

S.I. No. 114/1991 — Brucellosis in Cattle. (General Provisions) Order, 1991.

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BRUCELLOSIS IN CATTLE. (GENERAL PROVISIONS) ORDER, 1991.

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I, MICHAEL O'KENNEDY, Minister for Agriculture and Food, in exercise of the powers conferred on me by sections 3 , 12 , 13 , 19 , 20 , 27 and 48 of the Diseases of Animals Act, 1966 (No. 6 of 1966) (as adapted by the Agriculture (Alteration of Name of Department and Title of Minister) Order, 1987 (S.I. No. 97 of 1987)), hereby order as follows:

1. (1) This Order may be cited as the Brucellosis in Cattle (General Provisions) Order, 1991.

(2) This Order shall come into operation on the 20th day of May, 1991.

2. In this Order—

"the Act" means the Diseases of Animals Act, 1966 (No. 6 of 1966);

"animal", except in Article 15 (1) of this Order, means a bovine animal;

"anti-abortion vaccine" means any vaccine intended for use in the vaccination of an animal against brucellosis;

"approved ear-tag" means an ear-tag which is of a pattern approved of by the Minister and which complies with the other requirements of Article 19 of this Order;

"approved laboratory" means a laboratory approved of by the Minister for the purposes of this Order;

"authorised officer" means a person appointed by the Minister in writing to be an authorised officer for the purposes of this Order;

"brucellosis" means brucellosis in cattle;

"dealer" means any person who purchases any animal not for the purpose of keeping it for farming purposes but for the purpose of disposing of it by sale or otherwise but not by slaughter;

"District Veterinary Office" means a district veterinary office of the Department of Agriculture and Food;

"eligible animal" mean any animal aged 12 months or more except a castrate;

"herd" means the animals which are for the time being on a particular holding and in case only one animal is for the time being on a particular holding, the animal shall for the purpose of this Order be regarded as being a herd;

"herdowner" means the owner of a herd to which a herd number is for the time being allocated by an officer of the Minister and where a herd consists of animals belonging to more than one owner they shall nominate the herdowner in respect of the herd;

"holding", means all the land used by an owner of animals, whether solely or jointly with any other person or persons, for farming purposes or used by a dealer for or in connection with an animal purchased or disposed of (by sale or otherwise) by him;

"identity card" means an identity card issued under Article 27 of this Order or issued in respect of an animal by an officer of the Minister before the commencement of this Order;

"the Minister" means the Minister for Agriculture and Food;

"movement permit" means a permit issued under Article 28 of this Order;

"officially brucellosis free"—

(*a*) means, in relation to a herd, that the herd is one to which a herd number is for the time being allocated by the Department of Agriculture and Food and one which is not for the time being on a restricted holding,

(*b*) means, in relation to an animal, that the animal is of a herd which is both—

(i) an officially brucellosis free herd, and

(ii) for the time being on land which is not comprised in a restricted holding and

(*c*) includes—

(i) in relation to Article 15 of this Order, a herd, or

(ii) in relation to Article 17 of this Order, an animal which comes from a herd,

which under the law of Northern Ireland, having regard in particular to the instruments in force in Northern Ireland and entitled the Brucellosis Control Order (Northern Ireland) 1972 and the Brucellosis Control and Markets (Amendment) Order (Northern Ireland) 1982 or to any other instrument so in force which revokes and replaces, in whole or in part, or amends the aforesaid instruments, is officially brucellosis free;

"reactor" means an animal which by reason of a test or otherwise a veterinary inspector believes to be, or suspects of being, affected with brucellosis or capable of infecting other animals with brucellosis;

"registered veterinary surgeon" has the same meaning as assigned to it by section 1 of the Veterinary Surgeons Act, 1931 (No. 36 of 1931);

"restricted holding" means a holding as respects which there is for the time being in force a declaration made under Article 7 of this Order;

"sample" means a sample taken from an animal in the course of a test and comprised of one or more of the following—

(a) in the case of a male animal — blood or semen,

(b) in the case of a female animal — blood, milk, vaginal mucus, foetus or placenta;

"test" means a test of an animal for brucellosis and includes the taking of a sample;

"veterinary inspector" means a registered veterinary surgeon who is employed wholetime by the Minister.

3. It appearing to the Minister to be necessary for the eradication of brucellosis and the Minister being satisfied that brucellosis is virtually non-existent in the State, for the purposes of such eradication and of the Act the State is hereby declared to be an attested or disease-free area.

4. (1) A person shall not vaccinate an animal with anti-abortion vaccine except with the permission in writing of the Minister.

(2) The Minister may in giving a permission under this Article attach to the permission any condition including a condition that a particular type of vaccine shall be used in the vaccination and that the animal shall be marked by means of an ear-tag or otherwise.

