

2012 No. 1391

ANIMALS, ENGLAND

ANIMAL HEALTH

The Tuberculosis (England) (Amendment) Order 2012

Made - - - - *14th May 2012*
Coming into force - - *1st July 2012*

The Secretary of State, in exercise of the powers conferred by sections 1, 8(1) and 25 of the Animal Health Act 1981(a) and now vested in the Secretary of State(b), makes the following Order.

Title and commencement

1. This Order—

- (a) may be cited as the Tuberculosis (England) (Amendment) Order 2012, and
- (b) comes into force on 1st July 2012.

Amendments to the Tuberculosis (England) Order 2007

2.—(1) The Tuberculosis (England) Order 2007(c) is amended as follows.

(2) In the heading to article 1 (title, commencement and application) for “and application” substitute “, application and expiry”.

(3) After article 1(2) insert —

“(3) This Order ceases to have effect on 1st July 2019.”

(4) In article 3 (interpretation)—

- (a) in the definition of “approved disinfectant” for “the Diseases of Animals (Approved Disinfectants) Order 1978” substitute “the Diseases of Animals (Approved Disinfectants) Order 2007”(d), and
- (b) in the definition of “reactor” for “affected” substitute “infected”.

(5) In article 9 (pre-movement testing) omit paragraph (2)(c).

(6) In article 20(1) (isolation of *M. bovis* in a laboratory) for “Veterinary Laboratories Agency” substitute “Secretary of State”.

(a) 1981 c. 22.

(b) Functions conferred under the Act were transferred, so far as exercisable by the Secretaries of State for Scotland and Wales, to the Minister of Agriculture, Fisheries and Food by the Transfer of Functions (Agriculture and Food) Order 1999 (S.I. 1999/3141). Functions of the Minister of Agriculture, Fisheries and Food were then further transferred to the Secretary of State by the Ministry of Agriculture, Fisheries and Food (Dissolution) Order 2002 (S.I. 2002/794).

(c) S.I. 2007/740, amended by S.I. 2009/2713.

(d) S.I. 2007/448, amended by S.I. 2011/1509.

(7) After article 24 (savings) insert—

“Review

25.—(1) Before the 1st July 2017 the Secretary of State must—

- (a) carry out a review of this Order;
- (b) set out the conclusions of the review in a report; and
- (c) publish the report.

(2) The report must, in particular—

- (a) set out the objectives intended to be achieved by this Order;
- (b) assess the extent to which those objectives are achieved; and
- (c) assess whether those objectives remain appropriate and, if so, the extent to which they could be achieved with a system that imposes less regulation.”.

(8) In the Schedule (permitted movements)—

(a) paragraph 3 (movement within a sole occupancy group) is renumbered as paragraph 3(1);

(b) after paragraph 3(1) insert—

“(2) Sub-paragraph (1) does not apply where the sole occupancy group comprises—

- (a) premises situated in an area where routine testing of cattle herds for tuberculosis occurs annually or biennially, and
- (b) premises situated in an area where routine testing of cattle herds for tuberculosis occurs less frequently than biennially.”; and

(c) for paragraph 5 (movement to agricultural shows) substitute—

“**5.** The movement of a bovine animal to an agricultural show that does not involve a stay of more than 24 hours or housing of that animal at the showground and provided that the animal either goes directly from the show to slaughter or is returned directly to its premises of origin after the show.”.

14th May 2012

Jim Paice
Minister of State
Department for Environment, Food and Rural Affairs

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Tuberculosis (England) Order 2007 (S.I. 2007/740) (“the 2007 Order”) and inserts a provision into article 1 that provides for the cessation of the 2007 Order on 1st July 2019 (article 2(3)).

Article 2(5) removes the pre-movement test exemption in article 9(2)(c) of the 2007 Order. Keepers of bovine animals that have been present on premises for no more than 30 days at the date of movement will now have to have such animals tested before onward movement.

In article 20(1) of the 2007 Order the reference to the Veterinary Laboratories Agency has been replaced by a reference to the Secretary of State due to that executive agency of the Department for Environment, Food and Rural Affairs no longer bearing that name (article 2(6)).

Article 2(7) inserts a review provision into the 2007 Order to require the Secretary of State to review and report on the 2007 Order.

In the Schedule to the 2007 Order the extent of permitted movements of bovine animals without requiring a pre-movement test in paragraph 3 (movement within a sole occupancy group) and paragraph 5 (movement to agricultural shows) have been curtailed (article 2(8)).

A full impact assessment of the effect that this instrument will have on the costs of business, the voluntary sector and the public sector is available on the Defra website at www.defra.gov.uk, and is published with the Explanatory Memorandum alongside the instrument on www.legislation.gov.uk.

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