

# DISEASES OF ANIMALS (BOVINE TUBERCULOSIS) ACT 1957

- LONG TITLE

An Act to provide for the progressive eradication of bovine tuberculosis and to provide for other matters connected therewith. [13th July, 1957.]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:—

1 Interpretation.

1.—In this Act "accredited area" has the meaning specified in paragraph ( b ) of subsection (1) of section 2; "clearance area" has the meaning specified in paragraph ( a ) of subsection (1) of section 2; "the Minister" means the Minister for Agriculture; "the Principal Act" means the Diseases of Animals Act, 1894, as amended or adapted by or under subsequent enactments.

Orders in relation to bovine tuberculosis.

2.—(1) The power of making orders conferred by section 22 of the Principal Act and now vested in the Minister shall extend to and include the making by the Minister, where it appears to him to be necessary for the purpose of the progressive eradication of bovine tuberculosis, of all or any of the following orders: ( a ) orders declaring areas (in this Act referred to as clearance areas) to be areas in which bovine tuberculosis is to be eradicated; ( b ) orders declaring areas (in this Act referred to as accredited areas), being areas in which the Minister is satisfied that bovine tuberculosis is virtually non-existent, to be areas in which bovine tuberculosis has been eradicated; ( c ) in relation to any clearance area or accredited area, orders for all or any of the following purposes: (i) requiring the carrying out of tests of cattle for tuberculosis and the furnishing to the Minister of the results of the tests, (ii) with respect to cattle affected or suspected of being affected or capable of infecting cattle with tuberculosis— (I) authorising the taking possession, by agreement, of the cattle by or on behalf of the Minister and their disposal as the Minister thinks fit, (II) in default of agreement as aforesaid, securing and regulating the removal out of the area or slaughter of the cattle, (III) securing and regulating isolation and maintenance of the cattle pending their being taken possession of by or on behalf of the Minister or removed out of the area or slaughtered, (iii) prohibition or restriction of the movement of animals into, out of, through or within the area, (iv) securing and regulating repair or reconstruction of cow byres or boundary fences, (v) securing and regulating cleansing and disinfection of premises and removal therefrom and subsequent disposal of dung, litter, fodder or any other thing, (vi) prohibition or restriction of the movement of any feeding stuff or other material into, out of, or within the area or land or premises in the area, (vii) securing and regulating effective isolation on land or premises, and prohibition or restriction of movement into or out of land or premises or part thereof, of animals affected or suspected of being affected or capable of infecting cattle with tuberculosis, (viii) securing and regulating isolation and testing from time to time of cattle brought on to land or premises, (ix) securing and regulating the keeping of records in relation to cattle and the production and inspection of the records, (x) specifying, where notices are to be served of requirements under orders made by virtue of this paragraph, the form of notice, (xi) providing, in cases in which there has been failure to comply with requirements of any such notice, for— (I) in case the notice requires removal out of the area or slaughter of cattle, the taking possession of the cattle by or on behalf of the Minister, their disposal as the Minister thinks fit and the recovery (without prejudice to any penalty that may have been incurred) of the cost of taking possession of the cattle and of thereafter maintaining them and disposing of them, (II) in any other case, the carrying out of the requirements of the notice by or on behalf of the Minister and the recovery (without prejudice to any penalty which may