5. (1) A test shall comprise the taking of a sample and the subsequent examination of the sample at, and only at, an approved laboratory.

(2) In addition to those specified in paragraph (1) of this Article, the following provisions shall have effect with regard to a test:

(*a*) the taking of a sample shall be carried out by a registered veterinary surgeon or by an officer of the Minister authorised under section 25 (3) of that Act to take a sample;

(*b*) where a registered veterinary surgeon, a veterinary inspector or an officer of the Minister authorised under section 25 (3) of the Act to take a sample enters on any land with the intention of thereon taking samples, he may if he so thinks fit, require the owner, occupier or person in charge of the land to make a declaration in writing in the form specified in the First Schedule to this Order;

(*c*) the owner, occupier or person in charge of an animal from which a sample is proposed to be or is being taken shall inform the person taking the sample of the existence of any circumstances of which he may be aware, including the previous use or application of anti-abortion vaccine, which may affect the accuracy of the test;

(*d*) a person who takes a sample shall make (and shall produce to a veterinary inspector on request) a record with respect to the animal from which the sample is taken and such record shall comprise the following particulars, namely, the name and address of the owner of the animal, the herd number, the premises at which and the date on which the sample was taken, a description of and the sex of the relevant animal, the relevant ear-tag number and such other particulars as the Minister may require;

(*e*) a person who takes samples shall forthwith send the sample to an approved laboratory together with the particulars mentioned in subparagraph (*d*) of this paragraph;

(*f*) the following provisions shall apply in relation to an animal from which a sample is being taken but does not already bear an approved ear-tag—

(i) the person taking the sample shall, at the commencement of the test, attach to the left ear of the animal an approved ear-tag,

(ii) the owner or person in charge of the animal shall permit the attachment of the ear-tag.

(3) Subject to paragraph (4) of this Article, the following provisions (in addition to those specified in paragraphs (1) and (2) of this Article) shall have effect in relation to any test carried out by or on behalf of the Minister:

(*a*) the owner or person in charge of the herd shall present all eligible animals (other than any reactors from previous tests) in the herd for the taking of such samples as may be necessary to test all such animals in the herd;

(*b*) at commencement of the test the owner or person in charge of the animal or animals proposed to be tested shall surrender to the person taking the samples all the identity cards in respect of any eligible animals and female animals aged less than 12 months;

(*c*) where the person who takes such samples is notified by a District Veterinary Office that any animal concerned has given a positive reaction to the test, that person shall forward to the District Veterinary Office in the area in which the sample was taken, all the identity cards (if any) surrendered to him in accordance with subparagraph (*b*) of this paragraph;

(*d*) where the person who takes such samples has been notified by a District Veterinary Office

that none of the animals tested has given a positive or inconclusive reaction to the test, that person shall endorse each of the identity cards (if any) for eligible animals surrendered to him in accordance with subparagraph (b) of this paragraph with an indication that the animal concerned has passed the test and shall return such cards, when duly endorsed, and any other cards so surrendered to either the owner or the person in charge of the herd;

(e) where the person who takes such samples has been notified by a District Veterinary Office that none of the animals tested has given a positive result but that the result of the test of an animal or animals has been inconclusive, that person shall—

(i) forward to the District Veterinary Office the identity card of each animal as respects which the result was inconclusive, and

(ii) endorse each of the remaining identity cards for eligible animals (if any) surrendered to him in accordance with subparagraph (b) of this paragraph with an indication that the animal concerned has passed the test and return those cards, when duly endorsed, and any other identity cards so surrendered to either the owner or the person in charge of the herd;

(f) where samples have been taken from all the eligible animals in a herd, no female animal of any age shall be moved out of the herd or off the land on which the samples were taken, except under and in accordance with the terms of a movement permit, until the tests have been completed and either the owner or the person in charge of the animals has been informed of the results of the tests.

(4) Notwithstanding paragraph (3) (a) of this Article, a veterinary inspector may authorise in writing the testing of specific animals only in a herd.

(5) Where, pursuant to an authorisation under paragraph (4) of this Article, a sample has been taken from an animal in a herd, the animal shall not be moved out of the herd or off the land on which the sample was taken, except under and in accordance with the terms of a movement permit, until the test has been completed and either the owner or the person in charge of the animal has been informed of the result of the test.

6. (1) No person shall administer to an animal any substance, or in any way interfere with a sample, for the purpose of affecting the accuracy of any test of the animal.

(2) The person in charge, whether as owner or otherwise, of an animal is hereby required to take such care of the animal as will ensure that paragraph (1) of this Article is not contravened in relation to the animal.

7. (1) Where there is a reactor on a holding or a veterinary inspector is satisfied or has reasonable grounds for suspecting that—

(a) brucellosis is present on a holding, or

(b) as respects any animal on a holding any provision of the Act or of this Order has not been complied with,

he shall declare the holding to be a restricted holding by serving, or causing to be served, on the owner, occupier or person in charge of the holding a notice in the form set out in Part I of the Second Schedule to this Order.

