
S T A T U T O R Y I N S T R U M E N T S

1981 No. 1455

ANIMALS

The Brucellosis (England and Wales) Order 1981

Made - - - - - 11th October 1981

Coming into Operation 1st November 1981

The Minister of Agriculture, Fisheries and Food, in relation to England, and the Secretary of State, in relation to Wales, in exercise of the powers conferred on them by sections 1, 6, 7(1), 28, 32(2), 34(7) and 35(3) of the Animal Health Act 1981 (a), 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 Brucellosis (England and Wales) Order 1981, shall apply to England and Wales and shall come into operation on 1st November 1981.

Interpretation

2. In this Order, unless the context otherwise requires—

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

“the Act” means the Animal Health Act 1981 ;

“appropriate Minister” means in relation to England, the Minister, and in relation to Wales, the Secretary of State ;

“appropriate officer” means a veterinary inspector or in relation to premises in England another officer of the Ministry or in relation to premises in Wales, an officer of the Secretary of State ;

“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 ;

“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 ;

“full-term calving” means a calving which takes place 271 days or more after service or insemination whether the calf is born alive or dead ;

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

“premises” includes land, with or without buildings, and where any person occupies together land which comprises two or more non-adjacent areas, each of those areas shall be deemed to be separate premises for the purposes of this order ;

(a) 1981 c. 22; for the extension of the Act to brucellosis see S.I. 1971/531.

“ reactor ” means a bovine animal which gives rise to a reaction consistent with its being affected with brucellosis when tested for that disease either by or on behalf of the appropriate Minister or otherwise, as the case may be, provided that in the case of a test otherwise so carried out the result thereof has been reported to the appropriate Minister ;

“ slaughterhouse ” means a slaughterhouse or knacker’s yard, as defined in section 34 of the Slaughterhouses Act 1974 (a) ;

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

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

Declaration of brucellosis attested areas

3.—(1) England is hereby declared to be an attested area for purposes connected with the control of brucellosis, the Minister being satisfied that the cattle therein are for practical purposes free from brucellosis.

(2) Wales is hereby declared to be an attested area for purposes connected with the control of brucellosis, the Secretary of State being satisfied that the cattle therein are for practical purposes free from brucellosis.

Application of the order

4. The provisions of this order shall not apply in relation to approved premises, within the meaning of the Importation of Animals Order 1977 (b), and shall apply in relation to imported 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 detention in quarantine required under the provisions of that order or, as the case may be, have been rested at any approved reception centre for the period so required.

Restriction on vaccination and therapeutic treatment

5.—(1) No person other than—

(a) a veterinary inspector ;

(b) a veterinary surgeon authorised for the purpose by the appropriate Minister ;

(c) a person to whom a licence has been issued for the purpose by a veterinary inspector, and who complies with the conditions (if any) subject to which such licence is issued, shall vaccinate bovine animals against brucellosis.

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

Restrictions on the movement of bovine animals or steers within England and Wales

6.—(1) An appropriate officer may, by notice in writing served at any time on the occupier of any premises, prohibit the movement of bovine animals or steers on to or off such premises, except under the authority of

a licence issued by an appropriate officer and in accordance with the terms and conditions (if any) subject to which such licence is issued.

(2) A notice served in accordance with the preceding paragraph shall remain in force until withdrawn by a further notice in writing signed by an appropriate officer and served as aforesaid.

Movement of bovine animals or steers to specified premises

7.—(1) Where he considers it to be necessary or desirable for the purpose of eradicating brucellosis, an appropriate officer may, by notice in writing served on the owner or person in charge of bovine animals or steers placed or kept on any premises, require the animals to be moved from the premises to such premises in the occupation of the owner of the animals as are specified in the notice within such time and in accordance with such directions as may also be specified in the notice.

(2) Where a notice served in accordance with the preceding paragraph is in force the owner or person in charge of the animals shall not move them from the premises specified in the notice except under the authority of a licence issued by an appropriate officer under this paragraph and in accordance with the terms and conditions (if any) subject to which such licence is issued.

(3) A notice served in accordance with the provisions of paragraph (1) above shall remain in force until withdrawn by a further notice in writing signed by an appropriate officer and served as aforesaid.