have been incurred) of the cost of carrying out the requirements, (xii) purposes ancillary or incidental to any of the foregoing purposes (including authorisation of entry on land or premises); ( d ) orders for all or any of the following purposes: (i) regulating the transit and lairage of cattle, (ii) regulating the holding of markets, fairs, exhibitions or sales of animals and the exposure of animals thereat, (iii) prescribing and regulating the cleansing and disinfection of vehicles, places, pens and fittings used for cattle, (iv) prescribing the conditions under which cattle may be exported, including designating ports, or parts of ports, or routes for such export, (v) prescribing and regulating the issue and production of licences respecting movement and removal of cattle and things, (vi) specifying and regulating tests of animals for tuberculosis, (vii) prohibition, except with the consent of the Minister, of tests of animals for tuberculosis (not being tests under section 7 of this Act or tests required to be carried out by or under orders made by virtue of this section), (viii) prohibition, except with the consent of the Minister, of vaccination of cattle against tuberculosis, (ix) securing and regulating marking of cattle for purposes of identification and prohibition of effacement, obliteration, alteration or removal of any such marking, (x) purposes ancillary or incidental to any of the foregoing purposes. (2) A holding situate partly within and partly without any clearance area or accredited area shall be deemed to be wholly within that area, but where a holding is situate wholly or partly within two or more such areas, it shall be deemed to be wholly within the area first declared to be an accredited area or, if no part is within an accredited area, then wholly within the area first declared to be a clearance area. (3) Tuberculosis shall be a disease for the purposes of sections 43, 44, 65 and 74 of the Principal act, and also for the purposes of all other sections of that Act (including sections relating to offences and legal proceedings) containing provisions relative to or consequent on the provisions of those sections and the orders made by virtue of this section.

Slaughter and compensation in areas other than clearance and accredited areas.

3.—(1) The Minister, if he so thinks fit, may give public notice in such manner as he considers suitable of his intention to make an order under which a specified area will be a clearance area. (2) Where notice is given under this section in relation to an area, the Minister, with the consent of the Minister for Finance, may, with respect to that area, pay compensation for cattle which, having failed to pass a test for tuberculosis approved of by the Minister, are slaughtered by arrangement between the Minister and the owner of the cattle.

Pasteurising of separated milk.

4.—Section 30 of the Dairy Produce Act, 1924 (No. 58 of 1924), is hereby amended by the addition thereto of the following subsections: " (5) The Minister may make regulations requiring that all or any premises registered in the register of creameries or all or any premises registered in the register of cream separating stations shall be equipped with plant for pasteurising separated milk and may by such regulations prescribe the mode and manner in all respects of pasteurising separated milk and the records to be kept in relation thereto and require the retention of such records for inspection and their being made available for inspection. (6) Where regulations have been made under subsection (5) of this section in respect of premises registered in the register of creameries, all separated milk required by those regulations to be pasteurised on those premises shall be pasteurised in accordance with such regulations. (7) Where regulations have been made under subsection (5) of this section in respect of premises registered in the register of cream separating stations, all separated milk required by those regulations to be pasteurised on those premises shall be pasteurised in accordance with such regulations. (8) In subsections (5), (6) and (7) of this section 'separated milk' means that part of milk remaining after removal therefrom of the fat, or most of the fat. (9) The references to regulations contained in subsections (2) and (3) of this section shall be construed as not including references to regulations under subsection (5) of this section."

### Register of Accredited Herds.

5.—(1) The Minister may set up and maintain a register of herds of cattle (in this section referred to as the register) to be known as the Register of Accredited Herds. (2) Herds of cattle registered in the register shall be known as accredited herds. (3) A person shall not— ( a ) hold out a herd of cattle as being an accredited herd unless it is registered in the register, or ( b ) hold out cattle as being of an accredited herd unless they are of a herd registered in the register. (4) A person who contravenes subsection (3) of this section shall be guilty of an offence against the Principal act. (5) The Minister may make regulations governing the register, including regulations with respect to all or any of the following matters: ( a ) application for registration, ( b ) qualifications and conditions for registration, ( c ) requirements to be complied with for retention of registration, ( d ) cancellation of registration, ( e ) custody of the register and evidence of the contents thereof.