(2) A person who is notified in accordance with paragraph (1) of this Article that the holding has been declared a restricted holding, shall, if he has not already pursuant to Article 5 (3) (b) of this Order surrendered the identity card issued in respect of any eligible animal or female animal aged less than twelve months on the holding, deliver forthwith to a veterinary inspector or to an authorised officer every such card.

(3) In case a holding is declared under paragraph (1) of this Article to be a restricted holding, then for so long as the holding remains a restricted holding the following provisions shall apply, namely:

(a) no eligible animal or female animal aged less than 12 months shall be moved into or out of the holding except under and in accordance with the terms of a movement permit;

(b) no eligible animal or female animal aged less than 12 months shall be moved off the land on which it was present at the time when the notification under paragraph (1) of this Article was received except under and in accordance with the terms of a movement permit;

(4) Where by reference to a subsequent investigation a veterinary inspector is satisfied and so informs either the owner, occupier or person in charge of a restricted holding that the holding is free from brucellosis and that the provisions of the Act and of this Order are being complied with as respects the holding and at the same time gives or sends or causes to be given or sent to the owner, occupier or person in charge of the holding a notice specified in Part II of the Second Schedule to this Order, the holding shall cease to be a restricted holding.

(5) Where the result of a test of an animal or animals on a holding is inconclusive and a veterinary inspector so informs either the owner or person in charge of the animal or animals, the following provisions shall apply:

(a) the animal or animals shall not, except under and in accordance with the terms of a movement permit, be moved from the holding;

(b) such owner or person, if he has not already pursuant to Article 5 (3) (b) of this Order surrendered any identity card or cards issued in respect of the animal or animals, shall deliver forthwith each such card or cards to a veterinary inspector or authorised officer;

(c) where by reference to subsequent testing, a veterinary inspector is satisfied, and so informs the owner, occupier or person in charge of the holding that the animal or animals are free from brucellosis, the restriction under this paragraph on the movement of the animal shall cease.

8. (1) Where, as a result of any test of any animal or otherwise, a reactor is disclosed the following provisions shall apply—

(a) a mark consisting of a diamond shaped hole of 1.5 centimetres on each side and punched in the left ear shall be applied to the reactor and a tag bearing a yellow disc shall be attached to the same ear of the reactor and such mark shall be applied and such tag attached only by a veterinary inspector or by an officer of the Minister authorised under section 25 (3) of the Act to apply such marks and to attach such tags and the owner or person in charge of the reactor shall permit such an inspector or an officer so authorised to mark and tag the reactor;

(b) the owner or person in charge of the reactor shall immediately take all practicable steps to secure the effective isolation of the reactor and its maintenance pending its being taken possession of, slaughtered or removed for slaughter in accordance with this Order.

9. (1) A veterinary inspector or an authorised officer may, by agreement between the owner or person in charge of a reactor and any veterinary inspector or authorised officer, take possession of the reactor on behalf of the Minister.

(2) Where the owner or person in charge of a reactor and a veterinary inspector or an authorised officer fail to reach agreement regarding the taking into the possession of a reactor by a veterinary inspector or an authorised officer of the reactor a movement permit in respect of the reactor may be issued and the owner or person in charge of the reactor shall not move it except under and in accordance with the terms of the movement permit.

(3) Where—

(a) there is a reactor, and

(b) a movement permit has been issued as regards the reactor, and

(c) the owner or person in charge of the reactor has not within the period of 14 days beginning on the date of issue of the movement permit moved the reactor under and in accordance with the terms of that permit,

a veterinary inspector may by a notice in the form set out in the Third Schedule to this Order and served on the owner or person in charge of the reactor, require the reactor to be disposed of in the manner specified in the said form within the period (being not less than a period of three days) specified in the notice, and in case there is a failure to comply with the requirements of the said notice, a veterinary inspector or authorised officer may, on production, if requested, of his appointment, take possession of the reactor (such inspector or authorised officer being for that purpose hereby authorised to enter, accompanied by such assistants and vehicles as he may reasonably consider to be necessary, on any land at any reasonable time).

(4) Where a reactor is taken possession of under this Article it may be disposed of as a veterinary inspector or an authorised officer thinks fit.

(5) The cost of taking possession of any reactor under paragraph (3) of this Article, and of thereafter maintaining the reactor and disposing of it, may be recovered by the Minister from the owner of the reactor as a simple contract debt in any court of competent jurisdiction.

