
STATUTORY INSTRUMENTS

1970 No. 1277

ANIMALS

The Milk (Eradication of Brucellosis) Scheme 1970

<i>Made</i>	- - - -	<i>26th August 1970</i>
<i>Laid before Parliament</i>		<i>3rd September 1970</i>
<i>Coming into Operation</i>		
<i>Paragraph 4(2)</i>		<i>15th February 1971</i>
<i>Remainder</i>		<i>4th September 1970</i>

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 upon them by section 106(2), (9) and (10) of the Agriculture Act 1970 and of all other powers enabling them in that behalf, with the consent of the Treasury, hereby make the following scheme:—

Extent, citation and commencement

1. This scheme, which applies throughout the United Kingdom, may be cited as the Milk (Eradication of Brucellosis) Scheme 1970 and shall come into operation on 4th September 1970, except that paragraph 4(2) hereof shall come into operation on 15th February 1971.

Interpretation

2.—(1) In this scheme, unless the context otherwise requires—

“accredited herd” means a herd of cattle in Great Britain which, to the satisfaction of the appropriate Minister—

- (a) has been found to be free from brucellosis by means of a series of diagnostic tests carried out by him or on his behalf, and
- (b) has been, since the date of the commencement of such tests, the subject of adequate precautions against the introduction or re-introduction and consequent spreading of brucellosis,

or which, to the satisfaction of the appropriate Minister, has been wholly constituted by the transfer of animals from such a herd or herds and has since the date of such transfer been the subject of adequate precautions against the introduction or reintroduction and consequent spreading of brucellosis;

“the appropriate Minister” means, the Minister of Agriculture, Fisheries and Food or, in relation to herds kept in Scotland or sums required for making payments to producers in Scotland, the Secretary of State for Scotland;

“authorised herd” means an accredited herd which is for the time being authorised in accordance with the provisions of paragraph 7 hereof;

“board” means a board constituted by a scheme relating to the marketing of milk made or having effect as if made under the Agricultural Marketing Act 1958 and includes a Northern Ireland board;

“brucellosis” means the disease caused by *brucella abortus*

“certified herd” means a herd of cattle in Northern Ireland in respect of which the Ministry of Agriculture for Northern Ireland has issued a Brucellosis Certificate in accordance with the provisions of an order made under the Diseases of Animals Act (Northern Ireland) 1958 in connection with the eradication of that disease, being an order which provides for such certificates to be issued only in respect of herds—

- (a) which have been officially tested by that Ministry for the presence of brucella infection, with negative results, or
- (b) which have been wholly constituted by the transfer of animals from other certified herds or from similar herds in the Republic of Ireland;

“Northern Ireland board” means a board constituted by a scheme made or having effect as if made under the Agricultural Marketing Act (Northern Ireland) 1964;

“reactor” means an animal which, when tested for brucellosis by or on behalf of the appropriate Minister or the Ministry of Agriculture for Northern Ireland, as the case may be, gives rise to a reaction consistent with its being affected with that disease.

(2) The Interpretation Act 1889 shall apply to the interpretation of this scheme as it applies to the interpretation of an Act of Parliament.

Application

3.—(1) The provisions of this scheme shall apply to milk from cows in a herd of cattle which is an authorised herd or a certified herd or which by virtue of sub-paragraph (3) of this paragraph is deemed to be an authorised herd or which becomes an authorised herd or a certified herd, being milk—

- (a) sold under the provisions of any scheme constituting a board by a producer registered under that scheme, or
- (b) deemed for the purposes of any payments under such a scheme to have been produced from that herd of cattle,

during a period determined in accordance with sub-paragraph (2) hereof or during such longer period (but not in any case commencing before 1st April 1970) as the appropriate Minister may in special circumstances allow or as from a date determined by the Ministry of Agriculture for Northern Ireland in accordance with sub-paragraph (4) hereof, as the case may require.

(2) The period referred to in sub-paragraph (1) hereof, shall—

- (a) in the case of milk from cows in a herd which on 1st April 1970 was an accredited herd and the owner of which has applied for an authorisation under paragraph 7(1) hereof—
 - (i) if the application for such authorisation is made on or before 31st August 1970, be the period of 5 years from 1st April 1970;
 - (ii) if the application for such authorisation is made after 31st August 1970, be the period from the first day of the month following that in which application is made until 31st March 1975;

- (b) in the case of milk from cows in a herd which on 1st April 1970 was not an accredited herd but was on that date the subject of an application for it to become an accredited herd, which application has been granted and the owner of the herd has subsequently applied for an authorisation under paragraph 7(1) hereof—
- (i) if the application for authorisation is made within one month after the date on which the owner of the herd is notified that his herd has become an accredited herd or by 31st August 1970, whichever is the later, be the period of 5 years from the first day of the month following that in which was begun the final diagnostic test as a result of which the herd became an accredited herd;
 - (ii) if the application for authorisation is made after 31st August 1970 and not within one month after the date on which the owner of the herd is notified that his herd has become an accredited herd, be the period from the first day of the month following that in which the application for such authorisation is made until the expiry of 5 years from the first day of the month following that in which was begun the final diagnostic test as a result of which the herd became an accredited herd;
- (c) in the case of milk from cows in a herd which has, after 1st April 1970, become the subject of an application for it to become an accredited herd, which application has been granted, and the herd has then become an authorised herd, be the period of 5 years from the first day of the month following that in which was begun the final diagnostic test as a result of which the herd became an accredited herd;

Provided that—

- (aa) where a herd is, at the date of application for authorisation of that herd under paragraph 7(1) hereof, an accredited herd which has nevertheless been found, to the satisfaction of the appropriate Minister, to have been infected with brucellosis at that date and to have become so infected after 31st August 1970, sub-paragraph (a)(ii) or, as the case may be, (b)(ii) above shall have effect in relation to that herd with the substitution for the reference to the first day of the month following that in which application for such authorisation is made of a reference to the first day of the month following that in which the herd has been found to be free from that infection to the satisfaction of the appropriate Minister;
- (ab) where, in any case described in sub-paragraph (b) or (c) above, a herd has become an accredited herd otherwise than as a result of diagnostic tests, the relevant provision in sub-paragraph (b) or (c), as the case may be, shall in such a case apply as if the words “was begun the final diagnostic test as a result of which” were omitted.

