

DISEASES OF ANIMALS (BOVINE LEUKOSIS) ORDER 1977

I, JAMES GIBBONS, Minister for Agriculture, in exercise of the powers conferred on me by sections 3 of the Diseases of Animals Act, 1966 (No. 6 of 1966), as adapted by the Agriculture and Fisheries (Alteration of Name of Department and Title of Minister) Order, 1977 (S.I. No. 31 of 1977), hereby make the following order:

REG 1

1. (1) This Order may be cited as the Diseases of Animals (Bovine Leukosis) Order, 1977.
- (2) This Order shall come into operation on the 28th day of October, 1977.

REG 2

2. In this Order—

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

"animal" means a bovine animal;

"approved disinfectant" means a disinfectant for the time being approved by the Minister under the Diseases of Animals (Disinfectants) Order, 1975 (S.I. No. 273 of 1975);

"approved veterinary laboratory" means the Veterinary Research Laboratory, Abbotstown, Castleknock, County Dublin, or any other laboratory standing approved for the time being for the purposes of this Order by the Minister;

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

"carcase" means the carcase of a bovine animal and includes any part of such a carcase and the meat, bones, hide, skin, hooves, offal, blood or other part of an animal, separately or otherwise, or any portion thereof;

"diseased" means affected with bovine Leukosis;

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

"ear-tag " means an ear-tag which is of a pattern approved for the purposes of the Brucellosis in Cattle (Disease Free Area) Order, 1968 (S.I. No. 112 of 1968), and which complies with the other requirements of Article 24 of that Order;

"fodder" means hay or any other substance (including milk) used for food for animals;

"infected place" means any land or premises declared by an inspector to be an infected place in accordance with Article 7 of this Order;

"litter" means straw or any other substance commonly used for bedding or otherwise for or about animals.

REG 3

3. (1) Every person having in his possession or under his charge an animal or carcase which to his knowledge is diseased or which he suspects of being diseased shall forthwith give notice of the fact to—

(a) the District Veterinary Office of the Department of Agriculture for the area in which the animal or carcase happens to be, or

(b) the Secretary, Department of Agriculture, Dublin,

(2) Any person (other than a person mentioned in paragraph (1) of this Article) who, whether by reason of an examination or otherwise, believes or suspects that an animal or carcase is diseased shall forthwith notify the following thereof:

(a) the owner or the person who for the time being is in charge of the animal or carcase,

(b) the District Veterinary Office of the Department of Agriculture for the area in which the animal or carcase happens to be, or

(c) the Secretary, Department of Agriculture, Dublin.

(3) Where an inspector or other veterinary surgeon believes or suspects that an animal or carcase is diseased, he may take such samples as he considers may be required for diagnostic purposes from any animal or carcase on the land or premises concerned, whether or not such animal or carcase is diseased or is suspected of being diseased, and in case he takes such samples, he shall send them forthwith, together with a report on his examination or inspection, to an approved veterinary laboratory.

(4) A notice given under this Article shall include the age and ear-tag number of the relevant animal, a description of such animal or of the carcase concerned and the name and address of its owner.

(5) Where a notice is given under this Article, the animal or carcase concerned shall be kept separate from all other animals and carcasses by the owner or the person who is for the time being in charge of it until a notice relating to the animal or carcase is served under Article 6 of this Order or a direction relating to the animal or carcase is given by an inspector.

REG 4

4. (1) An inspector or an authorised officer may, for the purpose of preventing, checking or eradicating bovine leukosis, examine or inspect any animal or carcase or any land or premises when and as often as he may for the said purposes consider necessary.

(2) Where an inspector or authorised officer makes an examination or inspection pursuant to this Article, he may, either on that occasion or on a subsequent occasion, take or cause to be taken from the animal or carcase concerned samples for diagnostic purposes.

(3) (a) In case a person makes an examination or inspection pursuant to this Article, he shall forthwith send to an approved veterinary laboratory a report in writing of the examination or inspection and such report shall specify the age and ear-tag number of the relevant animal and the name and address of the owner concerned together with a description of such animal or of the carcass concerned.

(b) In case a sample is taken pursuant to this Article, the inspector or authorised officer concerned shall forthwith send the sample to an approved veterinary laboratory.