10. (1) A veterinary inspector or an authorised officer may, by notice in writing served on the owner, occupier or person in charge of any holding or other land on which a reactor has been disclosed or evidence of brucellosis has been found in a carcass, direct the manner in which the infective material shall be disposed of. Such inspector or authorised officer may also by such notice require such owner, occupier or person in charge to cleanse and disinfect specified parts of the holding or other land within a specified period and in accordance with the provisions set out in the Fourth Schedule to this Order. Such inspector or officer may also by such notice require the disinfection by such owner, occupier or person in charge of any vehicle specified in the notice which he has reason to believe was used in the transportation of a reactor. In case a notice is served under this Article, the person on whom it is served shall comply with the requirements of the notice.

(2) A copy of the provisions set out in the Fourth Schedule to this Order shall be incorporated in a notice under this Article.

(3) In case there is a failure to comply with the requirements of a notice under this Article, a veterinary inspector or an authorised officer may cause the requirements to be complied with and the persons carrying out the requirements are hereby authorised to enter on the relevant holding or other land at any reasonable time for the purpose of carrying out the requirements.

(4) The cost of carrying out on behalf of the Minister pursuant to paragraph (3) of this Article the requirements of a notice under this Article may be recovered by the Minister from the person on whom the relevant notice under this Article was served as a simple contract debt in any court of competent jurisdiction.

(5) In this Article "holding" includes any pond, stream or water-course and land otherwise covered with water.

11. (1) A veterinary inspector or an authorised officer may, by notice in writing served on the owner, occupier or person in charge of any holding or other land, require such owner, occupier or person in charge to confine any reactor specified in the notice, to the holding or other land or any part thereof specified in the notice or to comply with such other restriction of movement of the reactor as may be specified in the notice.

(2) Where a veterinary inspector or an authorised officer is satisfied or has reasonable grounds for suspecting that as respects an animal any provision of the Act or of this Order has not been complied with, he may, by notice in writing served on either the owner or the person in charge of the animal, require that the owner or person shall not move the animal from premises specified in the notice otherwise than to such other premises and along such route as is specified in the notice and such inspector or officer may by the notice require the owner or the person to retain the animal on such premises and for such period as may be specified in the notice.

(3) Where a notice has been served pursuant to paragraph (2) of this Article and the animal to which the notice relates dies before the period specified in the notice expires, the owner or person in charge of the animal shall

(a) immediately notify the District Veterinary Office in the area in which the animal died of the death of the animal, and

(b) retain the carcase until it has been examined by an authorised officer or a veterinary inspector.

(4) Where a veterinary inspector or an authorised officer serves a notice under paragraph (2) of this Article, the person upon whom the notice is served shall forthwith surrender to him any identity card, movement permit, certificate or licence issued in respect of an animal to which the notice relates.

12. (1) The owner, occupier or person in charge of any holding shall maintain the holding in such condition as a veterinary inspector considers necessary to avoid the spread of brucellosis.

(2) A veterinary inspector or authorised officer may, by notice in writing served on the owner, occupier or person in charge of a holding, require such owner, occupier or person in charge to provide such testing facilities as the veterinary inspector or authorised officer considers necessary to enable Article 5 of this Order

to be complied with.

(3) A veterinary inspector or authorised officer may, by notice in writing served on the owner, occupier or person in charge of any holding, require such owner, occupier or person to carry out, within such period (being not less than a period of 90 days beginning in the date of the notice) as is specified in the notice, such repairs to and reconstruction of, as may be so specified, such buildings or other structures used for the housing or enclosure of animals or such boundary fences, as may be so specified, on the holding.

13. Where as a result of a test or otherwise a registered veterinary surgeon or the owner or the person in charge of an animal in a herd has reason to believe or suspect the existence of brucellosis in any herd or in any carcase on any land or that an animal has aborted, he shall with all practicable speed notify the Secretary, Department of Agriculture and Food, Dublin or the District Veterinary Office for the area of his belief or suspicion.

14. The owner or person in charge of an animal which aborts shall immediately isolate the animal together with any infective material and shall—

(a) notify the District Veterinary Office for the area of the abortion with all practicable speed,
or

(b) arrange for a specimen of the abortive material or a blood sample from the animal which has aborted to be taken by a registered veterinary surgeon who will submit either or both the specimen and the sample to a laboratory approved for that purpose by the Minister.

15. (1) A person shall not move unpasteurised milk or any unpasteurised dairy by-product on to land or premises for feeding to bovine or other animals unless such milk or dairy by-products either—

(a) came direct from an officially brucellosis free herd, or

(b) has been converted to powder form.

(2) (a) Where a veterinary inspector is satisfied that there is a reactor or are reactors on any holding or other land, he shall forthwith give or send, or cause to be given or sent, to the owner, occupier or person in charge of the holding a notice requiring such owner, occupier or person to heat treat any milk from any reactor in a manner specified in the notice before the milk is fed to any animal on the holding, and in case a veterinary inspector gives or sends a notice under this Article, the requirements of the notice shall be complied with by the person to whom it is given or sent.