(4) If any person on whom a notice is served in accordance with the provisions of paragraph (1) above fails to comply with the requirements thereof, the appropriate 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 amount of any expenses reasonably incurred by the appropriate Minister for the purpose of making good the default shall be recoverable by him as a civil debt from the person in default.

Control of slaughterhouses

8.—(1) No slaughterhouse other than a slaughterhouse which has been approved for the purposes of this order by a veterinary inspector, shall be used for the purpose of slaughtering any reactor.

(2) An approval of a slaughterhouse shall be in writing and may be given subject to compliance by the owner or occupier of the slaughterhouse with such conditions as may be specified in the approval.

(3) An approval of a slaughterhouse may be withdrawn or varied at any time by a notice in writing served on the owner or occupier of the slaughterhouse by a veterinary inspector.

Testing of bovine animals or steers for brucellosis

9.—(1) The owner or person in charge of bovine animals or steers kept on any premises shall comply with all reasonable requirements of an appropriate officer with a view to facilitating the examination of any bovine animals or steers by a veterinary inspector or the application thereto of any diagnostic test for brucellosis by an appropriate officer, and in particular shall arrange for the collection, penning and securing of any such animals if so required.

(2) If any person fails to comply with any reasonable requirement of an appropriate officer made in accordance with the provisions of the preceding paragraph, the appropriate Minister may, without prejudice to any proceedings for an offence arising out of such default, take or cause to be taken all such steps as may be necessary to facilitate the examination of such animals, or the application thereto of any diagnostic test for brucellosis, and the amount of any expenses reasonably incurred by the appropriate Minister for the purpose of making good the default shall be recoverable by him as a civil debt from the person in default.

(3) Where the owner or person in charge of bovine animals or steers kept on any premises arranges for, or permits any diagnostic test for brucellosis to be carried out on any such animals (other than any such diagnostic test which is carried out on behalf of the appropriate Minister) he shall, after receipt thereof, forthwith communicate the results of such test to the appropriate Minister.

(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 in any way the result of any diagnostic test for brucellosis carried out, or to be carried out, on any such animals by or on behalf of the appropriate Minister, or otherwise.

Marking of bovine animals or steers

10.—(1) If so required in writing by an appropriate officer the owner or person in charge of bovine animals or steers kept on any premises shall mark such animals in the manner required by the appropriate officer.

(2) An appropriate officer may paint, stamp, clip, tag 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 mark as is referred to in the foregoing provisions of this article.

Notification of abortion or premature calving

11.—(1) Where the owner or person in charge of bovine animals kept on any premises reasonably believes that any abortion or premature calving has occurred among such animals, he shall forthwith—

(a) give notice of the fact to an appropriate officer ; and

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

(2) An animal to which the preceding paragraph applies shall remain in isolation, and its foetus or calf and placenta shall be retained by the owner or person in charge of the said animal until such time as an appropriate officer requires, by notice in writing served on that person, the disposal or destruction of such foetus or calf and placenta.

(3) A notice served under the preceding paragraph may specify the manner in which, and the period within which, the disposal or destruction of the foetus or calf and placenta to which the notice relates shall be carried out.

(4) If any person on whom a notice is served in accordance with the provisions of paragraph (3) above fails to comply with the requirements thereof, the appropriate 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 amount of any expenses reasonably incurred by the appropriate Minister for the purpose of making good the default shall be recoverable by him as a civil debt from the person in default.

Precautions against spread of infection

12.—(1) Where an appropriate officer has certified that any animal kept on any premises has reacted to a diagnostic test for brucellosis, the occupier of the premises shall, on being notified of such certification, take such steps as may be reasonably practicable to prevent the infection of bovine animals kept on adjoining premises by contact with bovine animals kept on his premises.

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

(3) Where an appropriate officer reasonably believes that any bovine animal kept on any premises is infected with brucellosis, or has been exposed to the infection of that disease, he may serve on the owner or person in charge of such animal, or on the occupier of the premises, a notice in writing requiring him to isolate any bovine animals specified in the notice from any other such animals.

(4) A notice served in accordance with the provisions of the preceding paragraph 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 such premises during the period of calving.

