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WELSH STATUTORY INSTRUMENTS

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**2006 No. 867 (W.79)**

**ANIMALS, WALES**

**ANIMAL HEALTH**

**The Enzootic Bovine Leukosis (Wales) Order 2006**

*Made* - - - - 21 March 2006

*Coming into force* - - 31 March 2006

The National Assembly, in exercise of the powers conferred by sections 1, 6, 7(1), 15(4), 28, 32(2), 34(7), 35(3), 87(2) and 88(2) of the Animal Health Act 1981(1) makes the following Order:

**Title, commencement and application**

1.—(1) The title to this Order is the Enzootic Bovine Leukosis (Wales) Order 2006 and comes into force on 31 March 2006.

(2) This Order applies in relation to Wales.

**Interpretation**

2.—(1) In this Order—

“affected animal” (*“anifail yr effeithiwyd arno”*) means a bovine animal that is affected with enzootic bovine leukosis or is infected with the bovine leukosis virus;

“approved laboratory” (*“labordy a gymeradwywyd”*) means a laboratory approved by the National Assembly to carry out testing of milk for the enzootic bovine leukosis;

“approved slaughterhouse” (*“lladd-dy a gymeradwywyd”*) means a slaughterhouse approved by an officer for the slaughter of reactors;

“bovine animal” (*“anifail buchol”*) means a bull, cow, steer, heifer or calf;

“carcase” (*“carcas”*) 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;

“Divisional Veterinary Manager” (*“Rheolwr Milfeddygol Rhanbarthol”*) means the veterinary inspector appointed for the time being by the National Assembly to receive information about

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(1) 1981 c. 22. As amended by the Animal Health Act 2002, c. 42. Functions under the 1981 Act now vested in the National Assembly by virtue of S.I. 1999/672 and S.I. 2004/3044.

diseased or suspected animals, or the carcasses of diseased or suspected animals, for the area in which the animals or carcasses are situated;

“the National Assembly” (“*y Cynulliad Cenedlaethol*”) means the National Assembly for Wales;

“officer” (“*swyddog*”) means a veterinary inspector or other officer of the National Assembly;

“premises” (“*mangre*”) includes land, with or without buildings;

“suspected animal” (“*anifail dan amheuaeth*”) means a bovine animal that is suspected of being affected with enzootic bovine leukosis because—

- (a) it is exhibiting swollen, painless lymph nodes or tumorous changes (other than haemangiomas, papilomas or warts) in parts of its body; or
- (b) a haematological examination of the animal has disclosed a lymphocyte count within the range specified in the Schedule to this Order; or
- (c) any other test carried out on the animal has indicated the possible presence of infection with the bovine leukosis virus;

“veterinary inspector” (“*arolygydd milfeddygol*”) means a veterinary inspector appointed by the National Assembly; and

“veterinary surgeon” (“*llawfeddyg milfeddygol*”) means a veterinary surgeon or veterinary practitioner registered under the Veterinary Surgeons Act 1966(2).

(2) For the purposes of the Animal Health Act 1981 in its application to this Order, the definition of “disease” in section 88(1) is hereby extended to include all forms of bovine leukosis.

(3) All notices, licences or approvals issued under this Order will be in writing and may be made subject to conditions and may be amended, suspended or revoked in writing at any time.

### **Notification of disease in bovine animals**

3.—(1) A person who is in possession of or has control of an affected or suspected animal, or a veterinary surgeon who examines any such animal must with all practicable speed give notice of that fact to—

- (a) an inspector of the local authority; or
- (b) the Divisional Veterinary Manager.

(2) Where notice under paragraph (1) of this article is given to an inspector of the local authority, the inspector must immediately inform the Divisional Veterinary Manager responsible for that area.

(3) A person who is in possession or in charge of an affected animal or a suspected animal must detain it on the premises where it is kept until it has been examined by a veterinary inspector.

### **Notification of disease in carcasses**

4.—(1) Any person who is in possession or in charge of the carcass of a bovine animal, showing signs of tumorous changes (other than haemangiomas, papillomas or warts) in the lymph nodes or any part thereof, must with all practicable speed, give notice of that fact to the Divisional Veterinary Manager responsible for that area.

(2) A person who is in possession or in charge of a carcass to which paragraph (1) of this article applies, must detain it on the premises where it is kept until it has been examined by a veterinary inspector or until a veterinary inspector has determined that an inspection is not required.

### **Notification of disease in laboratory samples**

5.—(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 must, within 24 hours, notify the Divisional Veterinary Manager of the area from which the sample was taken or in which the laboratory is situated, of that fact.

