WELSH STATUTORY INSTRUMENTS

2006 No. 866 (W.78)

ANIMALS, WALES

ANIMAL HEALTH

The Brucellosis (Wales) Order 2006

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

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

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

Title, commencement and application

1.—(1) This Order is called the Brucellosis (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 —

"abortion or premature calving" ("*erthylu neu fwrw llo cyn pryd*") means an abortion or calving which takes place less than 271 days after service or insemination, or 265 days after implantation or transfer of an embryo, whether the calf is born dead or alive;

"approved laboratory" ("*labordy cymeradwy*") means a laboratory approved by the National Assembly to carry out testing of milk bought in Wales for brucellosis;

"approved slaughterhouse" ("*lladd-dy cymeradwy*") means a slaughterhouse approved by an officer to carry out the slaughter of reactors;

"bovine animal" ("*anifail buchol*") means a bull, cow, heifer or calf but does not include a steer;

"brucellosis" ("*brwselosis*") means the disease caused by Brucella abortus, otherwise known as contagious abortion;

"dealer in bovine animals" ("*masnachwr anifeiliaid buchol*") means any person whose trade or business regularly includes the selling of bovine animals purchased by that person for the purpose of resale within 28 days;

F2 …

"full-term calving" ("*bwrw llo wedi cyfnod llawn o fod yn gyflo*") means a calving which takes place 271 days or more after service or insemination, or 265 days or more after implantation or transfer of an embroy, whether the calf is born dead or alive;

"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;

"reactor" ("*adweithydd*") means a bovine animal which develops a reaction consistent with its being infected with brucellosis when tested for that disease;

"slaughterhouse" ("*lladd-dy*") means any premises used for the commercial slaughter or killing of animals, whether or not the flesh of those animals is intended for sale for human consumption, and includes any place available in connection therewith for the confinement of animals while awaiting slaughter there or for keeping or subjecting to any treatment or process, products of the slaughtering of animals there;

"steer" ("*bustach*") means a castrated bull or male calf aged four months or over;

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

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

(2) Notices, approvals or licences issued under this Order must be in writing and may be issued subject to conditions and may be amended, suspended, withdrawn 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

Special provisions for imported animals

3. The provisions of these Regulations do not apply to premises approved under the Importation of Animals Order 1977 F4 and will only apply in relation to imported bovine animals from the time specified in the licence issued in respect of those animals under article 11(5) of that Order.

F4 S.I. 1977/944

Restrictions on vaccination and therapeutic treatment

4.—(1) No person other than—

(a) a veterinary inspector;

(b) a veterinary surgeon authorised by the National Assembly; or

(c) a person to whom a licence has been issued for the purpose by a veterinary inspector,

is permitted to vaccinate bovine animals against brucellosis.

(2) No person must treat bovine animals for brucellosis.

Restrictions on the movement of bovine animals or steers

5. Where an officer reasonably believes that a bovine animal kept on any premises is or may be infected with brucellosis the officer may serve a notice on the owner or occupier of any premises, prohibiting the movement of bovine animals or steers on to or off such premises, except under the authority of a licence issued by an officer.

Movement of bovine animals or steers to specified premises

6.—(1) An officer may, where it is considered necessary for the purpose of eradicating brucellosis, serve a notice on the owner or person in charge of bovine animals or steers kept on any premises, requiring the animals to be moved from the premises to such other premises and within such time limit as may be specified in the notice.

(2) Where a notice served in accordance with paragraph (1) above is in force, the owner or person in charge of such animals must not move them from the premises specified in the notice except under the authority of a licence issued by an officer.

(3) If any person on whom a notice under paragraph (1) above is served fails to comply with it, the National Assembly may, without prejudice to any proceedings for an offence arising out of such default, carry out or cause to be carried out the requirements of the notice and the expenses reasonably incurred in so doing will be recoverable by the National Assembly from the person in default.

Sampling of milk for testing for evidence of the existence of brucellosis

7.—(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 will—

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

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

(c) once each month and at that person's own expense submit a sample of milk (which includes milk from all the dairy cows in that herd whose milk is available for sale) to that laboratory for testing for evidence of the existence of brucellosis;

(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 buys 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 a shop; 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 in any way to treat, other than by adding a 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 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 in any month, a sample is not received 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 brucellosis 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 brucellosis and the result is negative; and

(e) that person must maintain a record of the results of all the tests carried out for evidence of the existence of brucellosis 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.