REG 5

5. (1) An inspector or an authorised officer may paint, stamp, clip, tag or otherwise mark or require another person so to mark in such manner as he shall direct, any animal or carcass, and such mark may be permanent or otherwise.

(2) In case an inspector or an authorised officer makes a requirement under this paragraph, the person of whom the requirement is made shall comply therewith.

(3) A person shall not, other than with the permission of an inspector or an authorised officer, efface, obliterate, alter, or remove, or attempt to efface, obliterate, alter or remove, a mark applied pursuant to this Order.

REG 6

6. (1) Where, whether by reason of a notice given in pursuance of Article 3 of this Order or otherwise, an inspector believes or suspects that an animal or carcass is diseased, he may serve, or cause to be served, on the owner or the person who for the time being is in charge of the animal or carcass, a notice in writing in the form contained in the First Schedule to this Order.

(2) Where a notice is served pursuant to paragraph (1) of this Article, the following provisions shall have effect:

(a) the animal or carcass to which the notice relates shall be detained and isolated on the land or premises specified in the notice and the said animal or carcass and any other animal or carcass and any fodder, dung, litter or thing which has or may have been in contact with the first-mentioned animal or carcass shall not be moved from the said land or premises except under and in accordance with a permit granted by an inspector,

(b) no vehicle, machinery, equipment or thing which has or may have been in contact with any animal, carcass, fodder, dung or litter mentioned in subparagraph (a) of this paragraph shall be moved from the said land or premises until such vehicle, machinery, equipment or thing has been thoroughly washed, cleansed and disinfected with an approved disinfectant, and

(c) any milk produced on the said land or premises by a diseased animal or by an animal suspected of being diseased shall be

treated, and may only be disposed of, in such manner as an inspector may direct.

(3) The restrictions imposed by a notice served under this Article shall remain in force until the notice is cancelled by an inspector by a further notice in writing to that effect and served on the owner or the person who is for the time being in charge of the animal or carcase concerned.

(4) Subject to paragraph (5) of this Article, an inspector may by a notice in writing served on a person on whom a notice under paragraph (1) of this Article is served and which is for the time being in force direct that until the first-mentioned notice is cancelled the animal or carcase to which the last-mentioned notice relates, or in case there are more than one, all or any particular two or more of them shall be detained and isolated from all other animals and carcasses and that such detention and isolation shall be enforced at a place specified in the notice, and such notice may include such additional provisions (if any) as the inspector by whom it is given may consider necessary to ensure such detention and isolation.

(5) A notice under paragraph (4) of this Article shall not require animals to be detained and isolated on land or premises which are not owned by the person on whom the notice is served without the agreement of the person who is for the time being entitled to occupy the other land or premises.

REG 7

7. (1) Where by reason of diagnostic tests carried out on an animal or carcase or for any other reason an inspector has reasonable grounds for suspecting that bovine leukosis exists on any land or premises, or that there is an animal on any land or premises which has been, or which may have been, exposed to the infection of bovine leukosis, he may cause a notice in the form set out in the Second Schedule to this Order and relating to the land or premises to be served on the occupier thereof.

(2) Where a notice under this Article is served, the land or premises to which the notice relates shall for the purposes of this Order by virtue of such service be an infected place, and such land or premises, and any person from time to time thereon, shall, subject to paragraph (3) of this Article, be subject to the rules set out in the Third Schedule to this Order.

(3) An inspector may from time to time, by service of a further notice in writing on the occupier of an infected place, amend a notice previously served under this Article on such occupier (including a notice served under this paragraph) and without prejudice to the generality of the foregoing, a notice served under this paragraph may do either or both of the following, namely;

- (a) amend such notice so as to alter the limits of the relevant infected place,
- (b) provide that any of the rules set out in the Third Schedule

to this Order and specified in the notice shall cease to apply to the infected place, or to persons therein, or shall so apply subject to such modifications as are specified in the notice.

(4) The restrictions imposed by any notice served under this Article shall remain in force until the notice is cancelled by an inspector by a written notice to that effect served on the occupier of the relevant infected place.

