

BOVINE TUBERCULOSIS (ATTESTATION OF THE STATE AND GENERAL PROVISIONS) ORDER, 1989.

I, MICHAEL O'KENNEDY, Minister for Agriculture and Food, 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 (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 Bovine Tuberculosis (Attestation of the State and General Provisions) Order, 1989.

(2) This Order shall come into operation on the 4th day of December, 1989.

2. In this Order—

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

"animal", except in Articles 9 and 30 and paragraph 4 of Part II of the Second Schedule to this Order, means a bovine animal;

"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 24 of this Order;

"approved disinfectant" means a disinfectant specified in the Schedule to, or approved of by the Minister under, the Diseases of Animals (Disinfectants) Order, 1975 (S.I. No. 273 of 1975);

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

"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:

"free" means—

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

(i) a free herd, and

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

"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 herd owner in respect of the herd;

"holding", means all the land either 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 32 of this Order or in respect of an animal by an officer of the Minister before the commencement of this Order;

"licence" means a licence granted under Article 29 of this Order or by 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 33 of this Order;

"private test" means a test of all the animals, or of specific animals only, in a herd and which is both carried out at the herdowner's expense and authorised by a veterinary inspector;

"reactor" means an animal which, by reason of a test or otherwise, a veterinary inspector believes or suspects is affected with bovine tuberculosis or is capable of infecting other animals with bovine tuberculosis;

"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 12 of this Order;

"test" means a test of an animal for bovine tuberculosis;

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

"veterinary surgeon" means a registered veterinary surgeon;

and cognate words shall be construed accordingly.

3. It appearing to the Minister to be necessary for the eradication of bovine tuberculosis and the Minister being satisfied that bovine tuberculosis is virtually nonexistent 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. Cattle shall not be vaccinated against bovine tuberculosis or Johne's disease (para-tuberculosis) except with the approval of the Minister.

5. (1) A test shall not be carried out without the approval of a veterinary inspector.

(2) Where a veterinary surgeon enters on any holding with the intention of carrying out a test on any animals thereon, he may if he so thinks fit, require the owner, occupier or person in charge of the holding to make a declaration in writing in the form specified in the First Schedule to this Order.

6. (1) The following provisions shall have effect in relation to a test:

(a) the test to be used shall be the single comparative intradermal tuberculin test using PPD Weybridge bovine and avian tuberculins or a test specified in an authorisation in writing by the Minister which is for the time being in force;

(b) the test shall be carried out by a registered veterinary surgeon;

(c) the whole of the test shall be carried out by the same veterinary surgeon, except where otherwise authorised by a veterinary inspector, and the test shall be commenced and completed on the same holding;

(d) the test shall not be carried out in circumstances which might affect its accuracy;

(e) the owner or person in charge of an animal proposed to be or being tested shall inform the veterinary surgeon carrying out the test of the existence of any circumstances of which he may be aware including the previous use or application of johnin which might affect the accuracy of the test;

(f) each site at which tuberculin is injected shall, immediately before the injection of the tuberculin, be closely clipped over an area which is not less than that enclosed by a circle of 2.5 centimetres diameter;

(g) on the day on which the test is commenced, the veterinary surgeon carrying out the test shall send a notice of the test by post to the veterinary inspector in charge of the District Veterinary Office in the area in which the test is carried out;

(h) if the animal being tested does not already bear an approved ear-tag the following provisions shall be complied with:

(i) the veterinary surgeon carrying out the test shall, at the commencement of the test, attach an approved ear-tag to the left ear of the animal concerned,

(ii) such approved ear-tag shall bear the identification letter appropriate to the county in which the test is carried out and a serial number, and

(iii) the owner or person in charge of the animal shall permit such approved ear-tag to be so attached;

(*i*) prior to the commencement of any test the owner or person in charge of the animal or animals proposed to be tested shall surrender to the veterinary surgeon who is to carry out the test every identity card issued in respect of any animal on the holding on which the test is proposed to be carried out;

