SCOTTISH STATUTORY INSTRUMENTS

2000 No. 365

ANIMALS

ANIMAL HEALTH

The Enzootic Bovine Leukosis (Scotland) Regulations 2000

Made - - - -	*12th October 2000*
Laid before the Scottish Parliament - - - -	*18th October 2000*
Coming into force - -	*1st November 2000*

The Scottish Ministers, in exercise of the powers conferred on them by section 2(2) of the European Communities Act 1972(**1**) and of all other powers enabling them in that behalf, hereby make the following Regulations:

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Enzootic Bovine Leukosis (Scotland) Regulations 2000 and shall come into force on 1st November 2000.

(2) These Regulations extend to Scotland and where they extend beyond Scotland, they do so only as a matter of Scots law.

Interpretation

2.—(1) In these Regulations–

"affected animal" means a bovine animal which is affected with enzootic bovine leukosis or is infected with the bovine leukosis virus;

"approved laboratory" means a laboratory approved by the Scottish Ministers to carry out testing of milk for enzootic bovine leukosis;

"bovine animal" means a bull, cow, steer, heifer or calf;

"carcase" means the carcase of a bovine animal and includes part of a carcase and the meat, bones, hide, skin, hooves, offal or other part of a bovine animal, separately or otherwise, or any portion thereof;

(**1**) 1972 (c. 68). Section 2(2) was amended by the Scotland Act 1998 (c. 46), Schedule 8, paragraph 15(3). The functions conferred on the Minister of the Crown under section 2(2) of the European Communities Act 1972, insofar as within devolved competence, were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998.

"Divisional Veterinary Manager" means the veterinary inspector appointed for the time being by the Scottish Ministers to receive information about affected or suspected animals, or the carcases of such animals, for the area in which such animals or carcases are situated;

"inspector" means an inspector appointed by a local authority for the purposes of enforcing these Regulations;

"local authority" means a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994(**2**);

"premises" includes land, with or without buildings:

"suspected animal" means a bovine animal which is suspected of being affected with enzootic bovine leukosis because–

(a) it is showing signs of swollen, painless lymph nodes or tumorous changes (other than haemangiomas, papillomas or warts) in parts of its body; or

(b) a haematological examination of the animal has disclosed a lymphocyte count within the range specified in the Schedule to these Regulations; or

(c) any other test carried out on the animal has indicated the possible presence of infection with the bovine leukosis virus;

"veterinary inspector" means a veterinary inspector appointed by the Scottish Ministers;

"veterinary surgeon" means a veterinary surgeon or veterinary practitioner registered under the Veterinary Surgeons Act 1966(**3**);

(2) All notices, licences or approvals issued under these Regulations shall be in writing and may be made subject to conditions and may be amended, suspended or revoked at any time.

Notification of disease in bovine animals

3.—(1) A person who is in possession of or has control of an affected or suspected animal, or a veterinary surgeon who examines any such animal, shall with all practicable speed give notice of that fact to–

(a) an inspector; or

(b) the Divisional Veterinary Manager.

(2) Where notice under paragraph (1) of this regulation is given to an inspector, the inspector shall immediately transmit the information to the Divisional Veterinary Manager responsible for that area.

(3) A person who is in possession or in charge of an affected animal or a suspected animal shall detain it on the premises where it is kept until it has been examined by a veterinary inspector.

Notification of disease in carcases

4.—(1) Any person who is in possession or in charge of the carcase of a bovine animal, showing signs of tumorous changes (other than haemangiomas, papillomas or warts) in the lymph nodes or any part thereof, shall with all practicable speed, give notice of that fact to the Divisional Veterinary Manager responsible for that area.

(2) A person who is in possession or in charge of a carcase to which paragraph (1) of this regulation applies, shall detain it on the premises where it is kept until it has been examined by a veterinary inspector or until a veterinary inspector has determined that an inspection is not required.

(**2**) 1994 c. 39.
(**3**) 1966 c. 36.

Notification of disease in laboratory samples

5.—(1) Subject to paragraph (2) below, where by reason of a laboratory examination of a sample taken from a bovine animal, evidence of the existence of enzootic bovine leukosis is identified, the person in charge of the laboratory shall, within 24 hours notify the Divisional Veterinary Manager of the area from which the sample was taken or in which the laboratory is situated, of that fact.

(2) The obligation to give notification in paragraph (1) shall not apply where enzootic bovine leukosis has been deliberately introduced into a laboratory sample or a bovine animal from which such sample has been taken.

