
STATUTORY INSTRUMENTS

1994 No. 2770 (S.140)

ANIMALS

ANIMAL HEALTH

The Brucellosis (Scotland) Amendment Order 1994

Made - - - - *26th October 1994*

Coming into force - - *17th November 1994*

The Secretary of State, in exercise of the powers conferred on him by sections 1 and 15(4) of the Animal Health Act 1981(1), and of all other powers enabling him in that behalf, hereby makes the following Order:

Citation and commencement

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

Amendment to the Brucellosis (Scotland) Order 1979

2.—(1) The Brucellosis (Scotland) Order 1979(2) shall be amended in accordance with the provisions of this article.

(2) For the word “cattle” wherever it appears, there shall be substituted the words “bovine animal” or “bovine animals” as appropriate.

(3) 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 other 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) the milk from which the sample is taken includes milk from all bovine animals whose milk is available for sale, and, if requested by the appropriate laboratory, such preservative as is specified by the laboratory;

(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) 1979/1596; relevant amending instrument is S.I. 1987/135.

- (c) such sample is labelled with—
 - (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—
 - (i) a nominated laboratory; 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 at Bryn-yr-Odin, 22 Myrtle Terrace, Llanelli, Dyfed, SA15 1LL or a nominated laboratory provided that the 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 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 a nominated laboratory for evidence of the existence of brucellosis, and if 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 a nominated laboratory 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 laboratory 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 a nominated laboratory shall retain the records required under paragraphs (6) and (7) above for a period of 1 year from the date of testing.

(9) If any person fails to take any action required to be taken by him under the provisions of paragraph (1) above a veterinary inspector or officer of the Secretary of State 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.

(10) For the purposes of this article—

(i) a “nominated laboratory” means one of the laboratories listed below—

Scottish Milk Laboratories, Underwood Road, Paisley PA3 1TJ,
Aberdeen Milk Company, PO Box 117, Twin Spires, Bucksburn,
Aberdeen AB9 8AH,

North of Scotland Milk Co-operative Society Ltd, Balmakeith
Industrial Estate, Forres Road, Nairn IV12 5QW;

(ii) the supply of milk, otherwise than on sale, in the course of a business shall be deemed to be a sale of the milk and references to purchasers and purchasing shall be construed accordingly.”.

St Andrew’s House,
Edinburgh
26th October 1994

Hector Monro
Parliamentary Under Secretary of State, Scottish
Office

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

EXPLANATORY NOTE

(This note is not part of the Order)

This Order further amends the Brucellosis (Scotland) Order 1979 by inserting provisions requiring the sampling and sending of milk to one of the laboratories noted in the Order 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 Scotland under those Directives.

The inserted provisions provide that: those purchasing milk for resale in any form have the responsibility for monthly sampling of milk from the herd from which they purchase milk and for dispatching the samples to a laboratory listed in the Order 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 relevant 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.

The Order also extends the 1979 Order to apply to all bovine animals.

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