(*j*) (i) where a test, other than a test authorised under paragraph (2) of this Article, is carried out and the owner, occupier or person in charge of a holding omits to present for testing all the animals for the time being on the holding on which the test is carried out, the omission by him is hereby declared to be an offence,

(ii) prior to the commencement of any such test the owner or person in charge of the animal or animals intended to be tested, shall, if required by a veterinary inspector or an authorised officer or by the veterinary surgeon intending to carry out the test, make a declaration in writing in the form specified in the First Schedule to this Order;

(*k*) the veterinary surgeon carrying out the test shall report the result thereof to the District Veterinary Office in the area in which the test was carried out without delay in such form as may be directed by or on behalf of the Minister from time to time, and attach thereto any declaration made (if any) under Article 5 (2) of this Order or under subparagraph (*j*) (ii) of this paragraph;

(*l*) where, in the opinion of the veterinary surgeon who carried out the test, an animal tested has given a positive result, the veterinary surgeon shall forward to the District Veterinary Office in the area in which the test was carried out, with his report under subparagraph (*k*) of this paragraph, all the identity cards surrendered to him in accordance with subparagraph (i) of this paragraph;

(*m*) where, in the opinion of the veterinary surgeon who carried out the test, none of the animals tested has given a positive or inconclusive result, the veterinary surgeon shall endorse each of the identity cards surrendered to him in accordance with the said subparagraph (i) of this paragraph with an indication that the animal concerned has passed the test and return the identity cards, when duly endorsed, to the owner, occupier or person in charge of the holding on which the test was carried out;

(*n*) where, in the opinion of the veterinary surgeon who carried out the test, none of the animals tested has given a positive result but the result of the test has as regards any animal or animals been inconclusive, the veterinary surgeon shall—

(i) forward to the District Veterinary Office in the area in which the test was carried out, with his report under subparagraph (*k*) of this paragraph, the identity card of each animal as respects which the result of the test was, in his opinion, inconclusive, and

(ii) endorse each of the remaining identity cards surrendered to him in accordance with subparagraph (i) of this paragraph with an indication that the animal concerned has passed the test and return those identity cards, when duly endorsed, to the owner, person in charge of the animal or animals on which the test was carried out.

(2) A veterinary inspector may authorise the testing of one or more animals specified by him provided that in case the authorisation relates to two or more animals, such animals are from the same herd.

7. (1) No person shall—

(*a*) give to, or introduce into the body of, an animal any substance, or

(*b*) carry out any process or operation (including the making or obliterating of any identification mark) on, or apply any treatment (including treatment for inducing, reducing or preventing swelling) to the body of an animal,

for the purpose of affecting the accuracy of any test of the animal.

(2) It shall be the duty of the owner or person in charge of an animal to take such care of the animal as will ensure that paragraph (1) of this Article is not contravened in relation to the animal.

8. (1) Where an animal has given a positive result to a test—

(*a*) a person shall not, unless he is unaware that the animal has given such a result to such test, cause or permit the animal to be tested again with tuberculin, and

(*b*) a veterinary surgeon shall not, unless he is unaware that the animal has given such a result to such test, subsequently test the animal with tuberculin.

(2) Notwithstanding paragraph (1) of this Article, an animal which has given a positive result to a test may with consent given by or on behalf of the Minister be retested for experimental purposes.

(3) Where an animal has passed or given an inconclusive result to a test, then, within the period of sixty days beginning on the day on which the test was commenced—

(*a*) a person shall not, unless he either has the approval of a veterinary inspector or is unaware that the animal has passed or given an inconclusive result to such test, cause or permit the animal to be tested again with tuberculin, and

(*b*) a veterinary surgeon shall not, unless he either has such approval or is unaware that the animal has passed or given an inconclusive result to such a test, subsequently test the animal with tuberculin.

9. Where a veterinary surgeon finds evidence of bovine tuberculosis in any animal or carcase on any land, he shall, before the expiration of the day next following the day on which such evidence is found by him, inform thereof both the owner, occupier or person in charge of the land and the District Veterinary Office in the area in which the land is situated.