(5) Where an appropriate officer reasonably believes that any bovine animal kept, or formerly kept, on any premises is infected with brucellosis, he may—

(a) by notice in writing served on the owner or person in charge of such animal, or on the occupier of the premises, require him—

- (i) to arrange for the isolation of any animal or animals which may be specified in the notice on any part or parts of the premises so specified ;
- (ii) to ensure that any part or parts of the premises specified in the notice shall not be used by any animal on the premises, or by such animal or animals as may be so specified ;
- (iii) at his own expense, and within such time and in such manner as may be specified in the notice, to cleanse and disinfect such part or parts of the premises as may be so specified ;
- (iv) to treat and store manure or slurry from any place which has been used by such animal and to restrict the spreading of such manure or the spraying of such slurry in accordance with the requirements of the notice ;
- (v) to burn, disinfect and 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 requirements of the notice.

(b) by notice in writing served on the occupier of the premises require him to arrange for the cleansing and disinfection of any vehicle, plant or equipment before it leaves the premises.

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

(7) If any person on whom a notice is served in accordance with the provisions of any of the preceding paragraphs fails to comply with any of the requirements thereof, an appropriate 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 amount of any expenses reasonably incurred by the appropriate Minister for the purpose of making good the default shall be recoverable by him as a civil debt from the person in default.

Notification of full-term calvings in herds affected with brucellosis

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

(2) Where a notice has been served on any person under paragraph (1) above, and any full-term calving occurs among the bovine animals to which the 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 appropriate officer requires, by a separate notice in writing served on the owner or person in charge of the animal concerned, the disposal or destruction of that placenta and dead calf, if any.

(3) A notice served under the preceding paragraph may specify the manner in which, and the period within which, the disposal or destruction of the calf and placenta to which the notice relates should be carried out.

(4) If any person on whom a notice has been served under paragraph (2) above fails to comply with the requirements thereof, the appropriate Minister may without prejudice to any proceedings arising out of such default, carry out, or cause to be carried out the requirements of the notice, and the amount of any expenses reasonably incurred by the appropriate Minister for the purpose of making good the default shall be recoverable by him as a civil debt from the person in default.

Control of milk and milk products

14.—(1) No person shall bring any milk or dairy by-product (other than milk or a dairy by-product produced by an accredited herd) on to any premises on which animals are kept for the purpose of processing or bottling it on such premises, or of feeding it to animals thereon, unless such milk or dairy by-product has been—

(a) converted into powdered form, boiled or otherwise heat treated ; or

(b) brought on to the premises under the authority of a licence issued by an appropriate officer, and in accordance with the terms and conditions (if any) subject to which such licence is issued.

(2) Notwithstanding the provisions of the preceding paragraph, where an appropriate officer reasonably believes that any milk or dairy by-product produced by an accredited herd is infected with brucellosis, he may serve on the occupier of any such premises a notice in writing prohibiting any such milk or dairy by-product from being brought on to such premises.

(3) For the purposes of this article—

(a) “accredited herd” means a herd of bovine animals in Great Britain which, to the satisfaction of the Minister (in relation to a herd in England) or of the Secretary of State (in relation to a herd in Scotland or Wales) either—

(i) has been found to be free from brucellosis by means of a series of diagnostic tests carried out by him or on his behalf ;

(ii) has been wholly constituted by the transfer of animals from other accredited herds in Great Britain or from such similar herds outside Great Britain as the Minister or the Secretary of State (as the case may be) may either generally, or in any special case, allow ;
and

(b) “heat treated” means pasteurised, sterilised or ultra-heat treated.

Manure, slurry, etc

15. Where a notice has been served on the occupier of any premises under the provisions of article 6(1) above which prohibits the movement of bovine animals off such premises except under the authority of a licence, no manure, slurry or other animal waste shall be removed from such premises except under the authority of a licence issued by an appropriate officer, and in accordance with the terms and conditions (if any) subject to which such licence is issued.

Restriction on the use of semen

16. An appropriate officer may, by notice in writing served on the owner or person in charge of bovine animals kept on any premises prohibit the use of semen among such animals, or restrict its use to the extent specified in the notice.

Shows, exhibitions, markets, etc

17.—(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 to be present, except under the authority of a licence issued by an appropriate officer and in accordance with the terms and conditions (if any) subject to which such licence is issued.