Testing of bovine animals or steers for brucellosis

8.—(1) The owner or person in charge of bovine animals or steers kept on any premises will comply with a request by an officer for facilities to examine, test or diagnose any bovine animal for brucellosis, and in particular, must arrange for the collection, penning and securing of any such animal.

(2) If any person fails to comply with a reasonable request by an officer in accordance with paragraph (1) above, the National Assembly may, without prejudice to any proceedings for an offence arising out of such default, take or cause to be taken all such reasonable steps as may facilitate the examination, testing and diagnosis of bovine animals for brucellosis, and the expenses reasonably incurred by the National Assembly will be recoverable from the person in default.

(3) Where the owner or person in charge of bovine animals or steers kept on any premises arranges or permits any diagnostic test for brucellosis to be carried out on those animals, otherwise than on behalf of the National Assembly, that person must notify the National Assembly of—

(a) any positive test result within 24 hours; and

(b) any negative test result within one month.

(4) The owner or person in charge of bovine animals or steers kept on any premises must not do or cause to be done, anything which is likely to affect the result of a diagnostic test for brucellosis carried out on behalf of the National Assembly.

Marking of bovine animals

9.—(1) The owner or person in charge of bovine animals or steers kept on any premises must, if so required by a veterinary inspector, mark those animals in a manner specified by the veterinary inspector.

(2) A veterinary inspector may paint, stamp, clip or otherwise mark bovine animals or steers kept on any premises.

(3) No person is permitted to alter, remove, obliterate or deface or attempt to alter, remove, obliterate or deface any such mark.

Notification of abortion or premature calving

10.—(1) Where the owner or person in charge of bovine animals kept on any premises reasonably believes that an abortion or premature calving has occurred, that person must within 24 hours—

(a) give notice of that fact to an officer; and

(b) arrange for the isolation so far as practicable of the animal concerned and its foetus or calf and placenta from all other bovine animals in that person's ownership or charge.

(2) An animal to which the provisions of paragraph (1) above apply must remain in isolation and its foetus or calf and placenta must be retained by the owner or person in charge of the animal, until such time as an officer serves a notice requiring the disposal or destruction of the foetus or calf and placenta.

(3) If any person on whom a notice under paragraph (2) above is served fails to comply with it, the National Assembly may, without prejudice to any proceedings for an offence arising out of such default, carry out or cause to be carried out the requirements of the notice and the expenses reasonably incurred in so doing will be recoverable by the National Assembly from the person in default.

Precautions against the spread of infection

11.—(1) Where an officer has certified that any bovine animal kept on any premises has reacted to a diagnostic test for brucellosis, the occupier of the premises must, on being given notice of the certification, take all reasonable steps to prevent the infection of bovine animals kept on adjoining premises by contact with bovine animals kept on the occupier's premises.

(2) Where an officer has certified that any bovine animal kept on any premises has reacted to a diagnostic test for brucellosis or the officer reasonably believes it is infected with that disease, the officer may serve a notice on the owner or person in charge of that bovine animal or the occupier of the premises requiring that person to ensure that milk from such animals is not fed to other animals on the same or any other premises unless it has been pasteurised, sterilised or ultra-heat treated.

(3) Where an officer reasonably believes that any bovine animal kept or formerly kept on any premises is infected with brucellosis, or has been exposed to the risk of infection by that disease, the officer may serve a notice on the owner or person in charge of the animal requiring, that person to—

(a) arrange for the isolation of any animal or animals which may be specified in the notice on any part or parts of the premises specified in the notice;

(b) ensure that any part of parts of the premises specified in the notice will not be used by any animals on the premises, or by such animals as may be specified;

(c) cleanse and disinfect at that person's own expense such part or parts of the premises as may be specified in the notice, or any vehicle, plant or equipment before it leaves the premises.

(d) treat and store manure or slurry from any place which has been used by such animal and to restrict the spreading of manure or the spraying of such slurry in accordance with the requirements of the notice; and

(e) burn, disinfect, bury or destroy any straw, litter or other matter which has or might have, come into contact with such animal or its foetus or calf and placenta in accordance with the terms specified in the notice.

(4) A notice served in accordance with paragraph (3) above may require any cow or heifer on the premises which is about to calve to be isolated as far as practicable from all other bovine animals on the premises during the period of calving.