10. (1) Where on any holding—

(*a*) there is a reactor, or

(*b*) evidence of bovine tuberculosis is found in any animal,

the owner or person in charge of the animal shall immediately take all practicable steps to secure the effective isolation of the animal from the remainder of the herd on the holding.

(2) Where an animal is tested on any holding and the result of the test is inconclusive, the owner or person in charge of the animal shall immediately take all practicable steps to secure the effective isolation of the animal from the remainder of the herd, including any animal to which paragraph (1) of this Article applies, until the animal is again tested and the result of the test is negative.

11. (1) Where on any holding there is a reactor, the owner, occupier or person in charge of the holding shall take all practicable steps to prevent the infection of animals on adjoining land by contact with animals on the land and, subject to Article 12 of this Order, shall not during the period of thirty days commencing on the day on which such reactor is found allow any animal to be moved on to or off the holding except under and in accordance with the terms of a movement permit.

(2) Where an animal is a reactor a veterinary surgeon or authorised officer shall punch a diamond shaped hole of 1.5 centimetres width in the left ear of the animal and the owner or person in charge of the animal shall permit such marking.

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

(a) bovine tuberculosis is present on a holding, or
(b) the owner, occupier or person in charge of any holding has not, in relation to any animal, goat or swine, complied with any provision of the Act or of this Order,

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) On service of the notice referred to in paragraph (1) of this Article the holding to which the notice refers shall become a restricted holding and until a notice under paragraph (5) of this Article is given in respect of the holding the provisions contained in Part II of the Second Schedule to this Order shall apply in relation to the holding and shall be complied with by the person who is the owner, occupier or person in charge of the holding.

(3) If he has not already pursuant to Article 6 (1) (i) of this Order surrendered any identity cards in respect of the animals on the holding, the owner, occupier or person in charge of a restricted holding shall, upon being notified in accordance with paragraph (1) of this Article that the holding is a restricted holding, deliver forthwith to a veterinary inspector or authorised officer every such card.

(4) No animal may be moved into or out of a restricted holding except under and in accordance with the terms of a movement permit.

(5) Where, by reference to a subsequent investigation, a veterinary inspector is satisfied that the animals on a holding are free from bovine tuberculosis, the holding shall thereupon cease to be a restricted holding and such inspector shall, as soon as may be, give or send or cause to be given or sent to the owner, occupier or

person in charge of the holding a notice in the form specified in Part III of the Second Schedule to this Order.

13. (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 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 fourteen 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.

14. (1) A veterinary inspector or an authorised officer may, by notice in writing in the form specified in Part I of the Fourth Schedule to this Order and served on the owner, occupier or person in charge of a holding or other land on which a reactor has been disclosed or evidence of bovine tuberculosis has been found in any carcase or in any cattle, goats or swine, require such owner, occupier or person to refrain from grazing, or permitting to be grazed by cattle, goats or swine any lands specified in the notice and to cleanse and disinfect, as regards cattle, goats or swine within a period so specified and in accordance with the provisions contained in Part II of the Fourth Schedule to this Order, parts so specified of the holding or other land, any items which are items specified in the

said Part II and any utensils or vehicles used on such holding or other land as regards cattle, goats or swine.

(2) A statement of the provisions set out in Part II of the Fourth Schedule to this Order shall be incorporated in a notice served pursuant to this Order.

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

(4) The cost of carrying out pursuant to paragraph (2) of this Article the requirements of a notice under this Article to cleanse and disinfect may be recovered by the Minister from the person of whom the requirement was made as a simple contract debt in any court of competent jurisdiction.

15. (1) A veterinary inspector or an 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 to provide such testing facilities as he considers necessary to enable Article 6 of this Order to be complied with.

(2) A veterinary inspector or an 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 ninety days) 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.