REG 8

8. An inspector may serve a notice in writing on the occupier of any land or premises on which a diseased animal or carcase is, or has within the immediately preceding thirty days been, kept requiring such occupier at his own expense to carry out the following cleansing and disinfections:

- (a) all parts of any building or other area in which such animal or carcase is or was kept shall be disinfected with an approved disinfectant,
- (b) the said parts of the building or other area shall then be thoroughly scraped and swept and all scrapings and sweepings and all fodder, manure, litter and other matter shall be removed and shall forthwith be buried or effectually destroyed,
- (c) after such removal, the said parts of the building or other area shall again be disinfected with an approved disinfectant;
- (d) all vehicles, machinery, utensils, pens, hurdles, equipment or other things used for or about the diseased animal or carcase shall be thoroughly cleansed and disinfected with an approved disinfectant.

REG 9

9. Where the occupier of an infected place or land or a premises to which a notice served under Article 8 of this Order relates fails to comply with the requirements of Rule 4 of the Third Schedule to this Order or the requirements of such notice, as the case may be, it shall be lawful for an inspector to carry out or cause to be carried out the necessary cleansing and disinfection and, without prejudice to any proceedings which may be instituted for an offence under the Act, the reasonable expenses incurred in making good the default shall be a debt due to the Minister and in default of payment may be recovered by the Minister from the relevant occupier in any court of competent jurisdiction.

REG 10

10. Where the Minister pursuant to section 17 of the Act causes to be slaughtered a diseased animal or an animal suspected of being diseased, the Minister may cause the carcase of the animal to be buried, destroyed, sold or otherwise disposed of in accordance with his directions or, in the absence of such directions, in accordance with directions given by an inspector or by an authorised officer

(which directions an inspector or authorised officer is hereby empowered to give).

REG 11

11. (1) An application for compensation under section 17 of the Act as regards a diseased animal or an animal suspected of being diseased shall be in writing and shall be sent to the Secretary, Department of Agriculture, Dublin.

(2) Compensation referred to in paragraph (1) of this Article may be fixed by agreement between the applicant and the Minister, or, in default of such agreement, by a valuer appointed by the Minister.

(3) In the event of the applicant disputing the determination of an application mentioned in paragraph (1) of this Article, the dispute shall be referred to the decision of an arbitrator appointed by agreement between the applicant and the Minister or, in default of such agreement, appointed by the Minister, and the decision of such arbitrator shall be final and binding on both parties.

(4) Where the Minister pursuant to section 17 of the Act causes to be slaughtered a diseased animal or an animal suspected of being diseased, any application for compensation under the Act as regards the animal shall be postponed, pending the institution or determination of a prosecution for an offence in relation to the animal.

(5) Where an application for compensation referred to in paragraph (1) of this Article is made and there is failure by the applicant to take reasonable precautions to protect against bovine leukosis an animal to which the application relates, the Minister or arbitrator may in assessing the compensation make a deduction estimated by him to be the amount of any loss to the Exchequer or to the applicant himself arising by reason of such failure.

REG 12

12. An inspector may issue permits for the purposes of this Order, attach conditions to any such permit, vary such conditions and revoke any such permit.

REG 13

13. (1) The contravention of or failure to comply with, whether by act or omission, a condition attached to a permit issued for the purposes of this Order by an inspector is hereby declared to be an offence under the Act.

(2) the attempting to commit or the aiding, abetting, counseling or procuring of a contravention declared by paragraph (1) of this Article to be an offence under the Act is hereby declared to be an offence under the Act.

FIRST SCHEDULE.

Diseases of Animals Act, 1966

Diseases of Animals (Bovine Leukosis) Order, 1977

Notice to the owner or person in charge of an animal/carcase requiring its detention, isolation and prohibiting its movement.

To

.....of
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.....I,
the undersigned, being an inspector, hereby require you to detain and to isolate the following animal/carcasenameley

.....
.....
.....at

.....
(here describe the land or premises where the animal/carcase is to be isolated).

By reason of the service of this notice and the provisions of the Diseases of Animals (Bovine Leukosis) Order, 1977, the above-mentioned animal/carcase and land or premises become subject to the following restrictions:

- (a) the animal/carcase to which this notice relates and any other animal/carcase and any fodder, dung, litter or thing which has or may have been in contact with the first-mentioned animal/carcase shall not be moved from the said land or premises except pursuant to and in accordance with a permit granted by an inspector,
- (b) any vehicle, machinery or equipment which has or may have been in contact with any animal/carcase, fodder, dung, litter or thing described in paragraph (a) shall not be moved from the said land or premises until such vehicle, machinery or equipment has been thoroughly washed, cleansed and disinfected with an approved disinfectant,* and

(*Approved disinfectant means a disinfectant approved by the Minister under the Diseases of Animals (Disinfectants) Order, 1975 (S.I. No. 273 of 1975.))

