WELSH STATUTORY INSTRUMENTS

2006 No. 867 (W.79)

ANIMALS, WALES

ANIMAL HEALTH

The Enzootic Bovine Leukosis (Wales) Order 2006

Made - - - -	*21 March 2006*
Coming into force - -	*31 March 2006*

The National Assembly, in exercise of the powers conferred by sections 1, 6, 7(1), 15(4), 28, 32(2), 34(7), 35(3), 87(2) and 88(2) of the Animal Health Act 1981 [F1] makes the following Order:

F1 1981 c. 22. As amended by the Animal Health Act 2002, c. 42. Functions under the 1981 Act now vested in the National Assembly by virtue of S.I. 1999/672 and S.I. 2004/3044.

Title, commencement and application

1.—(1) The title to this Order is the Enzootic Bovine Leukosis (Wales) Order 2006 and comes into force on 31 March 2006.

(2) This Order applies in relation to Wales.

Interpretation

2.—(1) In this Order—

"affected animal" ("*anifail yr effeithiwyd arno*") means a bovine animal that is affected with enzootic bovine leukosis or is infected with the bovine leukosis virus;

"approved laboratory" ("*labordy a gymeradwywyd*") means a laboratory approved by the National Assembly to carry out testing of milk for the enzootic bovine leukosis;

"approved slaughterhouse" ("*lladd-dy a gymeradwywyd*") means a slaughterhouse approved by an officer for the slaughter of reactors;

"bovine animal" ("*anifail buchol*") means a bull, cow, steer, heifer or calf;

"carcase" ("*carcas*") 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;

[F2]...

"the National Assembly" ("*y Cynulliad Cenedlaethol*") means the National Assembly for Wales;

"officer" ("*swyddog*") means a veterinary inspector or other officer of the National Assembly;

"premises" ("*mangre*") includes land, with or without buildings;

"suspected animal" ("*anifail dan amheuaeth*") means a bovine animal that is suspected of being affected with enzootic bovine leukosis because—

(a) it is exhibiting swollen, painless lymph nodes or tumorous changes (other than haemangiomas, papilomas 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 this Order; or

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

"veterinary inspector" ("*arolygydd milfeddygol*") means a veterinary inspector appointed by the National Assembly; and

"veterinary surgeon" ("*llawfeddyg milfeddygol*") means a veterinary surgeon or veterinary practitioner registered under the Veterinary Surgeons Act 1966 [F3].

(2) For the purposes of the Animal Health Act 1981 in its application to this Order, the definition of "disease" in section 88(1) is hereby extended to include all forms of bovine leukosis.

(3) All notices, licences or approvals issued under this Order will be in writing and may be made subject to conditions and may be amended, suspended or revoked in writing at any time.

F2 Words in art. 2(1) revoked (1.4.2010) by The Animal Health (Divisional Veterinary Managers) (Wales) Order 2010 (S.I. 2010/618), arts. 1, 2(2), **Sch. 2**

F3 1966 c. 36.

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 must with all practicable speed give notice of that fact to—

(a) an inspector of the local authority; or

(b) the **[**[F4]Welsh Ministers**]**.

(2) Where notice under paragraph (1) of this article is given to an inspector of the local authority, the inspector must immediately inform the **[**[F5]Welsh Ministers**]** responsible for that area.

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

F4 Words in art. 3(1)(b) substituted (1.4.2010) by The Animal Health (Divisional Veterinary Managers) (Wales) Order 2010 (S.I. 2010/618), arts. 1, 2(1), **Sch. 1**

F5 Words in art. 3(2) substituted (1.4.2010) by The Animal Health (Divisional Veterinary Managers) (Wales) Order 2010 (S.I. 2010/618), arts. 1, 2(1), **Sch. 1**

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, must with all practicable speed, give notice of that fact to the **[**F6Welsh Ministers**]**.

(2) A person who is in possession or in charge of a carcase to which paragraph (1) of this article applies, must 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.

F6 Words in art. 4(1) substituted (1.4.2010) by The Animal Health (Divisional Veterinary Managers) (Wales) Order 2010 (S.I. 2010/618), arts. 1, **6(2)**

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 must, within 24 hours, notify the **[**F7Welsh Ministers**]**, of that fact.

(2) The obligation to give notification in paragraph (1) does not apply where enzootic bovine leukosis has been deliberately introduced into a laboratory sample.

F7 Words in art. 5(1) substituted (1.4.2010) by The Animal Health (Divisional Veterinary Managers) (Wales) Order 2010 (S.I. 2010/618), arts. 1, **6(3)**

Sampling of milk for testing for evidence 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 Wales for resale as milk or milk products must—

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

(b) notify the National Assembly of the laboratory selected;

(c) once every five years and at his or her own expense, submit two samples of milk to that laboratory for testing for evidence of enzootic bovine leukosis and the samples must be taken at least four months apart and must include milk from all the dairy cows in that herd whose milk is available for sale;

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

(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 exempted 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) In paragraph (2) above, "ultimate consumer" means any person who buys milk other than for the purposes of—

(a) resale;

(b) a catering establishment; or

(c) a manufacturing business.

(4) No person is permitted to 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 will 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 article.

(5) The person in charge of an approved laboratory must comply with the following provisions of this paragraph as a condition of the approval—

(a) that person must maintain a record of the herds from which milk is sent for testing under paragraph (1) above;

(b) that person must immediately notify the National Assembly if a sample is not received when due from one of the herds listed in the records held under sub-paragraph (a) above;

(c) that person must notify the National Assembly within 24 hours where a sample has been tested for evidence of the existence of enzootic bovine leukosis and the result is positive;

(d) that person must notify the National Assembly 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) that person must 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 will be recoverable by the National Assembly from the person in default.

Veterinary inquiry as to the existence of enzootic bovine leukosis

7.—(1) Where by reasons of information received under articles 3, 4, 5, or 6 or otherwise, there is reason to believe that enzootic bovine leukosis exists or has within the previous 56 days existed on any premises, a veterinary inspector must, 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 the disease has existed on the premises; and

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

(2) Where a veterinary inspector is carrying out an inquiry under this article as to the existence of enzootic bovine leukosis—

(a) the occupier of the premises in relation to which the inquiry is taking place, and his or her employees;

(b) any person who is or has been in possession or charge of any bovine animal which is or has been on such premises; and

(c) any veterinary surgeon who has been attending any bovine animal on those premises or has been consulted about any bovine animal or carcase kept on those premises;

must give such reasonable facilities and comply with such reasonable requirements as may be necessary for the purpose of the inquiry.

(3) A veterinary inspector entering premises under the provisions of this article must, if required by the occupier or person in charge of bovine animals on the premises, state the reasons for entering.