(b) A person to whom a notice has been given or sent under this Article shall not move unpasteurised milk or any unpasteurised dairy by-product out of the relevant holding for feeding in its unpasteurised state to bovine or other animals before he has been informed by a veterinary inspector that the relevant herd is free from brucellosis.

(c) A notice under this Article shall remain in force until it is withdrawn by a veterinary inspector.

(d) A person shall not feed, or permit to be fed, to an animal milk to which a notice under this Article relates which has not been heat treated in accordance with the requirements of the notice.

16. The person in charge of any animal, other than a castrate, which on being moved into the State, shall have in his possession a movement permit specifying the destination in the State of the animal and authorising the movement of the animal into the State. Where such an animal is being moved direct to a premises at which it is to be slaughtered, the movement permit shall, in lieu of specifying such destination of the animal specify the premises and the period within which the animal is to be slaughtered. Where such an animal is being moved through the State to a destination outside the State and while in the State, is to be neither unloaded, sold nor otherwise disposed of nor to be in contact with any other animal other than animals being so moved, the movement permit shall specify the port or other place through which the animal is to be moved out of the State.

17. (1) A female animal of any age or a bull aged over 12 months shall not be exposed at any public sale of animals unless such animal comes from an officially brucellosis free herd;

(2) The owner or person in charge of a public sale of cattle shall ensure that an animal is not accepted for sale on the premises where such sale is to take place unless the requirements of paragraph (1) of this Article are complied with.

18. (1) An eligible animal may not be moved into or out of any holding unless the person in charge of the animal has in his possession a cattle identity card or a movement permit which relates to the animal permitting such movement.

(2) Where an eligible animal is being moved into or out of any holding, a veterinary inspector or authorised officer may require the person in charge of the animal to produce for inspection the movement permit issued in respect of such movement or identity card in respect of such animal and in case a requirement is made under this paragraph the person of whom it is made shall forthwith comply with the requirement.

19. (1) An ear-tag required to be used by this Article or Article 5 of this Order shall be—

(a) of a pattern approved of by the Minister,

(b) such that when attached to the ear of the animal it becomes effectively closed,

(c) such that if identification letters or numbers borne by the ear-tag are altered (whether by addition, deletion, variation or otherwise) the alteration is evident as such,

(d) made of rigid, durable, material, and

(e) clearly legible.

(2) A veterinary inspector or authorised officer may apply or cause to be applied to any animal any mark which he considers necessary for the purpose of identification and the owner or person in charge of the animal shall permit such marking.

(3) (a) No person, other than a veterinary inspector or authorised officer, or a registered veterinary surgeon authorised so to do, shall attach an approved ear-tag to a live animal.

(b) No person, other than a veterinary inspector or authorised officer, or a registered veterinary surgeon authorised so to do, may remove an approved ear-tag from a live animal.

(c) Where an animal has died or has been slaughtered, no person other than a veterinary inspector or authorised officer, or a registered veterinary surgeon authorised so to do, may remove the approved ear-tag from the premises or other land on which the animal died or was slaughtered.

(4) No person shall efface, obliterate or alter any ear-tag or mark attached or applied pursuant to this Order or attach or apply a tag or mark that could be confused with any tag or mark so attached or applied.

(5) In this Article "authorised" means, in relation to a veterinary surgeon authorised by the Minister.

(6) Where an ear-tag has been applied to an animal under this Order the person in charge of the animal shall ensure that the ear-tag is not in any way interfered with or altered other than in accordance with this Order.

20. Where—

(a) a holding is declared to be a restricted holding under Article 7 of this Order, or

(b) a veterinary inspector is satisfied or has reasonable grounds for suspecting that brucellosis is present on other land,

the veterinary inspector may, in such manner as he considers appropriate, cause the existence of such brucellosis to be brought to the notice of the owners, occupiers or persons in charge of such holdings as he considers appropriate.

21. A person having in his possession pursuant to this Order any identity card, movement permit or any other document mentioned in this Order shall, on demand made by a member of the Garda Síochána, a veterinary inspector, an officer of Customs and Excise or an authorised officer, produce the card, permit or document for inspection by such member, inspector or officer.

22. Where a veterinary inspector, an authorised officer or an officer of the Minister mentioned in either Article 5, Article 8 or Article 9 of this Order takes a sample, applies a mark, takes possession of a reactor or makes a demand pursuant to this Order, he shall, if requested, produce his appointment or authorisation for examination by the person concerned.

23. A veterinary inspector or an authorised officer may examine any animal which is on any premises where a public sale of animals is taking place or which is being moved into or out of a holding or other land or into the State from Northern Ireland, and such inspector or officer may make such inquiries in relation to the animal as may be reasonably necessary for the administration of this Order.

