

1972 No. 1539 (S.118)

ANIMALS

DISEASES OF ANIMALS

The Brucellosis (Scotland) Order 1972

Made - - - 7th October 1972

Coming into Operation 1st November 1972

In exercise of the powers conferred by sections 1(1)(a), 1(2)(h), 5, 17(2) and 19(7) of the Diseases of Animals Act 1950(a), and now vested in me (b), and as read with the Diseases of Animals (Extension of Definitions) Order 1971(c), and as extended (in the case of section 5) by section 106(3) of the Agriculture Act 1970(d), and of all other powers enabling me in that behalf, I hereby make the following order:—

Citation and commencement

1. This order, which may be cited as the Brucellosis (Scotland) Order 1972 shall come into operation on 1st November 1972.

Interpretation

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

“the Act” means the Diseases of Animals Act 1950, as amended or extended by any subsequent Act;

“attested area” means an area declared by order under section 5(b) of the Act to be for the time being an attested area for purposes connected with the control of brucellosis;

“bovine animal” means a bull, cow, heifer or calf, but does not include a steer;

“brucellosis” means the disease caused by *brucella abortus*, otherwise known as epizootic abortion or contagious abortion;

“eradication area” means an area declared by order under section 5(a) of the Act to be for the time being an eradication area for purposes connected with the control of brucellosis;

“the Ministry” means the Ministry of Agriculture, Fisheries and Food;

“notice of intended slaughter” means a notice served in the form specified in the Schedule to this order, or in a form substantially to the like effect;

“steer” means a castrated bull or male calf aged six months or over.

(2) The Interpretation Act 1889(e) shall apply for the interpretation of this order as it applies for the interpretation of an Act of Parliament.

(a) 1950 c. 36.

(c) S.I. 1971/531 (1971 1, p. 1530).

(e) 1889 c. 63.

(b) S.I. 1955/958 (1955 1, p. 1184).

(d) 1970 c. 40.

Power to slaughter on account of brucellosis

3. Section 17 of the Act (which enables the Secretary of State to slaughter animals on account of disease, on payment of compensation) shall apply to brucellosis.

Notice of intended slaughter

4.—(1) Where the Secretary of State proposes to cause a bovine animal kept on any premises within an eradication area or attested area to be slaughtered under the powers conferred by section 17 of the Act in its application to brucellosis, a veterinary inspector may serve a notice of intended slaughter on the owner or other person in charge of the animal informing him of the proposed slaughter and requiring him to detain the animal pending its slaughter (or pending its surrender and removal for such slaughter) on such part of the premises as is specified in the notice and to isolate it as far as practicable from such other animals as are so specified.

(2) The person on whom such a notice has been served—

(a) shall comply with the notice, and

(b) shall not move the animal, or cause or permit it to be moved, off the part of the premises on which it is required to be detained, except under the authority of a licence issued by a veterinary inspector or other officer of the Ministry or of the Secretary of State.

Assistance in securing animals

5.—(1) Where the Secretary of State proposes to cause a bovine animal kept on any premises within an eradication area or attested area to be slaughtered under the powers conferred by Section 17 of the Act in its application to brucellosis, the owner or other person in charge of the animal shall comply with all reasonable requirements of a veterinary inspector or other officer of the Ministry or of the Secretary of State as to the collection, penning and securing of the animal for identification and inspection in connection with the ascertainment of its value.

(2) If the owner or other person in charge of an animal fails to comply with such a requirement as is mentioned in paragraph (1) above, the Secretary of State may carry out the requirement, without prejudice to any proceedings for an offence arising out of the default, and may on demand recover from the person in default as a civil debt the reasonable expense of so doing.

(3) Nothing in this article shall affect the powers of entry and other powers conferred by sections 6 and 73 of the Act.

Gordon Campbell,
One of Her Majesty's
Principal Secretaries of State.

St. Andrew's House,
Edinburgh.
7th October 1972.

Articles 2(1) and 4.

SCHEDULE

DISEASES OF ANIMALS ACT 1950

MINISTRY OF
AGRICULTURE,
FISHERIES AND
FOOD
THE BRUCELLOSIS
(ENGLAND AND WALES)
ORDER 1972

DEPARTMENT OF
AGRICULTURE AND
FISHERIES FOR
SCOTLAND
THE BRUCELLOSIS
(SCOTLAND)
ORDER 1972

Notice of Intended Slaughter

To..... Herd Ref. No.....

of

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I, the undersigned, being a Veterinary Inspector appointed by the Minister of Agriculture, Fisheries and Food, hereby give notice that the Secretary of State proposes to cause the following bovine animals to be slaughtered with all convenient speed under the powers conferred by section 17 of the above Act in its application to brucellosis, namely:

(a) *affected animals and reactors* (see Note 2 below)

kept at

.....

(b) *other animals* (see Note 2 below)

kept at

.....

I require you, pending such slaughter (or pending surrender and removal for such slaughter), to detain the animal(s) specified above in

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being part of the premises where it is/they are now kept, and to keep it/them isolated as far as practicable from other bovine animals.

Dated.....19

Signed.....

Veterinary Inspector of the Ministry
of Agriculture, Fisheries and Food.

NOTE 1: In accordance with Articles 9 (1) of the Brucellosis (Area Eradication) (England and Wales) Order 1971(a) and the Brucellosis (Area Eradication) (Scotland) Order 1971(b) you are required to take such steps as may be reasonably practicable to prevent the infection of cattle kept on adjoining premises by contact with cattle kept on your premises.

NOTE 2: The Brucellosis (England and Wales) Compensation Order 1972(c) and the Brucellosis Compensation (Scotland) Order 1972(d) define affected animals and reactors and fix rates of compensation for them and for other bovine animals which are slaughtered as a result of being exposed to the infection of brucellosis.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order enables the Secretary of State to cause animals in Scotland to be slaughtered on account of brucellosis, on payment of compensation.

Where he proposes to cause cattle in an eradication or attested area to be slaughtered, he can serve notice requiring them to be detained and isolated until this is done. The person in charge of such cattle can be required to collect, pen and secure them for valuation, and in default the Secretary of State can carry out the requirement and recover from him the reasonable expenses of doing so.

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| (a) S.I. 1971/1717 (1971 III, p. 4673). | (b) S.I. 1971/ 1752 (1971 III, p. 4769). |
| (c) S.I. 1972/1500 (1972 III, p. 4416). | (d) S.I. 1972/1538 (1972 III, p. 4524). |

SI 1972/1539
ISBN 0-11-021539-7



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