting any such animal or the carcass of any such animal, shall, if so required by an officer of the Ministry, give such information as he possesses as to any bovine animal or carcass which is or has been on the premises, as to the location and movements of any other bovine animal or carcass which is or has been in his possession or under his charge, and as to any bovine animal with which any bovine animal on the premises may have been in contact.

(4) If, after an inquiry under the foregoing provisions of this Article, a veterinary inspector is of the opinion that enzootic bovine leukosis exists, or has within the preceding 56 days existed on any premises, his opinion to that effect shall be subject to confirmation by or on behalf of the Chief Veterinary Officer of the Ministry.

Power of veterinary inspectors to prohibit or control movement of bovine animals

7. 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 spreading of that disease, by notice in writing served on the owner or occupier of that place or on the owner or person in charge of the bovine animal, prohibit the movement thereof, or impose such conditions in respect of its movement as he may consider to be expedient.

Marking of affected animals

8.—(1) If so required in writing by an appropriate officer the owner or other person in charge of an affected animal shall mark such animal in the manner required by the appropriate officer.

(2) An appropriate officer may paint, stamp, clip, tag or otherwise mark an affected animal.

(3) No person shall alter, remove, obliterate or deface, or attempt to alter, remove, obliterate or deface any mark made under either of the foregoing provisions of this Article.

(4) For the purposes of this Article “appropriate officer” means—

(a) in relation to affected animals in England, a veterinary inspector or an officer of the Ministry;

(b) in relation to affected animals in Scotland or Wales a veterinary inspector or an officer of the Ministry or of the Secretary of State for Scotland or the Secretary of State for Wales.

Cleansing and disinfection

9.—(1) A veterinary inspector may serve a notice on the occupier of any premises on which there is or has been an affected or a suspected animal, or the carcase of such an animal, requiring him at his own expense to cleanse and disinfect in such manner as may be specified in the notice, and within such period as may be so specified—

(a) the premises or any part thereof, or

(b) any apparatus, equipment or thing used in connection with or for or about any affected or suspected animal, or the carcase of such an animal;

and it shall be the duty of the occupier of the premises to ensure that the requirements of the notice are properly complied with.

(2) If the requirements of a notice served under paragraph (1) of this Article 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 in connection with the exercise of the powers conferred by the foregoing provisions of this paragraph shall be recoverable on demand by the Minister as a civil debt from the occupier of the premises.

(3) For the purpose of exercising his powers under paragraph (2) of this Article a veterinary inspector may, on production of his authority on demand, enter the premises to which a notice served under paragraph (1) of this Article

relates taking with him such persons as he considers requisite. A veterinary officer entering under this paragraph shall, if required by the occupier or the person in charge of the premises, state his reasons for entering.

Special provisions with respect to imported bovine animals

10.—(1) The foregoing provisions of this order shall not apply in relation to approved premises within the meaning of the Importation of Animals Order 1977(a) and shall apply in relation to imported bovine animals only—

- (a) from the time specified in the licence issued in respect of those animals under Article 11(5) of that order; or
- (b) where the existence or suspected existence of disease in any part of Great Britain makes it expedient that no such licence should be issued for the time being, from the time when those animals have completed the period of quarantine required under the provisions of that order or, as the case may be, have been rested at an approved reception centre for the period so required;

and for the purposes of this paragraph, the expression “disease” means any disease of bovine animals.

(2) The Minister may, within a period of 6 months from the date on which an imported bovine animal was landed in Great Britain, require that animal to be subjected to such test or tests for the presence of enzootic bovine leukosis as he may consider necessary for the purpose of preventing the introduction or spreading of that disease into or within Great Britain and it shall be the duty of the owner or other person in charge of any bovine animal required to be tested under the foregoing provisions of this paragraph to take all such steps as may be necessary to enable a veterinary inspector to carry out any such test.

(3) Where, as a result of a test carried out under paragraph (2) above, the Minister is satisfied that an imported bovine animal is affected with enzootic bovine leukosis, he may by notice require the owner to send that animal for slaughter within such time as may be specified in the notice; and the Minister shall not pay compensation to any person in respect of a bovine animal slaughtered under the provisions of this paragraph.