16. (1) 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 for the period of time specified in the notice to keep any cattle, goats or swine specified in the notice on the holding or other land, being cattle, goats or swine affected, suspected by him of being affected or capable of infecting cattle, with bovine tuberculosis, under such control as may be so specified or to confine such cattle, goats or swine to such part, as may be so specified, of the holding or other land.

(2) Where an authorised officer is satisfied or has reasonable grounds for suspecting that an animal is not a free animal or if he 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 the owner or person in charge of the animal, require that, during the period specified therein, such owner or person shall not move the animal from premises specified in the notice other than to such other premises or holding and along such route as may be so specified, and in addition to the foregoing the authorised officer may, if he thinks fit, by the notice require such owner or person to retain the animal to which the notice relates on such other premises or holding and for such period as may be so specified.

(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 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 cards in respect of the animal to which the notice relates or any permit mentioned in Article 21 of this Order which relates to such animal.

(5) A notice served pursuant to this Article may be extended or revoked by an authorised officer.

17. (1) Animals, other than free animals, may not be moved into any holding except under and in accordance with the terms of a movement permit.

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

(a) during the period of four months ending on the date of the movement it has given a negative result to a test, or

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

(3) An animal which is over six weeks of age shall not be moved into a holding or other land (other than a premises at which it is to be slaughtered) unless either—

(a) during the period of four months ending on the date of the movement it has given a negative result to a test, or,

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

(4) An animal which is six weeks of age or under may not be moved into or out of a holding or other land unless it bears an approved ear-tag and is accompanied by an identity card.

18. (1) Where an animal in respect of which an identity card has been issued is sold or otherwise disposed of, the owner or person in charge of the animal shall, at the time of the sale or disposal, give the identity card to either the person acquiring the animal or his agent.

(2) Where an animal in respect of which an identity card has been issued is sold or otherwise disposed of, the person acquiring the animal or the agent

of such person shall not accept the animal unless he receives the identity card in respect of that animal.

(3) Where an animal in respect of which an identity card has been issued is presented for export or dies, the owner or person in charge of the animal shall forthwith surrender the identity card to a veterinary inspector or an authorised officer.

19. (1) An animal shall neither be moved, nor be permitted to be moved, into premises on which it is intended to be slaughtered unless at the time of its entry into the premises—

(a) the animal—
(i) has attached to its left ear the ear-tag attached thereto in pursuance of this Order and is accompanied by either an identity card in respect of it or a movement permit authorising its movement into premises for slaughter, or
(ii) is accompanied by a permit mentioned in Article 21 of this Order, and
(b) a veterinary inspector or an authorised officer is present on the premises.

(2) Where it is intended to move an animal into premises on which it is intended to be slaughtered the person in charge of the premises shall notify a veterinary inspector or an authorised officer of the intention to so move such animal and the animal shall only be so moved into the premises at such a time as the veterinary inspector or authorised officer considers reasonable.

(3) Whenever an animal is moved into premises on which it is intended to be slaughtered, the person in charge of the animal shall, at the time when the animal is so moved, surrender to the person in charge of the premises the identity card or permit, as the case may be, accompanying the animal, and the person in charge of the premises shall retain such identity card or permit for surrender to a veterinary inspector or an authorised officer.

(4) A person, other than a person to whom they have been surrendered in pursuance of this Article, or a veterinary inspector or an authorised officer, shall not have in his possession identity cards or permits at any time after the identity cards or permits have been surrendered nor shall such person have in his possession any ear-tag attached to an animal when it is moved into premises in accordance with this Article.

(5) Where an animal is moved into premises on which it is intended to be slaughtered that animal shall not be so slaughtered until a veterinary inspector or an authorised officer is satisfied that the provisions of this Article have been complied with.

(6) Nothing contained in this Article shall apply to a reactor which has been taken into the possession of a veterinary inspector or an authorised officer under Article 13 of this Order.

20. Where an animal is moved into premises in accordance with Article 19 of this Order and slaughtered, the person in charge of the premises shall—

(a) keep such record of the letter and number of the relevant ear-tag as given on the identity card or permit which accompanied the animal as shall enable the carcass of the animal to be related to such ear-tag, and

(b) produce the record to, and allow it to be inspected by, a veterinary inspector or an authorised officer on a request being made in that behalf by such an inspector or officer.