(3) In the event of a herd which has been an authorised herd ceasing to be such a herd it shall, for the purposes of payments under this scheme, be deemed to be an authorised herd until the expiry of the month in which it ceased to be such a herd.

(4) The date referred to in sub-paragraph (1) hereof shall, in the case of milk from cows in a certified herd,—

- (a) which was a certified herd on 1st April 1970 and was, to the satisfaction of the Ministry of Agriculture for Northern Ireland, free of brucellosis on 1st September 1970, be 1st April 1970;
- (b) which was not a certified herd on 1st April 1970 but subsequently became a certified herd and was, to the satisfaction of the Ministry of Agriculture for Northern Ireland, free of brucellosis on 1st September 1970, be the first day of the month following that in which was begun the final diagnostic test as a result of which the herd was certified;
- (c) to which neither the foregoing sub-paragraph (a) nor the foregoing sub-paragraph (b) applies, be the first day of the month following that in which was begun the final diagnostic test as a result of which the herd was certified:

Provided that if, in any case described in sub-paragraph (b) or (c) above, no diagnostic test has been carried out, the date shall be the first day of the month following that in which the herd was certified.

Incentive payments

4.—(1) Each board shall make payments at a rate of 1¼d. per gallon to each producer registered under the scheme constituting that board in respect of milk which is the subject of a payment under that scheme to or by that producer, being milk to which this scheme applies.

(2) On the day on which this sub-paragraph comes into operation sub-paragraph (1) of this paragraph shall be amended by substituting for the reference to 1¼d. per gallon a reference to 0.52p. per gallon.

Keeping and production of records

5. Each board shall keep or cause to be kept records of payments made by them under this scheme and of the administrative cost of making such payments in such form as may be approved by the appropriate Minister and shall make such records available for inspection at all reasonable times by any duly authorised officer, servant or agent of the appropriate Minister or the Comptroller and Auditor General.

Rendering of statements

6. Each board shall submit to the appropriate Minister, in such form as he may specify, a statement, certified by the board's auditors, of payments made by the board under this scheme and of the administrative cost of making such payments. Such statements shall be rendered annually and at such lesser intervals, and covering such periods, as the appropriate Minister may specify in a written notice to that board.

Authorisation of herds

7.—(1) The owner of any accredited herd may apply to the appropriate Minister for that herd to be authorised by him for the purposes of this scheme and the appropriate Minister may thereupon so authorise that herd accordingly:

Provided that the appropriate Minister shall not authorise as aforesaid any accredited herd for so long as the owner of that herd remains eligible under any arrangements made by that Minister for compensation out of public funds in respect of any animal in that herd which is slaughtered as a reactor, other than in accordance with section 17 of the Diseases of Animals Act 1950.

(2) The appropriate Minister may at any time withdraw any authorisation given by him if he is satisfied that the authorised herd to which it relates has not been the subject of adequate precautions against the introduction or re-introduction and consequent spreading of brucellosis.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 11th August 1970.

L.S.

J.M.L. Prior
Minister of Agriculture, Fisheries and Food

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Given under the Seal of the Secretary of State for Scotland on 14th August 1970.

L.S.

Gordon Campbell
Secretary of State for Scotland

Given under my hand on 17th August 1970.

Peter Thomas
Secretary of State for Wales

We consent 26th August 1970.

Reginald Eyre
H.S.P. Monro
Two of the Lords Commissioners of Her
Majesty's Treasury

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EXPLANATORY NOTE

This scheme requires Milk Marketing Boards in Great Britain to pay 1¼d. per gallon (0.52p. per gallon from 15th February 1971) on milk from any accredited herd which is sold under the provisions of a Milk Marketing Scheme by a registered producer or is deemed for the purpose of any payment under such a scheme to have been produced from that herd, provided that the herd has been authorised for the purpose of this scheme by the Minister of Agriculture, Fisheries and Food or the Secretary of State for Scotland as the case may require. The scheme also makes provision for payments by the Milk Marketing Board for Northern Ireland on milk from herds certified by the Ministry of Agriculture for Northern Ireland.

The scheme provides for the period over which milk from authorised herds will qualify for payment to be determined by the appropriate Minister and for the date from which milk from certified herds will qualify to be determined by the Ministry of Agriculture for Northern Ireland. In both cases these determinations must be in accordance with provisions for particular circumstances laid down in the scheme. It further provides that no herd may be authorised for so long as the owner of that herd remains eligible for certain types of compensation for reactors slaughtered in connection with the eradication of brucellosis but where an accredited herd is infected by brucellosis before 1st September 1970 incentive may be paid for a limited period during which the owner of the herd was also eligible for those types of compensation.

In order to qualify as accredited or certified, a herd must have been found by the authorising Minister or the Ministry of Agriculture, Northern Ireland, respectively to be free from brucellosis by means of diagnostic tests or must have been built up by transfer of animals from brucellosis-free herds, and must also be the subject of adequate precautions against the re-introduction and consequent spreading of the disease.

Provision is made for the Board to keep appropriate records and make them available for inspection by any person duly authorised by the Minister, the Secretary of State or the Comptroller and Auditor General, and to render statements to the Minister or the Secretary of State of payments made and the cost of making them.