

S.I. No. 32 of 2003

Bovine Tuberculosis (Attestation of State and General Provisions) (Amendment) Order 2003

I, Joe Walsh, Minister for Agriculture and Food, in exercise of the powers conferred on me by sections 3, 13, 14, 19, 20 and 27 of the Diseases of Animals Act 1966 (No. 6 of 1966) (as adapted by the Agriculture, Food and Rural Development (Alteration of Name of Department and Title of Minister) Order 2002 (S.I. No. 306 of 2002)), hereby order as follows-

1. This Order may be cited as the Bovine Tuberculosis (Attestation of State and General Provisions) (Amendment) Order 2003 and paragraphs (b), (e) and (f) of Article 2 come into operation on 1 March 2003.
2. The Bovine Tuberculosis (Attestation of State and General Provisions) Order 1989 (S.I. No. 308 of 1989) is amended –

- (a) by substituting, for the definition of “authorised officer” in Article 2 –

“‘authorised officer’ has the same meaning as in section 17A (inserted by the Diseases of Animals (Amendment) Act 2001) of the Act;”,

- (b) by substituting, for Article 17(2) and (3)-

“(2) An animal which is over six weeks of age shall not be moved out of a holding or other land, other than direct to a premises where it is to be slaughtered, unless –

- (a) (i) during the twelve months immediately preceding the date of movement, it has given a negative result to a test, or

- (ii) it is moved under and in accordance with the terms of a movement permit,

and,

- (b) it has attached to each ear eartags required by Article 24(3)(d) (inserted by the Bovine Tuberculosis (Attestation of State and General Provisions) (Amendment) Order 2003) of this Order.

“(3) An animal which is over six weeks of age shall not be moved into a holding or other land, other than direct to a premises where it is to be slaughtered, unless –

(a) (i) during the twelve months immediately preceding the date of movement, it has given a negative result to a test, or

(ii) it is moved under and in accordance with the terms of a movement permit,

and,

(b) it has attached to each ear eartags required by Article 24(3)(d) (inserted by the Bovine Tuberculosis (Attestation of State and General Provisions) (Amendment) Order 2003) of this Order.”,

(c) by substituting, for Article 19(1) (a)-

“(a) the animal-

(i) has attached to its left ear the eartag that is required to be used by this Order as this Order had effect on 4 December 1989 or has attached to each ear eartags required by Article 24(3)(d) (inserted by the Bovine Tuberculosis (Attestation of State and General Provisions) (Amendment) Order 2003) of this Order and is accompanied by the identity card issued in respect of the animal, or

(ii) has attached to its left ear the eartag that is required to be used by this Order as this Order had effect on 4 December 1989 or has attached to each ear eartags required by Article 24(3)(d) (inserted by the Bovine Tuberculosis (Attestation of State and General Provisions) (Amendment) Order 2003) of this Order and is accompanied by a movement permit.”,

(d) by deleting Articles 21 and 22,

(e) by substituting, for Article 23(3)(a) (inserted by the Bovine Tuberculosis (Attestation of State and General Provisions) (Amendment) Order 1996 (S.I. No. 85 of 1996)) –

“(a) free animals in respect of which there are identity cards showing that the animals have passed a test within the period of 12 months ending on the day they are offered

for sale and that have eartags attached to each ear in accordance with this Order.”,

(f) by substituting, for “attached to its left ear the ear tag attached in pursuance of this Order ” in Article 23(5), “attached to each ear eartags required by Article 24(3)(d) (inserted by the Bovine Tuberculosis (Attestation of State and General Provisions) (Amendment) Order 2003) of this Order .”,

(g) by inserting, after Article 24(3)(c)-

“(d) Notwithstanding subparagraph (a) of this paragraph, the owner or person in charge of an animal shall, when an animal is identified as being in his or her herd, attach to each ear of the animal an approved eartag issued to him or her by or on behalf of the Minister.

(e) Without prejudice to Article 6(h) of this Order, a person shall not attach an approved eartag to an animal unless the animal is identified by means of the letters and numbers on the eartag and the identity card or passport relating to the animal bears the same letters and numbers.

(f) A person, other than an inspector, authorised officer or veterinary surgeon authorised to do so, shall not have an approved eartag in his or her possession or under his or her control unless the eartag was issued to him or her by or on behalf of the Minister.

(g) A person to whom an approved eartag has been issued by or on behalf of the Minister shall, on demand by an authorised officer, member of the Garda Síochána or officer of Customs and Excise, produce or surrender the eartag to the officer or member.

(h) If an eartag attached to the ear of an animal is lost or becomes illegible, the owner of the animal shall attach or cause to be attached a replacement eartag (that bears the identical letters and numbers as the eartag that is lost or illegible) issued to him or her by or on behalf of the Minister to the ear of the animal.”,

(h) by deleting Article 31, and

(i) by inserting, after Article 32(3)-

“(4) An identity card shall not issue in respect of an animal that bears an eartag applied under this Order as this Order had effect on 4 December 1989 if the eartag is

attached to the ear of the animal after the making of this Order.”.

3. The Bovine Tuberculosis (Attestation of State and General Provisions) (Amendment) (No. 2) Order 1990 (S.I. No. 230 of 1990) is revoked.

GIVEN under my Official Seal,
16 January 2003

Joe Walsh
Minister for Agriculture and
Food

Explanatory Note

(This note is not part of the instrument and does not purport to be a legal interpretation)

This Order provides for the modernisation of tagging arrangements in respect of cattle identified with an individual tag and prohibits (from 1 March 2003) movement and sale, except for slaughter, of cattle identified with a “brass tag”.

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