STATUTORY INSTRUMENTS

2015 No. 364

ANIMALS, ENGLAND

ANIMAL HEALTH

The Brucellosis (England) Order 2015

Made - - - -	*23rd February 2015*
Coming into force - -	*1st April 2015*

The Secretary of State makes this Order in exercise of the powers conferred by sections 1, 6, 7(1), 8, 15(4), 28, 32(2), 34(7), 35(3) and 87(2) of the Animal Health Act 1981(**1**).

Title, commencement, extent and application

1.—(1) This Order may be cited as the Brucellosis (England) Order 2015 and comes into force on 1st April 2015.

(2) This Order extends to England and Wales but applies to England only.

Interpretation

2.—(1) In this Order—

"the Act" means the Animal Health Act 1981;

"abortion or premature calving" 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" means a laboratory approved by the Secretary of State to carry out testing for brucellosis of milk bought or offered for sale in England;

"approved veterinary surgeon" means a veterinary surgeon who is approved in accordance with article 3;

"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 contagious abortion;

(**1**) 1981 c. 22. By virtue of section 86(1)(ii), functions relating to brucellosis conferred by that Act on "the Ministers" are exercisable by "the appropriate Minister", defined in section 86(1)(b) in relation to England as the Minister of Agriculture, Fisheries and Food. Functions of the Minister of Agriculture, Fisheries and Food were transferred to the Secretary of State by the Ministry of Agriculture, Fisheries and Food (Dissolution) Order 2002 (S.I. 2002/794), article 2.

"full-term calving" 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 embryo, whether the calf is born dead or alive;

"officer" means an approved veterinary surgeon or other officer of the Secretary of State;

"premises" includes land with or without buildings;

"reactor" means a bovine animal which develops a reaction consistent with it being infected with brucellosis when tested for that disease;

"slaughterhouse" means—

(a) 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;

(b) any place on those premises available for the confinement of animals while awaiting slaughter; and

(c) any place on those premises available for keeping products of the slaughter of animals or for subjecting those products to any treatment or process;

"steer" means a castrated bull or male calf aged four months or over;

"veterinary surgeon" means a veterinary surgeon (or veterinary practitioner) registered under the Veterinary Surgeons Act 1966(**2**);

(2) A notice, approval or licence issued under this Order—

(a) must be in writing;

(b) may be issued subject to conditions; and

(c) may be amended, suspended, withdrawn or revoked in writing at any time.

Approval of veterinary surgeons

3.—(1) The Secretary of State may approve a veterinary surgeon where—

(a) the veterinary surgeon has undertaken any training as required by the Secretary of State; and

(b) the Secretary of State is of the opinion that the veterinary surgeon is suitable to carry out functions conferred on an approved veterinary surgeon by this Order.

(2) The Secretary of State may by notice revoke any such approval, giving reasons for the revocation.

Restrictions on vaccination and therapeutic treatment

4.—(1) No person may vaccinate bovine animals against brucellosis except—

(a) an approved veterinary surgeon; or

(b) a person to whom a licence has been issued for the purpose by an approved veterinary surgeon.

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

Restrictions on the movement of bovine animals or steers

5.—(1) An officer may serve a notice in accordance with paragraph (2) on the owner or person in charge of bovine animals or steers, for the purposes of controlling or preventing the spread of brucellosis.

(**2**) 1966 c. 36.

(2) A notice under paragraph (1) may prohibit the movement onto or off any premises of bovine animals or steers, or of such bovine animals or steers as may be specified, 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 serve a notice in accordance with paragraph (2) on the owner or person in charge of bovine animals or steers, for the purposes of controlling or preventing the spread of brucellosis.

(2) A notice under paragraph (1) may require bovine animals or steers, or such bovine animals or steers as may be specified, to be moved to such other premises and within such time as may be specified.

(3) Where a notice under paragraph (1) is in force, the owner or person in charge of bovine animals or steers to which the notice relates must not move them from the specified premises except under the authority of a licence issued by an officer.

Slaughter of reactors

7. No slaughterhouse may be used for the slaughter of reactors unless it has been approved by the Secretary of State to carry out the slaughter of reactors.