24. (1) The owner, occupier or person in charge of any holding shall, if there are any animals thereon, keep such records as the Minister may require of—

(a) the births, deaths, acquisitions (by purchase or otherwise) and disposals (by sale or

otherwise) of animals which at any time during the period in which the requirement is in force are or have been on the holding or other land, their sex, type and the numbers of the relevant ear-tags,

(*b*) as respects each such animal, where appropriate, the date on which it was moved onto or out of the holding or other land, the address of the place from or to which the movement took place, the name of the vendor or purchaser (if any) concerned and whether or not it was moved for slaughter and if so moved the name of the owner or occupier and the address of the premises to which it was so moved.

(2) Records kept in pursuance of this Article shall be kept in such a manner as shall enable them easily to be read by a veterinary inspector or an authorised officer.

(3) A person by whom records are kept in pursuance of this Article shall produce the records to, and allow them to be inspected by a veterinary inspector or an authorised officer on a request being made in that behalf by such inspector or officer.

25. (1) For the purpose of the prevention and eradication of brucellosis, a person shall not engage in the business of dealing in animals except pursuant to and in accordance with a licence granted for the purposes of this Article by the Minister.

(2) Where a licence granted for the purposes of this Article by the Minister requires the person to whom it is granted to keep records, Article 24 (2) of this Order shall apply to the records as it applies to records kept in pursuance of that Article.

(3) A person by whom records are kept in pursuance of a licence granted for the purposes of this Article by the Minister shall produce the records to, and allow them to be inspected by, a veterinary inspector or an authorised officer on a request being made in that behalf by such inspector or officer.

26. Where any person transports a reactor for slaughter the following provisions shall apply:

(*a*) animals other than reactors shall not be transported in the same vehicle with reactors, except that with the approval of a veterinary inspector or authorised officer reactors from a restricted holding may be transported with other animals from the same holding provided that all the animals are going to the same premises for slaughter;

(*b*) reactors in transit to a premises for slaughter shall not be off-loaded save in an emergency at any holding, mart or other land prior to acceptance at the premises at which they are to be slaughtered;

(*c*) any vehicle used for the transport of reactors shall be cleansed and disinfected immediately following the delivery of the reactors to the premises at which they are to be slaughtered, and

(*d*) no animal, hay, straw, fodder, roots or other feeding stuffs shall be carried on a vehicle used for the transport of reactors unless prior to such carriage such vehicle has been cleansed and disinfected.

27. (1) Identity cards shall be valid for such period as stands specified for the time being by the Minister.

(2) An officer of the Minister may issue an identity card in respect of an animal for the purposes of the Order in the form specified in the Fifth Schedule to this Order.

(3) A person shall not alter or make a false or unauthorised entry on an identity card.

(4) Where an identity card has been issued in respect of an animal the person in charge of that animal shall ensure the safekeeping of the card.

28. A veterinary inspector or an authorised officer may, at his discretion, issue a permit (referred to in this Order as a "movement permit") for the purposes of this Order authorising such movement as may be specified in the permit of such animal or animals as may be specified therein and may attach to the permit any conditions (including conditions to be fulfilled after the movement concerned has been effected) which he considers appropriate.

29. A veterinary inspector or an authorised officer may, at his discretion, issue certificates and notices for the purposes of this Order and may attach to such certificates and notices such conditions (if any) which he considers appropriate.

30. The requirements of or the conditions attached to any notice, certificate, permission or movement permit served, issued or granted under or for the purposes of this Order shall be complied with.

31. (1) It is hereby declared that any omission to carry out the requirements of Articles 5 (2) (c), 6 (2), 7 (2), 7 (5) (b), 8 (1) (b), 9 (3), 11 (3), 11 (4), 12 (1), 13, 14, 16, 17 (2), 21, 24, 25 or 26 of this Order or the requirement of Article 18 (2) of this Order as to the production of movement permits or identity cards shall be an offence.

(2) Any person who in purported compliance with Article 5 (2) (d) of this Order includes in a record a particular which he knows to be false or recklessly includes in such a record a particular which is false, shall be guilty of an offence.

(3) Where a test is carried out by or on behalf of the Minister and the owner or person in charge of the herd concerned does not comply with the requirement of Article 5 (3) (a) of this Order regarding the presentation of eligible animals, the person shall be guilty of a separate offence in relation to each eligible animal as regards which the said requirement was not complied with.

(4) Where a notice is served under Article 10, 11 or 12 (3) of this Order and the person on whom it is served fails to comply with the requirements of the notice, he shall be guilty of an offence.

32. In any proceedings for an offence under the Act in which a contravention or an omission to carry out a requirement of this Order is alleged, a statement by a veterinary inspector or an authorised officer that in his opinion landforms part or does not form part of a particular holding of land shall be admissible as prima facie evidence that the land forms such part or does not form part.

33. Any function conferred on the Minister by this Order may be performed by an officer of the Minister duly authorised by him in that behalf.