(2) Where an appropriate officer reasonably 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 infection of brucellosis, he may require that animal to be removed from those premises, and (as the owner or person in charge of the animal may elect) taken either—

(a) to a slaughterhouse for immediate slaughter ; or

(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 may be approved by the appropriate officer for the purpose.

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

Control of premises used by dealers in bovine animals

18.—(1) No premises shall be used by a dealer in bovine animals for the keeping of such animals in connection with his business as a dealer, other than premises which have been approved for the purpose by an appropriate officer.

(2) Any such approval as is referred to in the preceding paragraph may be given subject to compliance by the owner or occupier of the premises to which it relates with such conditions as may be specified therein.

Power to slaughter on account of brucellosis

19. Section 32 of the Act (power to slaughter animals) shall apply to brucellosis.

Notice of intended slaughter

20.—(1) Where the appropriate Minister proposes to cause a bovine animal to be slaughtered under the powers conferred by section 32 of the Act 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 (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 that part of the premises on which it is required to be detained, except under the authority of a licence issued by an appropriate officer.

(3) In this article, “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.

Assistance in securing animals

21.—(1) Where the appropriate Minister proposes to cause a bovine animal to be slaughtered under section 32 of the Act in its application to brucellosis, the owner or person in charge of the animal shall comply with all reasonable requirements of an appropriate officer 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 person in charge of a bovine animal fails to comply with such a requirement as is mentioned in paragraph (1) above, the appropriate 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.

Production of licences

22. 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 any such animal being so moved shall, on demand made under this order by an appropriate officer, or by 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

23. Any person who, without lawful authority or excuse, proof whereof shall lie on him

- (a) contravenes any provision of this order or any provision of a licence, notice or approval issued, served or granted under this order; or
- (b) fails to comply with any such provision or with any condition of any such licence or approval; or
- (c) causes or permits any such contravention or non-compliance, commits an offence against the Act.

Local authority to enforce order

24. This order shall, except where otherwise expressly provided, be executed and enforced by the local authority.

Revocation

25. The Brucellosis (England and Wales) Order 1978 **(a)**, the Brucellosis (England and Wales) (Amendment) Order 1980 **(b)** and the Brucellosis (England and Wales) (Amendment) (No. 2) Order 1980 **(c)** are hereby revoked.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 11th October 1981.

(L.S.) *Peter Walker,*
Minister of Agriculture, Fisheries and Food.

Nicholas Edwards,
Secretary of State for Wales.

9th October 1981.

Article 20(3)

SCHEDULE

ANIMAL HEALTH ACT 1981

Ministry of Agriculture,
Fisheries and Food.

Welsh Office,
Agriculture Department

THE BRUCELLOSIS (ENGLAND AND WALES) ORDER 1981

NOTICE OF INTENDED SLAUGHTER

Herd Ref. No.

To

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/Secretary of State for Wales* proposes to cause the following bovine animals to be slaughtered with all convenient speed under the powers conferred by section 32 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

.....

.....

* Delete as appropriate

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 article 12(1) of the Brucellosis (England and Wales) Order 1981 you are required to take such steps as may be reasonably practicable to prevent the infection of bovine animals kept on adjoining premises by contact with bovine animals kept on your premises.

Note 2: The Brucellosis and Tuberculosis (England and Wales) Compensation Order 1978 (as amended) defines affected animals and reactors and fixes 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 revokes and re-enacts the Brucellosis (England and Wales) Order 1978 as amended, with certain amendments.

The principal changes are:—

(1) All references to eradication areas (being areas as respects which the appropriate Minister is satisfied that a substantial majority of the cattle therein are free from brucellosis) are omitted from the Order, the whole of England and the whole of Wales now being declared in Article 3 of the Order to be attested areas for purposes connected with the control of brucellosis, the appropriate Minister being satisfied that the cattle therein are for practical purposes free from brucellosis.

(2) Default powers are included in Articles 7, 11 and 13 enabling the appropriate Minister to carry out the requirements of a notice served under any of those articles where the person on whom the notice has been served fails to comply with its requirements, and to recover the cost of doing so from the person in default.

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