### Compensation.

6.—(1) The Minister shall, subject to subsection (2) of this section, pay compensation for cattle taken possession of by him or on his behalf pursuant to any order made by virtue of this Act. (2) The following provisions shall have effect in relation to compensation under this section for an animal: ( a ) the compensation shall be the market value of the animal as agreed upon between the owner of the animal and the Minister or, in default of such agreement, as fixed by a valuer appointed by agreement between the owner and the Minister or, in default of agreement as to the valuer, appointed by the Minister, ( b ) notwithstanding the foregoing paragraph, the compensation shall not exceed such limit as may from time to time be determined by the Minister with the consent of the Minister for Finance, ( c ) the fees of any such valuer shall, subject to the consent of the Minister for Finance, with respect to their amount, be paid by the Minister, ( d ) the Minister shall be entitled to withhold the compensation, wholly or partially, where, in the judgement of the Minister, the owner, or the person having charge, of the animal has been guilty in relation to the animal of an offence against the Principal act or otherwise has not taken adequate precautions to prevent the spread of bovine tuberculosis. (3) In subsection (2) of this section "market value" means the price which might reasonably have been obtained for the animal, immediately before the taking possession thereof by or on behalf of the Minister, from a purchaser in the open market who had no knowledge that the animal was affected or suspected of being affected or capable of infecting cattle with tuberculosis except such knowledge as might reasonably have been obtained by inspection of the animal.

### Examination of animals, etc.

7.—(1) An authorised person, on production, if requested, of his authorisation may at all reasonable times do all or any of the following things: ( a ) with respect to any animals, make any such examinations, apply any such tests, take any such samples and apply any such marks as may be reasonably necessary for the purposes of this Act or any order made by virtue of this Act, ( b ) enter on any land or premises for the purpose of any such examining, testing, sampling or marking, ( c ) require any person, being the owner or in charge of animals or the owner or occupier of or employed on lands or premises so entered, to give any such assistance or to carry out any such instructions as may be reasonably necessary for the purpose of any such examining, testing, sampling or marking or to give any such information as may be reasonably necessary for the administration of this Act or any order made by virtue of this Act. (2) Any person— ( a ) who obstructs or impedes an authorised person in the exercise of any power conferred by this section, ( b ) who, being required under this section to give any assistance or carry out any instruction within his power, refuses or fails to give the assistance or carry out the instruction, or ( c ) who, being required under this section to give any information within his knowledge, refuses or fails to give the information or wilfully or

negligently gives false or misleading information, shall be guilty of an offence against the Principal act. (3) In this section— "authorised person" means— ( a ) a veterinary inspector, or ( b ) a registered veterinary surgeon other than a veterinary inspector, authorised by the Minister in writing to exercise the powers conferred by this section; "animals" includes poultry as defined in section 1 of the Poultry (Diseases) Act, 1934 (No. 25 of 1934), as amended by section 2 of the Diseases of Animals Act, 1949 (No. 10 of 1949).

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8.—Nothing in this Act or any order made by virtue of this Act shall affect any orders made before the passing of this Act under the Diseases of Animals Acts, 1894 to 1954.

9 Payments, expenses and moneys received.

9.—(1) The payments made and expenses incurred by the Minister in giving effect to this Act and in the administration thereof shall, to such extent as may be sanctioned by the Minister for Finance, be defrayed out of moneys provided by the Oireachtas. (2) Moneys received by the Minister under this Act shall be paid into or disposed of for the benefit of the Exchequer in such manner as the Minister for Finance shall direct.

Laying of orders and regulations.

10.—Every order and regulation made by virtue of this Act shall be laid before each House of the Oireachtas as soon as may be after it is made and, if a resolution annulling the order or regulation is passed by either such House within the next twenty-one days on which that House has sat after the order or regulation is laid before it, the order or regulation shall be annulled accordingly, but without prejudice to the validity of anything previously done thereunder.

Short title, collective citation and construction.

11.—(1) This Act may be cited as the Diseases of Animals (Bovine Tuberculosis) Act, 1957. (2) The Diseases of Animals Acts, 1894 to 1954, and this Act may be cited together as the Diseases of Animals Acts, 1894 to 1957. (3) This Act shall be read and construed as one with the Diseases of Animals Acts, 1894 to 1954.