- (c) any milk produced on the said land of premises by an animal affected by bovine leukosis or by an animal suspected of being so affected shall be treated and may only be disposed of in such manner as an inspector may direct.

This notice remains in force until cancelled by a subsequent written notice to that effect by an inspector.

Signed

.....(Inspector)Official

Address

.....Date

.....
SECOND SCHEDULE.

Form of Notice Declaring and Defining the Limits of an Infected Place

Diseases of Animals Act, 1966

Diseases of Animals (Bovine Leukosis) Order, 1977

(Article 7)

Notice Declaring and Defining the Limits of an Infected Place.

To.....of.....
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.....
I, the undersigned, being an inspector hereby give you as the occupier of the undermentioned premises notice that in accordance with the provisions of the above mentioned Order, the undermentioned premises are hereby declared to be an infected place for the purposes of the said Order. I hereby declare that this notice applies to the said premises and hereby give you notice that the said premises, and any person from time to time thereat, accordingly become subject to the Rules specified in this notice which are printed on the back hereof. Any person infringing these Rules is liable to prosecution. In these Rules so specified and printed "the infected place" means the undermentioned premises.

This Notice remains in force in its present form until it is cancelled or varied by a subsequent written notice to that effect served by an inspector on the occupier of the said premises.

NOTE—A notice declaring premises to be an infected place may be served under Article 7 of the Diseases of Animals (Bovine Leukosis) Order, 1977, in respect of any premises at which there is an animal affected with or suspected of being affected with bovine leukosis, or at which such an animal has died, or in respect of premises at which an inspector has reasonable grounds for suspecting that bovine leukosis exists, or that there is an animal which has been or which may have been exposed to the infection of bovine leukosis through contact with an affected or suspected animal.

Description of Premises to which Notice relates (The Infected Place).....
.....

Dated....., 19(Inspector)(Signed)
.....Official

Address
.....
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NOTE—The Inspector is with all practicable speed to send copies of this notice to the Secretary, Department of Agriculture, Dublin, to the Secretary of the local authority, to the District Veterinary Office and to the officer in charge of the nearest Garda Síochána

station in the district in which the infected place is situated.

THIRD SCHEDULE.

Rules referred to in Articles 7 and 9

1. No animal shall be moved into or out of the infected place except pursuant to and in accordance with a permit issued or the directions given by an inspector.
2. No carcase shall be removed from the infected place or otherwise disposed of except pursuant to and in accordance with a permit issued or directions given by an inspector and the carcase of an animal dying in the infected place shall be disposed of in a manner specified by an inspector.
3. No fodder, dung, litter, utensil or any other thing shall be moved out of the infected place except pursuant to and in accordance with a permit issued or directions given by an inspector and in case any such thing is so moved it shall be treated and disposed of in such manner as the inspector by whom the permit was issued may direct.
4. No vehicle, machinery, equipment or other thing which has been in contact with a diseased animal or a diseased carcase or with anything used for or about such an animal or carcase, shall be moved out of the infected place until such vehicle, machinery or equipment has been (thoroughly washed, cleansed and disinfected with an approved disinfectant.
5. Milk produced within the infected place shall be treated and may be disposed of only in such manner as an inspector may direct.
6. The occupier or person in charge of the infected place shall immediately give notice to the District Veterinary Office in the area where the infected place is located of—
 - (a) the birth of any animal at the infected place, and
 - (b) the death by slaughtering or otherwise of any animal at such place.

GIVEN under my Official Seal, this 25th day of October, 1977.

JAMES GIBBONS,

Minister for Agriculture.

EXPLANATORY NOTE.

This Order makes bovine leukosis a notifiable disease and lays down comprehensive measures and procedures for its detection, control and eradication. It also provides for matters relating to the payment of compensation for cattle which are slaughtered as having been affected or suspected of having been affected with bovine leukosis.