Sampling of milk for testing for evidence of brucellosis

8.—(1) Any person who buys milk in England in any form for resale as milk or milk products from the owner or person in charge of a herd of dairy cows must—

(a) at intervals of 3 months and at that person's own expense, take (or arrange to have taken) a sample of milk which includes milk from all of the dairy cows in the herd at the time and whose milk is available for sale in any form;

(b) ensure, at that person's own expense, that any sample of milk taken under sub-paragraph (a) is received by an approved laboratory for testing for evidence of the existence of brucellosis;

(c) add such preservative to the sample as may be specified from time to time by the approved laboratory; and

(d) ensure that each sample is labelled with—

(i) a bar code or other device which enables the approved 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 in paragraph (1) if that person only buys pre-packed raw milk for resale direct to the final consumer—

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

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

(3) In paragraph (2), "final consumer" has the same meaning as in point 18 of Article 3 of Regulation (EC) No 178/2002 of the European Parliament and of the Council laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety(**3**).

(4) Any person who owns or keeps a herd of dairy cows in England and who offers for sale any milk or milk products derived from milk produced by that herd must—

(**3**) OJ No L 031, 1.2.2002, p.1, as last amended by Regulation (EU) No 652/2014 (OJ No L 189, 27.6.2014, p.1).

(a) on 3 occasions each year, at such times as are notified to that person by the Secretary of State and at that person's own expense, take (or arrange to have taken) a sample of milk which includes milk from all of the dairy cows in the herd at the time and whose milk is available for sale in any form;

(b) ensure, at that person's own expense, that any sample of milk taken under sub-paragraph (a) is received by an approved laboratory for testing for evidence of the existence of brucellosis;

(c) add such preservative to the sample as may be specified from time to time by the approved laboratory; and

(d) ensure that the sample is labelled with—

(i) a bar code or other device which enables the approved 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.

(5) No person may—

(a) treat any sample except by adding a preservative in accordance with paragraph (1)(c) or (4)(c), or

(b) tamper with any sample or its label.

(6) A person is 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.

(7) Without prejudice to any proceedings for an offence under this Order, where there has been a failure by any person to comply with this article, an approved veterinary surgeon may take or cause to be taken any action specified in paragraph (1) or (4) (including taking a milk sample), and the amount of any expenses reasonably incurred by the approved veterinary surgeon is recoverable by the Secretary of State from that person.

Testing of bovine animals or steers for brucellosis

9.—(1) The owner or person in charge of bovine animals or steers must—

(a) comply with a request of an officer for facilities to examine or test any bovine animal or steer for brucellosis, or diagnose it with that disease, and

(b) arrange for the collection, penning and securing of any such animal.

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

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

(b) any negative test result within one month.

(3) The owner or person in charge of bovine animals or steers must not do or cause to be done anything likely to affect the result of a diagnostic test for brucellosis carried out on behalf of the Secretary of State.

(4) Without prejudice to any proceedings for an offence under this Order, where there has been a failure by any person to comply with this article, the Secretary of State may take or cause to be taken all reasonable steps to facilitate the examination and testing of bovine animals or steers for brucellosis, and the diagnosis of such animals with that disease, and the amount of any expenses reasonably incurred by the Secretary of State is recoverable from that person.

Marking of bovine animals or steers

10.—(1) If required by an approved veterinary surgeon, the owner or person in charge of bovine animals or steers must mark those animals in a manner specified by the veterinary surgeon.

(2) An approved veterinary surgeon may paint, stamp, clip or otherwise mark bovine animals or steers.

(3) No person may alter, remove, obliterate or deface, or attempt to alter, remove, obliterate or deface, any marking made in accordance with paragraph (1) or (2).

Notification of abortion or premature calving

11.—(1) Where the owner or person in charge of bovine animals 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 animal concerned, its foetus or calf, and its placenta to be isolated as far as practicable from other bovine animals.

(2) Paragraph (1)(b) applies until such time as an officer serves a notice in accordance with paragraph (3) upon the owner or person in charge of the bovine animal.

(3) A notice under paragraph (2) may require the disposal or destruction of the foetus or calf and the placenta without delay, whether or not samples are taken and a test result for brucellosis is obtained.

Precautions against the spread of infection

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

(2) Where an officer has certified that any bovine animal 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 in accordance with paragraph (3) on the owner or person in charge of that animal or on the occupier of the premises.

(3) A notice under paragraph (2) may require the owner or person in charge of the bovine animal or the occupier of the premises where the animal is kept to ensure that milk from the animal is not fed to other animals unless it has been pasteurised, sterilised or ultra-heat treated.

(4) 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 them to—

(a) arrange for the isolation of any animal specified in the notice in any part of the premises specified in the notice;

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

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

(d) treat and store manure, slurry or other animal waste from any place used by the animal;

(e) restrict the spreading of manure and the spraying of slurry from any place used by the animal, as specified in the notice; and