

Statutory Instrument 1997 No. 757

The Enzootic Bovine Leukosis Order 1997

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STATUTORY INSTRUMENTS

1997 No. 757

ANIMALS

ANIMAL HEALTH

The Enzootic Bovine Leukosis Order 1997

Made

11th March 1997

Coming into force

1st April 1997

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The Minister of Agriculture, Fisheries and Food, the Secretary of State for Scotland and the Secretary of State for Wales, acting jointly, in exercise of the powers conferred on them by sections 1, 6, 7(1), 15(4), 28, 32(2), 34(7), 35(3) and 87(2) of the Animal Health Act 1981[1] and of all other powers enabling them in that behalf, hereby make the following Order:

Title, commencement and interpretation

1 . - (1) This Order may be cited as the Enzootic Bovine Leukosis Order 1997 and shall come into force on 1st April 1997.

(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) In this Order -

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

"appropriate officer" means in relation to animals in England, a veterinary inspector or other officer of the Minister and in relation to Scotland or Wales, a veterinary inspector or other officer of the Secretary of State;

"approved laboratory" means a laboratory approved by the Minister to carry out testing of milk for enzootic bovine leukosis and listed in Schedule 1 to this Order;

"approved slaughterhouse" means a slaughterhouse approved by an appropriate officer for the slaughter of reactors;

"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;

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

"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 Schedule 2 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" means a veterinary inspector appointed by the Minister;

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

(4) All notices, licences or approvals issued under this Order 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

2 . - (1) A person who has in his possession or under his control an affected or suspected animal and a veterinary surgeon who examines any such animal shall with all practicable speed give notice of that fact to -

(a) an inspector of the local authority, or

(b) the Divisional Veterinary Manager.

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

(3) A person who has in his possession or under his charge 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 carcasses

3 . - (1) Any person who has in his possession or under his charge the carcass of an affected or suspected 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 has in his possession or under his charge a carcass to which paragraph (1) of this article 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.

Notification of disease in laboratory samples

4 . - (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.

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

5 . - (1) Any person who buys milk in any form for resale as milk or milk products from the owner or person in charge of a herd of dairy cows shall -

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

(b) notify the Minister of the laboratory selected;

(c) once every fourth month and at his own expense ensure that a sample of milk (which includes milk from all the dairy cows in that herd whose milk is available for sale) is sent forthwith to that laboratory for testing for evidence of the existence of enzootic bovine leukosis;

(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 exempt from the duty imposed by paragraph (1) above, if he only purchases pre-packed raw milk for resale -

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

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

(c) direct to the ultimate consumer,

and in this paragraph "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.

(3) 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 he does anything

in relation to it which is likely to affect the result of the testing required under this article.

(4) 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 Minister forthwith if, in any month, a sample is not received from one of the herds listed in its records held under sub-paragraph (a);

(c) notify the Minister 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 Minister 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.

(5) If any person fails to take any action required of him 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 by him in so doing shall be recoverable by the Minister from the person in default.

Veterinary inquiry as to the existence of enzootic bovine leukosis

6 . - (1) Where by reason of information received under articles 2, 3, 4 or 5, 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 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; and

(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 any part of the premises; and

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

(3) The occupier of the premises, his own employees and any person who is or has been in possession or charge of any bovine animal which is or has been on the premises, shall give such reasonable facilities and comply with such reasonable

requirements as may be necessary for the purpose of the inquiry.

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

(5) Any such occupier or person and the veterinary surgeon (if any) who has been attending any bovine animal on the premises or has been consulted about such animal or carcase shall provide such information as he possesses to any official of the appropriate Minister 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.

Powers of veterinary inspectors to prohibit or control movement of bovine animals
7 . If a veterinary inspector has reasonable grounds for believing that the movement of any bovine animal from any place may give rise to the risk of enzootic bovine leukosis being spread he may, for the purpose of preventing the spreading of that disease, serve a notice on the owner or occupier of that place or the owner or person in charge of the bovine animal, prohibiting the movement thereof, requiring physical separation from other bovine animals on the premises or imposing such conditions in respect of its movement as he may consider expedient.

Marking of affected animals

8 . - (1) The owner or person in charge of bovine animals kept on any premises shall, if so required by notice served by a veterinary inspector, mark his animals in a manner required by the veterinary inspector.

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

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

Cleansing and disinfection

9 . - (1) A veterinary inspector may serve a notice on the occupier of any premises where there is or has been a suspected animal, or the carcase of such an animal, requiring him at his own expense to cleanse and disinfect -

(a) the premises or any part thereof, or

(b) any apparatus, equipment or thing used in connection with any affected animal, suspected animal or the carcase of such an animal.

(2) If the requirements of a notice served under paragraph (1) above are not complied with, a veterinary inspector may, without prejudice to any proceedings for an offence arising out of such default, carry out or cause to be carried out, such cleansing and disinfection and any expenses reasonably incurred by him shall be recoverable by the Minister from the person in default.

(3) For the purposes of exercising his powers under paragraph (1) above a veterinary inspector may, on production on demand of his authority, enter the premises to which a notice served under this article relates, taking with him such persons as he considers necessary and he shall if so required by the occupier or person in charge of the premises, state his reasons for entering.