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

### **Sampling of milk for testing for evidence of enzootic bovine leukosis**

6.—(1) Any person who buys milk from the owner or person in charge of a herd of dairy cows in Wales for resale as milk or milk products must—

- (a) select an approved laboratory to carry out testing of such milk for enzootic bovine leukosis;
- (b) notify the National Assembly of the laboratory selected;
- (c) once every five years and at his or her own expense, submit two samples of milk to that laboratory for testing for evidence of enzootic bovine leukosis and the samples must be taken at least four months apart and must include milk from all the dairy cows in that herd whose milk is available for sale;
- (d) add such preservative to the sample as may be requested by the person in charge of the laboratory;
- (e) ensure that the sample is labelled with—
  - (i) a bar code or other device which enables the laboratory to identify the herd or part of a herd from which the sample was taken; and
  - (ii) the date on which the sample was taken.

(2) A person is exempted from the duty imposed by paragraph (1) above, if that person only purchases pre-packed raw milk for resale—

- (a) in the container in which that person received it with the fastenings unbroken;
- (b) from a vehicle which is lawfully used as shop premises; and
- (c) direct to the ultimate consumer.

(3) In paragraph (2) above, “ultimate consumer” means any person who buys milk other than for the purposes of—

- (a) resale;
- (b) a catering establishment; or
- (c) a manufacturing business.

(4) No person is permitted to in any way treat, other than by adding preservative in accordance with paragraph (1)(d) above, or tamper with any sample or its label and a person will be deemed to have treated or tampered with a sample if that person does anything in relation to it which is likely to affect the result of the testing required under this article.

(5) The person in charge of an approved laboratory must comply with the following provisions of this paragraph as a condition of the approval—

- (a) that person must maintain a record of the herds from which milk is sent for testing under paragraph (1) above;
- (b) that person must immediately notify the National Assembly if a sample is not received when due from one of the herds listed in the records held under sub-paragraph (a) above;

- (c) that person must notify the National Assembly within 24 hours where a sample has been tested for evidence of the existence of enzootic bovine leukosis and the result is positive;
  - (d) that person must notify the National Assembly within one month where a sample has been tested for evidence of the existence of enzootic bovine leukosis and the result is negative; and
  - (e) that person must maintain a record of the result of all the tests carried out for evidence of the existence of enzootic bovine leukosis for a period of one year from the date of the test.
- (6) If any person fails to take any action required under the provisions of paragraph (1) above, a veterinary inspector may, without prejudice to any proceedings for an offence arising out of such default, take or cause to be taken such action and any expenses reasonably incurred in so doing will be recoverable by the National Assembly from the person in default.

### **Veterinary inquiry as to the existence of enzootic bovine leukosis**

7.—(1) Where by reasons of information received under articles 3, 4, 5, or 6 or otherwise, there is reason to believe that enzootic bovine leukosis exists or has within the previous 56 days existed on any premises, a veterinary inspector must, with all practicable speed, take such steps as may be necessary to establish—

- (a) whether that disease is enzootic bovine leukosis;
- (b) the length of time that the disease has existed on the premises; and
- (c) the possible origin of the disease on the premises.

(2) Where a veterinary inspector is carrying out an inquiry under this article as to the existence of enzootic bovine leukosis—

- (a) the occupier of the premises in relation to which the inquiry is taking place, and his or her employees;
- (b) any person who is or has been in possession or charge of any bovine animal which is or has been on such premises; and
- (c) any veterinary surgeon who has been attending any bovine animal on those premises or has been consulted about any bovine animal or carcase kept on those premises;

must give such reasonable facilities and comply with such reasonable requirements as may be necessary for the purpose of the inquiry.

(3) A veterinary inspector entering premises under the provisions of this article must, if required by the occupier or person in charge of bovine animals on the premises, state the reasons for entering.

### **Powers of veterinary inspectors to prohibit or control movement of bovine animals**

8. 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 the veterinary inspector may for the purpose of preventing the spread of that disease, serve a notice on the owner or occupier of that place or the owner or person in charge of the bovine animal—

- (a) prohibiting the movement of that animal;
- (b) requiring physical separation from other bovine animals on the premises;
- (c) imposing such conditions in respect of its movement as may be considered expedient.

### **Marking of affected animals**

**9.**—(1) The owner or person in charge of bovine animals kept on any premises must, if so required by notice served by a veterinary inspector, mark his or her animals in accordance with the requirements of the veterinary inspector.

(2) A veterinary inspector may paint, stamp, clip, tag or otherwise mark bovine animals kept on any premises.

(3) No person is permitted to alter, remove, obliterate, deface or attempt to alter, remove, obliterate or deface any such mark.

### **Restrictions on the use of semen**

**10.** A veterinary inspector may serve a notice on the owner or person in charge of any affected or suspected animals kept on any premises prohibiting the use of semen from such animals, or restricting its use.

