
STATUTORY INSTRUMENTS

1995 No. 13

ANIMALS

ANIMAL HEALTH

The Enzootic Bovine Leukosis (Amendment) Order 1995

Made - - - - *5th January 1995*

Coming into force - - *27th January 1995*

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 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 Enzootic Bovine Leukosis (Amendment) Order 1995 and shall come into force on 27th January 1995.

Amendment to the Enzootic Bovine Leukosis Order 1980

2.—(1) The Enzootic Bovine Leukosis Order 1980(2) shall have effect subject to the following amendments.

(2) After article 5 there shall be inserted the following articles—

“Notification of laboratory examination findings

5A.—(1) Subject to paragraph (2) below, where by reason of a laboratory examination of a sample taken from a bovine animal evidence of the existence of enzootic bovine leukosis is identified, the person in charge of the laboratory shall forthwith notify the Divisional Veterinary Officer of the fact.

(2) The obligation to give notification in paragraph (1) above shall not apply where enzootic bovine leukosis has been deliberately introduced into a laboratory sample.

(1) 1981 c. 22; see section 86(1) for the definition of "the Ministers".

(2) S.I.1980/79.

Sampling of milk for testing for evidence of the existence of enzootic bovine leukosis

5B.—(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 three months 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—
 - (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 enzootic bovine leukosis to—
 - (i) in the case of a herd situated in England or Wales, the animal health laboratory of Genus Ltd. at Bryn-yr-Odin, 22 Myrtle Terrace, Llanelli, Dyfed, SA15 1LL;
 - (ii) in the case of a herd situated in Scotland, a nominated laboratory, and it shall be the duty of the purchaser to notify the Minister of the nominated laboratory selected for this purpose; or
 - (iii) 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 nominated laboratory, provided that such purchaser has previously notified the 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. or by a nominated laboratory for evidence of the existence of enzootic bovine leukosis and the result of the test is either positive or inconclusive, the person in charge of the laboratory shall notify the 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 situated in England or Wales whose milk is required to be tested under paragraph (1) above and of those herds situated in Scotland in respect of which the laboratory is receiving samples for testing pursuant to paragraph (1)(d)(iii) above; and
 - (b) notify the Minister forthwith if, for any three month period, a sample from one of the herds listed in the records required under sub-paragraph (a) above is not received.
- (7) The person in charge of a nominated laboratory shall—
- (a) maintain a record of those herds situated in Scotland whose milk is required to be tested under paragraph (1) above and of those herds situated in England or Wales in respect of which the laboratory is receiving samples for testing pursuant to paragraph (1)(d)(iii) above; and
 - (b) notify the Minister forthwith if, for any three month period, a sample from one of the herds listed in the records required under sub-paragraph (a) above is not received.
- (8) Where in the previous three months the result of the testing of any sample for evidence of the existence of enzootic bovine leukosis is either positive or inconclusive, the person in charge of the animal health laboratory of Genus Ltd. or of the appropriate nominated laboratory shall keep a record of the fact and shall provide such record to the Minister every three months.
- (9) Where the result of the testing of any sample for evidence of the existence of enzootic bovine leukosis is negative, the person in charge of the animal health laboratory of Genus Ltd. or of the appropriate nominated 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 provide such record to the Minister every six months.
- (10) The person in charge of the animal health laboratory of Genus Ltd. or of a nominated laboratory shall, where required to maintain records under paragraphs (6), (7), (8) or (9) above, retain those records for a period of one year from the date of the testing.
- (11) 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 Minister from the person in default.
- (12) For the purposes of this article “nominated laboratory” means one of the laboratories listed below—
- Scottish Milk Laboratories Ltd., Underwood Road, Paisley PA3 1TJ,
 - Aberdeen Milk Services Ltd., Twin Spires, Bucksburn, Aberdeen AB2 9NR,
 - North of Scotland Milk Co-operative Society Ltd., Balmakeith Industrial Estate, Forres Road, Nairn IV12 5QW.”
- (3) In paragraph (1) of article 6 (veterinary inquiry as to the existence of enzootic bovine leukosis) for the words “whether under Article 4 or Article 5 above or otherwise” there shall be substituted the words “whether under Article 4, Article 5, Article 5A or Article 5B above or otherwise”.

5th January 1995

Angela Browning
Parliamentary Secretary, Ministry of Agriculture,
Fisheries and Food

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

30th December 1994

Fraser of Carmyllie
Minister of State, Scottish Office

Signed by authority of the Secretary of State for Wales

23rd December 1994

Gwilym Jones
Parliamentary Under Secretary of State, Welsh
Office

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Enzootic Bovine Leukosis Order 1980 by inserting provisions requiring the sampling of milk in order that it may be tested for evidence of the existence of enzootic bovine leukosis. It implements, in relation to milk, those provisions of Council Directive [64/432/EEC](#) (OJNo. L121, 29.7.64, p. 1977; Special Edition 1963 – 64 p. 164), 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 in order to achieve officially enzootic bovine leukosis-free status under those Directives.

The inserted provisions provide that: if any laboratory examination of a sample from a bovine animal identifies evidence of the existence of enzootic bovine leukosis, the Divisional Veterinary Officer is to be notified of that fact forthwith; those purchasing milk for resale in any form have the responsibility for quarterly sampling of the milk from the herd from which they purchase milk and for dispatching the samples to either the animal health laboratory of Genus Ltd. or to a nominated laboratory so that they may be tested for evidence of the existence of enzootic bovine leukosis; the milk samples are to be labelled according to particular requirements; and, the appropriate laboratory is required to notify the Minister forthwith of milk samples which test positive or inconclusive and to keep records of and to provide to the Minister, on a quarterly and six-monthly basis, certain details relating to the testing (article 2).

Failure to comply with the provisions of the Enzootic Bovine Leukosis Order 1980 (as now amended) is an offence under the Animal Health Act 1981 and is punishable under section 75 of that Act.

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