Application of section 17 of the Act to enzootic bovine leukosis

11. Section 17 of the Act (which enables the Minister to slaughter animals on account of disease) shall apply to enzootic bovine leukosis.

Notice of intended slaughter

12.—(1) Where the Minister proposes to cause a bovine animal to be slaughtered under the powers conferred on him by section 17 of the Act in its application to enzootic bovine leukosis, a veterinary inspector shall 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 surrender the animal for slaughter, or to detain the animal pending its slaughter (or pending its surrender and removal for slaughter) on such part of the premises at which the animal is kept as may be specified in the notice, and to isolate it as far as practicable from other animals that are not for the time being specified in the notice.

- (2) The person on whom such a notice has been served—
- (a) shall comply therewith; 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 granted by an inspector of the Ministry, and in accordance with the terms and conditions subject to which it was granted.

Enforcement

13. The provisions of this order shall, except where otherwise expressly provided, be executed and enforced by the local authority.

Offences

14. The contravention of any provision of this order or of a licence or of any provision of a notice served under it, or the failure to comply with any such provision, or with any condition subject to which a licence is granted or a notice is served under this order, shall be an offence against the Act.

Revocation

15. The Enzootic Bovine Leukosis Order 1977(a) and the Enzootic Bovine Leukosis Order 1978(b) are hereby revoked.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 11th January 1980.

(L.S.)

Peter Walker,
Minister of Agriculture, Fisheries and Food.

George Younger,
Secretary of State for Scotland.

17th January 1980.

Nicholas Edwards,
Secretary of State for Wales.

23rd January 1980.

(a) S.I. 1977/1838.

(b) S.I. 1978/975.

THE SCHEDULE
HAEMATOLOGICAL TESTING OF BOVINE ANIMALS
ABNORMAL RANGE OF LYMPHOCYTE COUNTS (ARTICLE 3)

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, which is made under the Diseases of Animals Act 1950, extends the provisions of that Act to all forms of bovine leukosis. The provisions of the Order are primarily directed towards detecting and dealing with any case of enzootic bovine leukosis which may occur in Great Britain but since the enzootic form of the disease is only distinguishable from the sporadic variety by recourse to laboratory testing, the Order in effect makes any sign or symptom of bovine leukosis infection notifiable to the Ministry of Agriculture, Fisheries and Food. It achieves this by indicating the circumstances in which a bovine animal or carcass is to be regarded as suspected of being affected with enzootic bovine leukosis. The Order imposes a duty on any person who has in his possession or under his charge a bovine animal (or carcass) affected with enzootic bovine leukosis or a bovine animal (or carcass) suspected of being so affected to notify that fact to the authorities mentioned in the Order.

Where there are grounds for suspecting that bovine leukosis infection exists or has recently existed on any premises, or where it is believed that any bovine animal on any premises has been exposed to infection with bovine leukosis virus, the Order requires that a veterinary inspector shall carry out an inquiry for the purpose of establishing whether the suspicion is justified, and, if so, whether the disease is in the form of enzootic bovine leukosis. In discharging this duty a veterinary inspector may enter any part of the relevant premises, and may examine any bovine animal or carcass found there and take such samples as may be required for the purpose of diagnosis. The occupier of the premises and any other person involved with animals kept there is required to assist the veterinary inspector, and to give any relevant information he possesses. If the inspector concludes that enzootic bovine leukosis exists or has recently existed on the premises this conclusion has to be confirmed by or on behalf of the Ministry's Chief Veterinary Officer. The Order also contains provisions for cleansing and disinfection and for the marking of affected animals.

A veterinary inspector may prohibit or regulate the movement of bovine animals where he considers that such movement may give rise to the risk of

enzootic bovine leukosis being spread. The Order also contains special provisions relating to imported bovine animals by virtue of which the Minister may require their testing for enzootic bovine leukosis at any time within a period of 6 months after they have been landed in Great Britain, and where any such animals are found to be affected with the disease he may require them to be sent for slaughter without payment of compensation.

The Order applies section 17 of the Diseases of Animals Act 1950 (which relates to the slaughter of animals on account of disease) to enzootic bovine leukosis and prescribes the notice to be served on the owner (or the person in charge) of the bovine animal which is intended to be slaughtered.