34. Each of the orders specified in the Sixth Schedule to this Order is hereby revoked.

FIRST SCHEDULE

Article 5 (2) (b)

Department of Agriculture and Food

Brucellosis in Cattle (General Provisions) Order, 1991

Declaration of Presentation of Animals and Surrender of Identity Cards.

*The eligible animals this day presented by me for testing under the above Order at are the only eligible animals in my possession or under my control in *Dealer/Herd Number I have surrendered all the identity cards in my possession to the *testing veterinary surgeon/authorised officer.

*The eligible animals this day presented by me for testing under the above Order at are the only eligible animals in my possession or under my control in *Dealer/Herd Number except eligible animals on my land at I have surrendered all the identity cards in my possession to the *testing veterinary surgeon/authorised officer.

*I have no eligible animals in my possession or under my control in *Dealer/Herd Number

I hereby certify that the information contained herein is true in every particular.

*Signature of Date
Owner
or Person in Charge for or on behalf of the Owner.
Witness Date
.....

Testing Facilities on Holding

The testing facilities on this holding *are/are not adequate for the purpose of taking blood samples under the Brucellosis Eradication Scheme.

Signed Date
.....

Registered Veterinary Surgeon/lay sampler*

*Delete as appropriate.

Note: Refusal or failure to give information or the wilful or negligent giving of false or misleading information is an offence under Section 48 of the Diseases of Animals Act, 1966 .

Article 7

SECOND SCHEDULE

PART I

Department of Agriculture and Food Brucellosis in Cattle (General Provisions) Order, 1991 Notification regarding restriction on holding.

To Herd No.
..... of holding at
.....

I, the undersigned, being a veterinary inspector, do hereby advise you, as owner or person in charge of the holding referred to above, that the said holding is restricted under Article 7 of the above-mentioned Order.

- (1) The following animals may not be moved into or out of the above holding except under the authority of a movement permit, namely, all female animals and bulls aged 12 months or over.
- (2) Any brucellosis reactor in the above holding must be effectively isolated.
- (3) All houses used for housing animals and all pens, fittings and receptacles used for animals should be cleansed and disinfected without delay.
- (4) Milk from any reactor animal in the herd shall not be fed to any bovine animal on the above-

mentioned holding until the milk has been boiled or pasteurised.

(5) Unpasteurised milk or any unpasteurised product may not be moved from the above-mentioned holding for feeding to bovine or other animals in its unpasteurised state, until you have been notified that the herd is free from brucellosis.

(6) Even though they may pass a test or tests after the issue of this notice, the restrictions on movement of animals into or out of the above-mentioned holding imposed by this notice will remain in force until you are informed officially that the restrictions have been lifted.

(7) All practicable steps, including where necessary the repair and reconstruction of boundary fences, should be taken to prevent the infection of animals on adjoining land by contact with animals on the above-mentioned holding.

(8) Any manure slurry on the above-mentioned holding should be stored for at least a period to be specified by a veterinary inspector prior to being moved off or spread on the holding.

(9) Receptacles containing an approved disinfectant should be placed at any entrance to or exit from the above-mentioned holding or any animal housing thereon.

Signed Date
.....
Veterinary Inspector

PART II

Department of Agriculture and Food

Brucellosis in Cattle (General Provisions) Order, 1991

Withdrawals of declaration of holding as a restricted holding.

To: (Herdowner's Name/Address)
.....
.....
.....
.....
Herd Number:

I, being a veterinary inspector, hereby withdraw as from the day of 19
..... the notice signed by and served upon you on the day of
..... 19, declaring the holding at to be a restricted holding.

Accordingly, the provisions contained in Part I of the Second Schedule to the above Order no longer apply to the above holding.

.....
..
.....
..

1. To remove the said animal(s) or cause it/them* to be removed directly to a registered meat export premises or other premises approved by the Minister for Agriculture and Food for slaughter.
2. To so remove or cause to be so removed and to cause to be slaughtered the said animal(s) within
..... days from the date of this notice.

Signed Date

.....
Veterinary Inspector

*Delete as appropriate.

Article 10

FOURTH SCHEDULE

Provisions Relating to Cleansing and Disinfection.