21. (1) An animal shall not be moved to a place in the State from a place in Northern Ireland except—

(a) under and in accordance with a permit issued by the Department of Agriculture in Northern Ireland which—

(i) authorises such movement,
(ii) specifies its destination, and
(iii) states that it is an animal which does not belong to a herd or part thereof on which any prohibition on or restriction of movement has been imposed by reason of any disease by the Department of Agriculture in Northern Ireland or any officer thereof, and

(b) in case the animal is of or over six weeks of age or is not being moved directly for slaughter to a premises in the State specified in the permit, under and in accordance with a document issued by the Department of Agriculture in Northern Ireland or any officer thereof certifying that the animal has given a negative result to a test within the period of thirty days ending on the date of the movement.

(2) An animal being moved into the State from Northern Ireland in accordance with paragraph (1) of this Article shall not be off-loaded (save in an emergency) at any holding, mart or other land prior to acceptance at its destination.

(3) A person having a permit mentioned in paragraph (1) of this Article shall at the request of an officer of customs and excise, an authorised officer or a member of the Garda Síochána, produce it to, and permit it to be inspected by, such officer or member.

22. Notwithstanding any other provision of this Order, animals which are attested animals under the law of Northern Ireland may be moved from Northern Ireland into premises in the State under and in accordance with the terms of a movement permit.

23. (1) This Article applies to every sale which is a public sale of animals.

(2) An animal shall not be exposed at any sale to which this Article applies except as provided for by this Article.

(3) Animals of the following classes only may be exposed at a sale to which this Article applies—

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

date of the sale and to the left ears of which ear-tags stand attached in pursuance of this Order, or

(*b*) free animals six weeks of age or under and to the left ear of which ear-tags stand attached in pursuance of this Order and which are accompanied by an identity card in respect of the particular animal concerned.

(4) Where animals referred to in subparagraph (*a*) of paragraph (3) of this Article are exposed at a sale to which this Article applies, the owner or person in charge of the animals shall have in his possession the identity cards issued in respect of the animals.

(5) The person in charge of a sale to which this Article applies shall ensure that any animal which is required by this Order or by the Act, to be accompanied by the document specified in paragraph (3) of this Article is not accepted for sale on the premises where such sale is to take place unless it is accompanied by such document and has still attached to its left ear the ear-tag attached in pursuance of this Order.

(6) The person in charge of a sale to which this Article applies shall, in respect of any animal sold at the sale, record on the relevant identity card the details provided for on the identity card as regards sale of the animal.

(7) (*a*) The person in charge of a sale to which this Article applies shall keep a record of the sale of each animal sold at the sale and the record shall include the name and address of both the vendor and the purchaser of the animal, together with the ear-tag number of the animal and the date of sale and the sex and type of the animal.

(*b*) 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.

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

24. (1) An ear-tag required to be used by this Article or Article 6 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 an authorised officer, or a veterinary surgeon authorised so to do, may attach an approved ear-tag to a live animal.

(b) No person, other than a veterinary inspector or an authorised officer, or a 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 an authorised officer, or 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 attached or applied pursuant to this Order.

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

25. Where—

(a) a holding is declared to be a restricted holding under Article 12 of this Order, or

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

a veterinary inspector shall in such manner as he considers appropriate cause the existence of such bovine tuberculosis to be brought to the notice of the occupier of such holdings as he considers appropriate.

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

27. A veterinary inspector or an authorised officer may examine any animal which is on any premises where a public sale 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.

28. (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.

29. (1) For the purpose of the prevention and eradication of bovine tuberculosis, 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 purpose of this Article by the Minister requires the person to whom it is granted to keep records, Article 28 (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.

30. 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.

31. An authorised officer shall be furnished with a warrant of his appointment as an authorised officer and, when exercising any power conferred on an authorised officer by this Order, shall, if so requested by any person affected, produce the warrant or a copy thereof to that person.