Special provisions for imported bovine animals

10 . The provisions of this Order shall not apply in relation to approved premises within the meaning of the Importation of Animals Order 1977[3] and shall only apply

to imported bovine animals from the time specified in the licence in respect of those animals under article 11(5) of that Order.

Application of section 32 of the Animal Health Act 1981 to enzootic bovine leukosis
11 . Section 32 of the Animal Health Act 1981 shall apply to enzootic bovine leukosis.

Notice of intended slaughter

12 . - (1) Where the Minister proposes to cause a bovine animal to be slaughtered under the powers conferred on him by section 32 of the Animal Health Act 1981 in its application to enzootic bovine leukosis, a veterinary inspector shall serve a notice of intended slaughter on the owner or person in charge of such animal informing him of the proposed slaughter and requiring him to surrender the animal for slaughter (or to detain the animal pending slaughter) and to isolate it as far as practicable from other animals which are not specified in the notice.

(2) The person on whom such a notice is served shall not move the animal off the premises or part thereof except under the authority of a licence issued by the Minister and in accordance with the terms thereof.

Offences

13 . Any person who, without lawful authority or excuse contravenes or fails to comply with any provision of this Order or a notice or licence served under it shall be guilty of an offence against the Animal Health Act 1981.

Enforcement

14 . This Order shall be enforced by the local authority.

Revocations

15 . The instruments set out in Schedule 3 to this Order are hereby revoked.

Angela Brauning

Parliamentary Secretary Ministry of Agriculture, Fisheries and Food

11th March 1997

Lindsay

Parliamentary Under-Secretary of State, Scottish Office

11th March 1997

Signed by authority of the Secretary of State for Wales

Jonathan Evans

Parliamentary Under-Secretary of State, Welsh Office

10th March 1997

SCHEDULE 1

Article 1(3)

List of approved laboratories

ADAS Laboratory Services, situated at

**Woodthorne
Wergs Road
Wolverhampton
WV6 8TQ**

Milk Marque Quality Testing Laboratory, situated at

**The Brampton
Newcastle-under-Lyme
Staffordshire
ST5 0QS**

Scottish Agricultural College, situated at

**SAC Veterinary Services
Auchincruive
Ayr
KA6 5AE**

and

**SAC Veterinary Services
Drummondhill
Stratherrick Road
Inverness
IV2 4JZ**

SCHEDULE 2

Article 1(3)

Haematological testing of bovine animals

<i>Age of Bovine Animal</i>	<i>Abnormal Range No. of Lymphocytes per cubic millimetre</i>	<i>S.I. Units</i>
Under 1 year	more than 11,000	more than 11.0
1 year but under 2 years	more than 10,000	more than 10.0
2 years but under 3 years	more than 8,500	more than 8.5
3 years but under 4 years	more than 7,500	more than 7.5

4 years but under 5 years	more than 6,500	more than 6.5
5 years but under 6 years	more than 6,000	more than 6.0
6 years and over	more than 5,500	more than 5.5

SCHEDULE 3

Article 15

REVOCATIONS

<i>Title</i>	<i>Reference</i>
The Enzootic Bovine Leukosis Order 1980	S. I. 1980/79
The Enzootic Bovine Leukosis (Amendment) Order 1995	S. I. 1995/13

EXPLANATORY NOTE

(This note is not part of the Order)

This Order revokes and re-enacts the Enzootic Bovine Leukosis Order 1980 (S.I. 1980/79 as amended by S.I. 1995/13).

The Order implements the provisions relating to milk of Council Directive 64/432/EEC, as amended (on health problems affecting intra-Community trade in bovine animals and swine) (O.J. No. L121, 29.7.64, p. 1977) and Council Directive 77/391/EEC, as amended, (introducing Community measures for the eradication of brucellosis, tuberculosis and leukosis (O.J. No. L145, 13.6.77, p.44). These Directives require the operation of a monitoring and testing programme in order to achieve officially enzootic bovine leukosis-free status.

Notice must be given to the Divisional Veterinary Manager if any animal, carcass or laboratory sample is found to be infected with enzootic bovine leukosis (articles 2, 3 and 4).

The principal changes made by this Order relate to the arrangements for testing milk for evidence of enzootic bovine leukosis. Schedule 1 to the Order lists those laboratories which have been approved by the Minister to carry out testing of milk for enzootic bovine leukosis. Article 5 sets out the duties of purchasers of milk in any form for resale to ensure that milk is sent for testing to one of the approved laboratories.

The person in charge of an approved laboratory must notify the Minister of any positive test results within 24 hours and negative test results within one month. He must also maintain records of all the tests carried out for a period of one year from the date of the test (article 5(4)).

Failure to comply with any provision of the Order is an offence under the Animal Health Act 1981.

A Cost Compliance Assessment in relation to this Order has been placed in the libraries of both Houses of Parliament and copies can be obtained from the Animal Health (Disease Control) Division of the Ministry of Agriculture, Fisheries and Food, Government Buildings, Hook Rise South, Tolworth, Surbiton, Surrey KT6 7NF.

Notes:

[1] 1981 c. 22. See section 86(1) for a definition of the Ministers and the appropriate Minister. [back](#)

[2] 1966 c. 36. [back](#)

[3] S.I. 1997/944. [back](#)

ISBN 0 11 064329 1