1. Such parts of the premises as are to be cleansed and disinfected shall, before removal of the manure, be sprayed or saturated with an approved disinfectant.
2. The manure shall then be removed from the said parts and stacked in a place remote from cattle, goats and swine and shall not be spread on pasture land within such period as specified by a veterinary inspector.
3. After the removal of the manure, the said parts shall be thoroughly scraped, the scrapings shall be removed and the said parts shall then be scrubbed and washed thoroughly with a 4 per cent solution of washing soda in hot water and finally sprayed with an approved disinfectant.
4. All vehicles, utensils or other articles used for or about any reactors shall be thoroughly cleansed and washed with a 4 per cent solution of washing soda in hot water.
5. In case an abortion has occurred on pasture all cattle shall be removed from the field in which the abortion occurred and every effort made to dispose of the foetus and foetal membranes. Thereafter the site of the abortion shall be sprayed with an approved disinfectant and as soon as possible after the site has been so sprayed not less than two bales of straw shall be burned on it. The field in which the abortion occurred shall be kept free of cattle for a period, which period shall be specified by a veterinary inspector, after the date of the abortion.
6. The boots worn by, and the hands of, persons who have carried out the cleansing and disinfection shall be washed in an approved disinfectant.
7. In the foregoing provisions of this Schedule "approved disinfectant" means a disinfectant standing for the time being approved of by the Department pursuant to an order under the Act.

FIFTH SCHEDULE

Article 2

(FRONT)

An Roinn Talmhaíochta agus Bia
CATTLE IDENTITY CARD

Serial No.

Male

Sex

Female

Tag No. Colour or
Breed

The animal described above is from Herd No. the date of
the

(a) last test of the animal/herd for tuberculosis was

(b) last test of the animal/herd for brucellosis was

Signature of Date
Issuing
Officer

Certificate of any Further Tuberculosis Testing

I certify that this animal passed the test indicated below and that no animal failed the test.

Date of Test	Herd No.	Signature of Veterinary Surgeon
1.
.....
2.
.....
3.
.....
4.
.....
5.
.....
6.
.....
7.

-
1. This card is the property of the Minister for Agriculture and Food and any alteration to it renders it invalid.
 2. Card must be surrendered; (a) to a veterinary surgeon at the commencement of test; (b) to the herd owner or his representative at the time of sale or disposal of animals; c) at the Frontier Post or Port of Shipment for export; (d) at local District Veterinary Office on death or slaughter;

(BACK)

Certificate of any Further Brucellosis Testing

I certify that this animal passed the test indicated below and that no animal failed the test.

Date of Test	Type	Herd No.	Signature of Certifier
1.
.....
2.
.....
3.
.....
4.
.....
5.
.....

Record of Sale at Marts

Date of Sale	Code No. of Mart	Lot No.	Signature of Mart Official	Date of Sale	Code No. of Mart	Lot No.	Signature of Mart Official
.....
.....
.....

Record of Veterinary Substance(s) Administered to Animal

Substance Used	Expiry Date of Withdrawal Period	Signature of Veterinary Surgeon and Code Number
1.
.....
2.
.....

3.
4.
5.

SIXTH SCHEDULE

Article 33

- (a) The Brucellosis in Cattle (General Provisions) Order, 1980 (S.I. No. 286 of 1980),
- (b) the Brucellosis in Cattle (General Provisions) (Amendment) Order, 1986 (S.I. No. 369 of 1981),
- (c) the Brucellosis in Cattle (General Provisions) (Amendment) Order, 1982 (S.I. No. 306 of 1982),
- (d) the Brucellosis in Cattle (General Provisions) (Amendment) (No. 2) Order, 1982 (S.I. No. 312 of 1982),
- (e) the Brucellosis in Cattle (General Provisions) (Amendment) (No. 3) Order, 1980 (S.I. No. 336 of 1982),
- (f) the Brucellosis in Cattle (General Provisions) (Amendment) Order, 1984 (S.I. No. 121 of 1984),
- (g) the Brucellosis in Cattle (General Provisions) (Amendment) Order, 1987 (S.I. No. 168 of 1987), and
- (h) the Brucellosis in Cattle (General Provisions) (Amendment) Order, 1988 (S.I. No. 79 of 1988),

GIVEN under my Official Seal, this 6th day of May, 1991.

MICHAEL O'KENNEDY,

Minister for Agriculture and Food.

EXPLANATORY NOTE.

This Order which replaces the Brucellosis in Cattle (General Provisions) Order 1980 with effect from 20 May 1991 and consolidates all the existing Brucellosis in Cattle Orders declares that the State continues to be an attested or disease-free area for the purposes of brucellosis eradication.

The Order also (1) prohibits the vaccination of bovine animals with anti-abortion vaccine except with permission; (2) prescribes the type of test to be used for testing bovine animals for brucellosis and regulates such testing; (3) provides for the ear-punching of animals which give a positive reaction to a test; (4) authorises the Minister to take possession of reactors by agreement; (5) provides for more effective control of

cattle entering slaughtering premises; (6) regulates movement of bovine animals into and out of holdings within the State, into the State from Northern Ireland, and into premises in the State for slaughter; (7) applies conditions to public sales of bovine animals; (8) requires the transfer or surrender of identity cards relating to bovine animals in certain circumstances; (9) provides for disposal of reactors; (10) provides for the notification of reactor herds to adjoining herdowners; and (11) provides for the registration of dealers in bovine animals.

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