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S T A T U T O R Y   I N S T R U M E N T S

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**1976 No. 244**

**ANIMALS**

**DISEASES OF ANIMALS**

**The Brucellosis (Area Eradication) (England and Wales)  
(Amendment) Order 1976**

*Made - - - - 16th February 1976*

*Coming into Operation 28th February 1976*

The Minister of Agriculture, Fisheries and Food, in exercise of the powers conferred on him by sections 1, 5 and 85(1) of the Diseases of Animals Act 1950(a), as read with the Diseases of Animals (Extension of Definitions) Order 1971(b), and as extended in the case of the said section 5 by section 106(3) of the Agriculture Act 1970(c), and of all his other enabling powers, hereby orders as follows:—

*Citation and commencement*

1. This order, which may be cited as the Brucellosis (Area Eradication) (England and Wales) (Amendment) Order 1976, shall come into operation on 28th February 1976.

*Interpretation*

2.—(1) In this order, “the principal order” means the Brucellosis (Area Eradication) (England and Wales) Order 1971(d), as amended(e).

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

*Amendment of principal order*

3.—(1) In Article 2(1) of the principal order (interpretation) there shall be inserted—

(a) in the definition of “licence”, after the word “Ministry”, the words “or by an officer of the Secretary of State”; and

(b) after the definition of “premises”, the following definition:—  
“‘reactor’ means a bovine animal which gives rise to a reaction consistent with its being affected with brucellosis when tested for that disease either by or on behalf of the Minister or the Secretary of State or otherwise, as

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(a) 1950 c. 36.

(c) 1970 c. 40.

(e) S.I. 1972/1173 (1972 II, p. 3486).

(b) S.I. 1971/531 (1971 I, p. 1530).

(d) S.I. 1971/1717 (1971 III, p. 4673).

(f) 1889 c. 63.

the case may be, provided that in the case of a test otherwise so carried out the result thereof has been reported to the Minister or the Secretary of State;”.

(2) Article 3 of the principal order (application of order) shall be amended—

(a) by the insertion, at the beginning of paragraph (1) thereof, of the words “subject to paragraph (1A) below”, and by the inclusion at the end of that paragraph of the following paragraph:—

“(1A) Notwithstanding the provisions of paragraph (1) above, the provisions of this order shall not apply to an export quarantine station or an approved landing place which is situated in an Eradication Area or Attested Area unless those provisions are applied thereto by the order declaring the Area to be an Eradication Area or Attested Area, as the case may be, for purposes connected with the control of brucellosis.”; and

(b) by the addition at the end of that Article of the following paragraph:—

“(3) In this Article—

(a) ‘export quarantine station’ means an export quarantine station within the meaning of section 36(1) of the Diseases of Animals Act 1950, and

(b) ‘approved landing place’ means a landing place for the time being approved by the Minister for the purposes of the Animals (Landing from Channel Islands, Isle of Man, Northern Ireland and Republic of Ireland) Order 1955(a), as amended(b), or the Importation of Canadian Cattle Order of 1933(c), as amended (d).”.

(3) In Article 4 of the principal order (movement of cattle into or through Eradication Areas or Attested Areas)—

(a) paragraph (1) shall be amended by the deletion of the comma after the word “Ministry”, and the insertion after that word of the words “or, in the case of cattle being moved from a place in Scotland, an officer of the Secretary of State”; and

(b) paragraph (2) shall cease to have effect, and the following paragraphs shall be substituted therefor:—

“(2) The provisions of paragraph (1) above shall not apply to the movement, otherwise than on foot,—

(a) of cattle through an Eradication Area or Attested Area from a place outside that Area direct to another place outside that Area;

(b) of cattle into an Eradication Area or Attested Area direct to a slaughterhouse in that Area (from which they shall not be removed alive) for the purpose of unloading and slaughter there;

(c) of cattle (other than a reactor) into an Eradication Area or Attested Area direct to premises in that Area for the purpose of unloading and sale there, being premises used for the time being in connection with the holding of a market under the

(a) S.I. 1955/1310 (1955 I, p. 190).

(b) S.I. 1962/757, 1963/736, 1967/171 (1962 I, p. 752; 1963 I, p. 892; 1967 I, p. 281).

(c) S.R. & O. 1933/15 (Rev. II, p. 377; 1933, p. 361).

(d) S.I. 1972/1644, 1973/1698 (1972 III, p. 4841; 1973 III, p. 5184).

authority of a licence issued under Article 15 of this order imposing a condition that cattle in the premises may only be sold there for immediate slaughter;

(d) of cattle under the age of 6 months into an Eradication Area direct to premises in that Area for the purpose of unloading and sale there, being premises used for the time being in connection with the holding of a market under the authority of a licence issued under Article 15 of this order; or

(e) of cattle from one Attested Area to another Attested Area by a route which, disregarding any part thereof which involves the carriage of the cattle by sea or air, is entirely over land comprised in an Attested Area.