Sampling of milk for testing for evidence of the existence of enzootic bovine leukosis

6.—(1) Any person who buys milk from the owner or person in charge of a herd of dairy cows in Scotland for resale as milk or milk products shall–

(a) select an approved laboratory to carry out testing of such milk for enzootic bovine leukosis;

(b) notify the Scottish Ministers of the laboratory selected;

(c) upon notification by the Scottish Ministers, and at that person's own expense, submit to that laboratory for testing for evidence of enzootic bovine leukosis two samples of milk which shall be taken in every fifth calendar year at a minimum of four months apart and such samples shall include milk from all the dairy cows in that herd;

(d) add such preservative to the sample as may be requested by the person in charge of the laboratory; and

(e) 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.

(2) A person is exempt from the duty imposed by paragraph (1) above, if that person only purchases pre-packed raw milk for resale–

(a) in the container in which that person received it with the fastenings unbroken;

(b) from a vehicle which is lawfully used as shop premises; and

(c) direct to the ultimate consumer,

(3) For the purposes of this regulation,

(a) "ultimate consumer" means any person who buys milk other than for the purposes of–

(i) resale;

(ii) a catering establishment; or

(iii) a manufacturing business; and

(b) "catering establishment" means a restaurant, canteen, club, public house, school, hospital or similar establishment (including a vehicle or a fixed or mobile stall) where, in the course of a business, food is prepared for delivery to the ultimate consumer and is ready for consumption without further preparation.

(4) No person shall in any way treat, other than by adding preservative in accordance with paragraph (1)(d) above, or tamper with any sample or its label and a person shall be deemed to have treated or tampered with a sample if that person does anything in relation to it which is likely to affect the result of the testing required under this regulation.

(5) The person in charge of an approved laboratory shall–

(a) maintain a record of those herds, the milk from which is sent to it for testing under paragraph (1) above;

(b) notify the Scottish Ministers forthwith if a sample is not received from one of the herds listed in its records held under sub-paragraph (a);

(c) notify the Scottish Ministers within 24 hours where a sample has been tested for evidence of the existence of enzootic bovine leukosis and the result is positive;

(d) notify the Scottish Ministers within one month where a sample has been tested for evidence of the existence of enzootic bovine leukosis and the result is negative; and

(e) maintain a record of the result of all the tests carried out for evidence of the existence of enzootic bovine leukosis for a period of one year from the date of the test.

(6) If any person fails to take any action required under the provisions of paragraph (1) above, a veterinary inspector may, without prejudice to any proceedings for an offence arising out of such default, take or cause to be taken such action and any expenses reasonably incurred in so doing shall be recoverable by the Scottish Ministers from the person in default.

Veterinary inquiry as to the existence of enzootic bovine leukosis

7.—(1) Where by reason of information received by a veterinary inspector under regulations 3, 4, 5 or 6, or otherwise, there is reason to believe that enzootic bovine leukosis exists or has existed on any premises, the veterinary inspector shall with all practicable speed, take such steps as may be necessary to establish–

(a) whether that disease is enzootic bovine leukosis;

(b) the length of time that disease has existed on the premises;

(c) the possible origin of the disease on the premises.

(2) For the purposes of an inquiry under paragraph 1 above, a veterinary inspector may, on production on demand of his authority–

(a) examine any bovine animal or carcase on the premises;

(b) enter on to any part of the premises;

(c) take such samples as may be required for the purpose of diagnosis from any bovine animal or carcase on the premises; or

(d) examine any records in whatever form on the premises and take copies of such records.

(3) The occupier of the premises, employees of the occupier, any person who is or has been in possession or charge of any bovine animal which is or has been on the premises and any veterinary surgeon who has been attending any bovin e animal on the premises or has been consulted about such animal or carcase, shall–

(a) give such reasonable facilities and comply with such reasonable requirements as may be necessary for the purpose of the inquiry; and

(b) provide any relevant information to the veterinary inspector or the Scottish Ministers relating to the location and movements of that bovine animal or carcase and as to the location and movements of any other bovine animal or carcase (which is or has been on the premises) with which that animal has been in contact.

(4) A veterinary inspector entering premises under the provisions of this regulation shall, if required by the occupier or person in charge, state the reasons for entering.

(5) A veterinary inspector entering premises under the provisions of this regulation may take with him such other person as may be considered necessary for the purposes of the inquiry.