### **Cleansing and disinfection**

**11.**—(1) A veterinary inspector may serve a notice on the occupier of any premises where there is or has been an affected or suspected animal, or the carcase of such an animal, requiring the occupier at the occupier's own expense to cleanse and disinfect—

(a) the premises or any part thereof; or

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

(2) If the requirements of a notice served under paragraph (1) above 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 by the veterinary inspector will be recoverable by the National Assembly from the person in default.

(3) For the purpose of exercising the powers under paragraph (1) above a veterinary inspector may, on production on demand of the veterinary inspector's authority, enter the premises to which a notice served under this article relates, and may be accompanied by such persons as are considered necessary, and the veterinary inspector will if so required by the occupier or person in charge of the premises, state the reasons for entering.

### **Special provisions for imported animals**

**12.** The provisions of these Regulations do not apply in relation to premises approved under the Importation of Animals Order 1977(3) and will only apply in relation to imported bovine animals from the time specified in the licence issued in respect of those animals under article 11(5) of that Order.

### **Application of section 32 of the Animal Health Act 1981 to enzootic bovine leukosis**

**13.** Section 32 of the Animal Health Act 1981 applies to enzootic bovine leukosis.

### **Notice of intended slaughter**

**14.**—(1) Where the National Assembly for Wales proposes to slaughter a bovine animal under the powers contained in section 32 of the Animal Health Act 1981 in its application to enzootic

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(3) 1977/944.

bovine leukosis, a veterinary inspector must serve a notice of intended slaughter on the owner or person in charge of such animal informing that person of the proposed slaughter and requiring that person to surrender the animal for slaughter (or to detain the animal pending slaughter) and to isolate it as far as practicable from other animals which are not specified in the notice.

(2) The person on whom such a notice is served must not move the animal off the premises or part thereof except under the authority of a licence issued by the National Assembly and in accordance with the terms thereof.

### **Powers of inspectors**

**15.**—(1) For the purpose of enforcing these Regulations, an inspector will, on producing if so required, some duly authenticated document showing that inspector's authority, have a right at all reasonable times to enter any premises, other than any part of any premises occupied as a private dwelling.

(2) An inspector may—

- (a) inspect any bovine animal or any carcase on the premises;
- (b) examine any records in whatever form on the premises and take copies of those records; or
- (c) take with him or her such other person as may be considered necessary for any purpose in relation to the enforcement of these Regulations.

### **Offences**

**16.** Any person who, without lawful authority or excuse, contravenes or fails to comply with any provision of this Order or a notice or licence served under it is guilty of an offence against the Animal Health Act 1981.

### **Enforcement**

**17.** This Order will be enforced by the local authority in its geographical area.

### **Revocations**

**18.** In so far as it applies to Wales, the Enzootic Bovine Leukosis Order 1997(4) is hereby revoked.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(5)

21 March 2006

*D. Elis-Thomas*  
The Presiding Officer of the National Assembly

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(4) S.I. 1997/757.

(5) 1998 c. 38.

## SCHEDULE

## Haematological testing of bovine animals

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 revokes and re-enacts the Enzootic Bovine Leukosis Order 1997 (S.I. 1997/757) in relation to Wales.

The Order implements the provisions relating to milk of Council Directive 64/432/EEC, as amended (on health problems affecting intra-Community trade in bovine animals and swine) (O.J. No. L121, 29.7.64, p.1977) and Council Directive 77/391 EEC, as amended, (introducing Community measures for the eradication of brucellosis tuberculosis and leukosis) (O.J. No. L145, 13.6.77, p.44). These Directives require the operation of a monitoring and testing programme in order to maintain officially enzootic bovine leukosis-free status of Great Britain under Council Directive 64/432/EEC.

The principal changes made by this Order relate to the arrangements for testing milk for evidence of enzootic bovine leukosis and the removal of the list of approved laboratories that were contained in Schedule 1 to the 1997 Order.

Notice must be given to the Divisional Veterinary Manager if any animal, carcase or laboratory sample is found to be infected with enzootic bovine leukosis (articles 3, 4 and 5).

Article 6 sets out the duties of purchasers of milk for resale to ensure that milk is sent for testing to an approved laboratory.

The person in charge of an approved laboratory must notify the Assembly of any positive test results within 24 hours and negative test results within one month. That person must also maintain records of all the tests carried out for a period of one year from the date of the test (article 6(5)(e)).

Failure to comply with any provision of the Order is an offence under the Animal Health Act 1981.

A Regulatory Appraisal has been prepared and placed in the library of the National Assembly. Copies can be obtained from the Office of the Chief Veterinary Officer, Endemic Diseases Branch, Welsh Assembly Government, Cathays Park, Cardiff, CF10 3NQ.

**Status:** *This is the original version (as it was originally made).*