(3) The exemption from the provisions of paragraph (1) of this Article conferred by paragraph (2)(c) above shall not apply in respect of the movement into an Attested Area of cattle which—

(a) are lactating,

(b) have calved within the preceding 14 days, or

(c) are showing signs of vaginal discharge.

(4) When cattle are moved into or through an Eradication Area or Attested Area in circumstances referred to in any of sub-paragraphs (a) to (d) of paragraph (2) above, the person in charge of the cattle shall ensure that they do not come into contact with any cattle, other than cattle with which they were in contact immediately before they entered the Area, and that they are not (except in case of emergency) unloaded within the Area from the vehicle by means of which they are transported otherwise than as provided for in the relevant sub-paragraph.”.

(4) Article 5(1) of the principal order (movement of cattle within an Eradication Area or Attested Area) shall be amended by the deletion of the comma after the word “Ministry”, and the insertion after that word of the words “or, in the case of cattle being moved on to those premises from a place in Scotland, an officer of the Secretary of State,”.

(5) After Article 5 of the principal order there shall be inserted the following Articles:—

*“Movement of cattle to temporary accommodation for cattle intended for export*

5A.—(1) Nothing in Articles 4(1) and 5(1) above shall apply to cattle being moved otherwise than on foot into an Eradication Area or Attested Area direct to approved premises within that Area.

(2) In this Article, ‘approved premises’ means premises which have been approved under Article 3(1) of the Exported Animals Protection Order 1964(a) for the resting of animals immediately before their exportation from Great Britain, and also approved in writing for the purposes of this order by an officer of the Ministry.

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(a) S.I. 1964/704 (1964 II, p. 1352).

*Control of slaughterhouses in Attested Areas*

5B. No slaughterhouse in an Attested Area, other than a slaughterhouse which has been approved for the purposes of this order by a veterinary inspector, shall admit, or be used for the purpose of slaughtering, a reactor.

*Supplementary provision as to approvals*

5C.—(1) An approval to which Article 5A or Article 5B above refers may be given subject to compliance by the owner or occupier of the premises or, as the case may be, the slaughterhouse to which it relates with such conditions as may be specified in the approval.

(2) Such an approval may, by notice in writing served on such owner or occupier, be withdrawn or varied at any time by a veterinary inspector, but without prejudice to anything lawfully done pursuant to such approval before such withdrawal or variation has taken effect.

*Restriction of vaccination in Attested Areas*

5D. No person other than—

- (a) a veterinary inspector,
  - (b) a veterinary surgeon authorised for the purpose by the Minister, or
  - (c) a person acting under the authority of a licence issued for the purpose by a veterinary inspector employed by the Minister, and who complies with the conditions (if any) subject to which the licence is issued,
- shall vaccinate cattle in an Attested Area against brucellosis.”.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 16th February 1976.

(L.S.)

*Frederick Peart,*  
Minister of Agriculture, Fisheries and Food.

## EXPLANATORY NOTE

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

The Brucellosis (Area Eradication) (England and Wales) Order 1971 (as amended in 1972) sets out the controls to be applied to cattle in areas designated by the Minister of Agriculture, Fisheries and Food as Eradication Areas or Attested Areas for purposes connected with the eradication of brucellosis. Under Article 4 of that order a general prohibition is imposed on the movement of cattle into or through Eradication or Attested Areas otherwise than in accordance with a licence issued by an officer of the Ministry, but the Article contains a number of exceptions from this prohibition. The present order introduces certain additional exceptions in readiness for the declaration of the first Attested Areas. It also provides that licences under both Article 4 and Article 5 of the 1971 Order may in future be issued by an officer of the Secretary of State for Scotland where they relate to cattle being moved into or through an Eradication or Attested Area in England or Wales from a place in Scotland.

By an amendment to Article 3 of the 1971 Order, export quarantine stations and approved landing places (both of which expressions are defined in the present order) which are situated within Eradication or Attested Areas are generally exempted from its provisions. In addition, by a new Article 5A introduced into the 1971 Order, the prohibitions imposed by Articles 4 and 5 thereof are disappplied in respect of cattle moved directly to premises within Eradication or Attested Areas which have been aproved for the purpose of resting animals immediately before export under the Exported Animals Protection Order 1964, and which have also been approved for the purposes of the 1971 Order.

By two further new Articles inserted in the 1971 Order, slaughterhouses within Attested Areas (other than slaughterhouses which have been approved by a veterinary inspector of the Ministry) are prohibited from accepting for slaughter cattle which are brucellosis reactors, and a prohibition is imposed on the vaccination of cattle against brucellosis within Attested Areas, except where such vaccination is carried out on behalf of the Minister or in accordance with a licence issued by a veterinary inspector. A definition of the term "reactor" is introduced for the purposes of the 1971 Order.

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