

1971 No. 532

## ANIMALS

## DISEASES OF ANIMALS

**The Milk (Eradication of Brucellosis) (Variation) Scheme 1971**

<i>Made</i>	- - -	<i>26th March 1971</i>
<i>Laid before Parliament</i>		<i>31st March 1971</i>
<i>Coming into Operation</i>		<i>1st April 1971</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(a) and of all other powers enabling them in that behalf, with the consent of the Treasury, hereby make the following scheme:—

1.—(1) This scheme may be cited as the Milk (Eradication of Brucellosis) (Variation) Scheme 1971, and shall come into operation on 1st April 1971.

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

2. The Milk (Eradication of Brucellosis) Scheme 1970(c) shall be varied as follows:—

(a) by substituting in paragraph 2(1) thereof for the definition of “accredited herd” the following definition:—

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

(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 has been, since the date of commencement of such tests, the subject of adequate precautions against the introduction or re-introduction and consequent spreading of brucellosis; or

(b) has been wholly constituted by the transfer of animals from other accredited herds in Great Britain or from such similar herds outside Great Britain as the appropriate Minister may either generally or in any special case allow, and has been, since being so constituted, the subject of such precautions as aforesaid;”;

(b) by substituting in paragraph 3(1) thereof for the words “as from a date” the words “during a period”;

(a) 1970 c. 40.

(b) 1889 c. 63.

(c) S.I. 1970/1277 (1970 II, p. 4162).

- (c) by adding at the beginning of paragraph 3(2) thereof the words "In respect of Great Britain";
- (d) by substituting in paragraph 3(2)(a)(i) thereof the figure "6" for the figure "5";
- (e) by substituting in paragraph 3(2)(a)(ii) thereof the figures and words "31st March 1976" for the figures and words "31st March 1975";
- (f) by adding at the end of paragraph 3(2)(b)(i) thereof the words "or the period from the day last mentioned until 31st March 1976 whichever is the longer";
- (g) by adding at the end of paragraph 3(2)(b)(ii) thereof the words "or until 31st March 1976 whichever is the later";
- (h) by adding at the end of paragraph 3(2)(c) thereof the words "or the period from the day last mentioned until 31st March 1976 whichever is the longer";
- (j) by substituting in paragraph 3(4) thereof for the words "The date" where they first appear the words "In respect of Northern Ireland the period";
- (k) by inserting in paragraph 3(4)(a) thereof the words "the period from" immediately before the date "1st April 1970" where it appears at the end of the said paragraph and adding thereafter the words "until 31st March 1973";
- (l) by substituting in paragraph 3(4)(b) thereof for the words "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" the words "be the period from 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 until 31st March 1973";
- (m) by substituting for paragraph 3(4)(c) thereof the following paragraph:—
- “(c) to which neither the foregoing sub-paragraph (a) nor the foregoing sub-paragraph (b) applies, be the period from 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 until 31st March 1973 or a period of 2 years from the said first day of the month whichever is the longer.”;
- (n) by substituting in the proviso to paragraph 3(4) thereof for the words "the date shall be" the words "the period shall commence with";
- (o) by adding at the end of sub-paragraph (1) of paragraph 4 thereof, as amended by sub-paragraph (2) of that paragraph, the words "except that in respect of such milk sold or deemed to have been produced, as the case may be, within the meaning of sub-paragraphs (a) and (b) of paragraph 3(1) of this scheme, on or after 1st April 1971 the rate of payment shall be 0.8p per gallon."

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 24th March 1971.

(L.S.)

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

Given under the Seal of the Secretary of State for Scotland on 25th March 1971.

(L.S.)

*Gordon Campbell,*  
Secretary of State for Scotland.

Given under my hand on 25th March 1971.

*Peter Thomas,*  
Secretary of State for Wales.

We consent  
26th March 1971.

*V. H. Goodhew,*  
*Walter Clegg,*  
Two of the Lords Commissioners of  
Her Majesty's Treasury.

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#### EXPLANATORY NOTE

*(This Note is not part of the Scheme.)*

This scheme increases from 0.52p to 0.8p per gallon the payments made by Milk Marketing Boards in the United Kingdom under the provisions of the Milk (Eradication of Brucellosis) Scheme 1970. The higher rate will apply only to milk sold or deemed to have been produced on or after 1st April 1971.

It prescribes the periods during which milk will qualify for these payments. For herds in Great Britain in respect of which payment is already being made the new rate will apply for five years from 1st April 1971. For herds becoming accredited after that date, and automatically authorised, or whose owners apply promptly for authorisation, the qualifying period will be five years from the beginning of the month following that in which the herd is found clear of the disease. For owners who delay application for authorisation for more than a month, the qualifying period will be correspondingly reduced. For herds in Northern Ireland the period will be two years instead of five.

The definition of "accredited herd" has been amended to include herds constituted from animals transferred from other accredited herds in Great Britain or from similar herds outside Great Britain provided the herds have been the subject of adequate precautions against the introduction or re-introduction and consequent spreading of the disease.