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STATUTORY INSTRUMENTS

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**1994 No. 2762**

**ANIMALS  
ANIMAL HEALTH**

**The Brucellosis (England and Wales) (Amendment) Order 1994**

*Made* - - - - *26th October 1994*

*Coming into force* - - *17th November 1994*

The Minister of Agriculture, Fisheries and Food in relation to England, and the Secretary of State for Wales in relation to Wales, in exercise of the powers conferred on them by sections 1 and 15(4) of the Animal Health Act 1981(1), and of all other powers enabling them in that behalf, hereby make the following Order:

**Title and commencement**

1. This Order may be cited as the Brucellosis (England and Wales) (Amendment) Order 1994 and shall come into force on 17th November 1994.

**Amendment to the Brucellosis (England and Wales) Order 1981**

2.—(1) The Brucellosis (England and Wales) Order 1981(2) shall be amended in accordance with the provisions of this article.

(2) After article 8 there shall be inserted the following article—

**“Sampling of milk for testing for evidence of the existence of brucellosis**

**8A.**—(1) Subject to paragraph (2) below it shall be the duty of any person who purchases milk for resale in any form from the owner or person in charge of a herd of bovine animals to ensure that, once in every month and at the expense of the purchaser—

- (a) a sample of milk is taken from that herd;
- (b) such sample is taken from milk which includes milk from all bovine animals whose milk is available for sale and, where requested by the appropriate laboratory, such preservative as is specified by the laboratory;
- (c) such sample is labelled with—

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(1) 1981 c. 22; see section 86(1) for the definition of “the appropriate Minister”; for the extension of the Act to brucellosis see S.I.1971/531 and S.I. 1989/285.

(2) S.I. 1981/1455 to which there are amendments not relevant to this instrument.

- (i) a bar code which enables the herd from which the sample was taken to be electronically identified by the appropriate laboratory; and
  - (ii) the date on which the sample was taken; and
- (d) such sample is sent forthwith for testing for evidence of the existence of brucellosis to either—
- (i) the animal health laboratory of Genus Ltd. at Bryn-yr-Odin, 22 Myrtle Terrace, Llanelli, Dyfed, SA15 1LL; or
  - (ii) in the case of a person purchasing milk which has originated from a herd situated in Scotland and also from a herd situated in England or Wales, either the animal health laboratory of Genus Ltd. or a laboratory which is listed in the Brucellosis (Scotland) Order 1979<sup>(3)</sup> for testing for evidence of the existence of brucellosis, provided that such purchaser has previously notified the appropriate Minister of the laboratory selected for this purpose.
- (2) The duty imposed by paragraph (1) above shall not apply to any person who purchases pre-packed raw milk for resale—
- (a) in the containers in which he receives such milk with the fastenings of such containers unbroken;
  - (b) from a vehicle which is used as a shop premises; and
  - (c) direct to the ultimate consumer,
- and in this paragraph “ultimate consumer” means any person who buys milk other than—
- (i) for the purposes of resale;
  - (ii) for the purposes of a catering establishment; or
  - (iii) for the purposes of a manufacturing business.
- (3) Subject to any requirement under paragraph (1)(b) above to add a preservative, no person shall treat or otherwise tamper with any sample which has been taken for the purposes of this article or with its label.
- (4) For the purposes of this article 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) When a sample is tested by the animal health laboratory of Genus Ltd. for evidence of the existence of brucellosis and the result of the test is either positive or inconclusive, the person in charge of the laboratory shall notify the appropriate Minister forthwith of the fact.
- (6) The person in charge of the animal health laboratory of Genus Ltd. shall—
- (a) maintain a record of those herds whose milk is required to be tested under paragraph (1) above; and
  - (b) notify the appropriate Minister forthwith if, for any month, a sample from one of the herds listed in the records required under sub-paragraph (a) above is not received.
- (7) Where the result of the testing of a sample for evidence of the existence of brucellosis is negative, the person in charge of the animal health laboratory of Genus Ltd. shall keep a record of the name and address of the owner or person in charge of the herd to which the sample relates and shall send such record to the appropriate Minister every six months.
- (8) The person in charge of the animal health laboratory of Genus Ltd. shall retain the records required under paragraphs (6) and (7) above for a period of one year from the date of testing.

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(3) S.I. 1979/1596; relevant amending instrument is S.I. 1994/.

(9) If any person fails to take any action required to be taken by him under the provisions of paragraph (1) above, an inspector may, without prejudice to any proceedings arising out of such default, take, or cause to be taken, such action and the amount of any expenses reasonably incurred by him in doing so shall be recoverable by the appropriate Minister from the person in default.”.

In witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 26th October 1994.

L.S.

*William Waldegrave*  
Minister of Agriculture, Fisheries and Food

Signed by authority of the Secretary of State for Wales

*Gwilym Jones*  
Parliamentary Under Secretary of State, Welsh  
Office

26th October 1994

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order further amends the Brucellosis (England and Wales) Order 1981 by inserting provisions requiring the sampling and sending of milk to the animal health laboratory of Genus Ltd. so that it can be tested for evidence of the existence of brucellosis. It implements those provisions of Council Directive [64/432/EEC](#) (OJNo. L121, 29.7.64, p. 1977), as amended (on animal health problems affecting intra-Community trade in bovine animals and swine) and Council Directive [77/391/EEC](#) (OJ No. L145, 13.6.77, p. 44), as amended, (introducing Community measures for the eradication of brucellosis, tuberculosis and leucosis in cattle), which require the operation of a monitoring and testing programme for the maintenance of the officially brucellosis-free status achieved in England and Wales under those Directives.

The inserted provisions provide that: those purchasing milk for resale in any form have the responsibility for monthly sampling of the milk from the herd from which they purchase milk and for dispatching the samples to the animal health laboratory of Genus Ltd. so that they may be tested for evidence of the existence of brucellosis; the milk samples are to be labelled according to particular requirements; and the laboratory is required to notify the appropriate Minister forthwith of milk samples which test positive or inconclusive and to keep records of and to provide to the appropriate Minister on a six-monthly basis, certain details relating to the testing.

A Compliance Cost Assessment has been prepared and a copy placed in the library of each House of Parliament.