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SCOTTISH STATUTORY INSTRUMENTS

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**2014 No. 63**

**The Brucellosis (Scotland) Amendment Order 2014**

**Amendment of the Brucellosis (Scotland) Order 2009**

2.—(1) Article 7 (sampling of milk) of the Brucellosis (Scotland) Order 2009(1) is amended as follows.

(2) In paragraph (1)—

- (a) for “dairy cows” where it first appears substitute “bovine animals”; and
- (b) for sub-paragraph (c) substitute—

“(c) at intervals of 3 months and at that person’s own expense, take (or arrange to have taken) a sample of milk comprising milk from all of the lactating bovine animals in the herd at the time and whose milk is available for sale;

(ca) submit (or arrange to have submitted), at that person’s own expense, any sample of milk taken under sub-paragraph (c) to that laboratory for testing for evidence of the existence of brucellosis;”.

(3) After paragraph (1) insert—

“(1A) Any person who owns or keeps a herd of bovine animals in Scotland and who offers for sale processed milk or milk products derived from milk produced by that herd must—

- (a) select an approved laboratory to carry out testing of milk produced by that herd for brucellosis;
- (b) notify the Scottish Ministers of the laboratory selected;
- (c) at intervals of 3 months and at that person’s own expense, take (or arrange to have taken) a sample of milk comprising milk from all of the lactating bovine animals in the herd at the time and whose milk is available for sale;
- (d) submit (or arrange to have submitted), at that person’s own expense, any sample of milk taken under sub-paragraph (c) to that laboratory for testing for evidence of the existence of brucellosis;
- (e) add such preservative to the sample as may be requested by the person in charge of the laboratory; and
- (f) 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.”.

(4) In paragraph (2), after “(1)(d)” insert “or (1A)(e)”.

(5) In paragraph (3)(a), after “(1)” insert “or (1A)”.

(6) In paragraph (4), after “(1)” insert “or (1A)”.

(7) For paragraph (5) substitute—

“(5) In this article—

“approved laboratory” means a laboratory approved by the Scottish Ministers to carry out testing of milk for brucellosis; and

“processed milk” means milk that has been heated to more than 40°C or undergone any treatment that has an equivalent effect.”.

(8) After paragraph (5) insert—

“(6) It is an offence for a person, without lawful authority or excuse, proof of which shall lie on that person, to fail to comply with paragraph (1), (1A), (2) or (3).

(7) Where—

(a) an offence under paragraph (6) has been committed by a body corporate or a Scottish partnership or other unincorporated association; and

(b) it is proved that the offence was committed with the consent or connivance of, or was attributable to any neglect on the part of—

(i) a relevant individual; or

(ii) an individual purporting to act in the capacity of a relevant individual, the individual as well as the body corporate, Scottish partnership or unincorporated association commits an offence and is liable to be proceeded against and punished accordingly.

(8) In paragraph (7), “relevant individual” means—

(a) in relation to a body corporate—

(i) a director, manager, secretary or other similar officer of the body;

(ii) where the affairs of the body are managed by its members, a member;

(b) in relation to a Scottish partnership, a partner;

(c) in relation to an unincorporated association other than a Scottish partnership, a person who is concerned in the management or control of the association.

(9) A person who commits an offence under paragraph (6) is liable on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding level 5 on the standard scale or both.”.