32. (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.

33. 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.

34. The requirements of or the conditions attached to any notice, movement permit or licence served, issued or granted under or for the purposes of this Order shall be complied with by the person on or to whom the notice, movement permit or licence has been served, issued or granted.

35. Where a person contravenes any provision of this Order, he shall be guilty of an offence under the Act.

36. 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 land forms part of a particular holding of land shall be admissible as *prima facie* evidence that the land forms such part.

37. 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.

38. The following Orders are hereby revoked:

(a) the Bovine Tuberculosis (Attestation of the State and General Provisions) Order, 1978 ([S.I. No. 256 of 1978](#)),

(b) the Bovine Tuberculosis (Attestation of the State and General Provisions) (Amendment) Order, 1982 ([S.I. No. 176 of 1982](#)),

(c) the Bovine Tuberculosis (Attestation of the State and General Provisions) (Amendment) Order, 1983 ([S.I. No. 230 of 1983](#)),

(d) the Bovine Tuberculosis (Attestation of the State and General Provisions) (Amendment) Order, 1985 ([S.I. No. 303 of 1985](#)),

(e) the Bovine Tuberculosis (Attestation of the State and General Provisions) (Amendment) (No. 2) Order, 1985 ([S.I. No. 419 of 1985](#)),

(f) the Bovine Tuberculosis (Attestation of the State and General Provisions) (Amendment) Order, 1986 ([S.I. No. 82 of 1986](#)),

(g) the Bovine Tuberculosis (Attestation of the State and General Provisions) (Amendment) (No. 2) Order, 1986 ([S.I. No. 430 of 1986](#)),

(h) the Bovine Tuberculosis (Attestation of the State and General Provisions) (Amendment) Order, 1987 ([S.I. No. 167 of 1987](#)), and

(i) the Bovine Tuberculosis (Attestation of the State and General Provisions) (Amendment) Order, 1988 ([S.I. No. 80 of 1988](#)).

FIRST SCHEDULE

Articles 5 and 6

BOVINE TUBERCULOSIS (ATTESTATION OF THE STATE AND GENERAL PROVISIONS) ORDER, 1989.

DECLARATION OF PRESENTATION OF ANIMALS AND SURRENDER OF IDENTITY CARDS REQUIRED BY ARTICLE 5 (2) OR ARTICLE 6 (1) (j) (ii) *

The (.....) bovine animals this day presented by me for testing here insert number

under the above Order at are the only bovine animals in my possession or under my control on that holding and I have no other bovine animals in my possession or under my control. I have surrendered all the identity cards in my possession to the testing veterinary surgeon.*

The (.....) bovine animals this day presented by me for testing here insert number under the above Order at are the only bovine animals in my possession or under my control except bovine animals on the land at I have surrendered all the identity cards in my possession to the testing veterinary surgeon.*

I have no bovine animals in my possession or under my control.*

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

Signature

.....

Date

.....

Witness

.....

Date

.....

Dealer/Herd number *

.....

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](#).

*Delete whichever is inapplicable.

SECOND SCHEDULE

Article 12

PART I

BOVINE TUBERCULOSIS (ATTESTATION OF THE STATE AND GENERAL PROVISIONS) ORDER, 1989.

NOTICE DECLARING A HOLDING A RESTRICTED HOLDING.

To

..... *Dealer/Herd number
..... of the holding at

..... I, the undersigned, being a Veterinary Inspector, pursuant to Article 12 of the above Order do hereby give you notice as owner, occupier or person in charge of the holding referred to above, that the holding is hereby declared to be a restricted holding under Article 12 of the above-mentioned Order and accordingly becomes subject to the provisions contained in Part II of the Second Schedule to the above Order (which provisions are set out on the back hereof).

This notice shall remain in force until it is withdrawn by a further notice in writing by a veterinary inspector.

Dated this day
of 19

Signed

Veterinary Inspector

*Delete whichever is inapplicable.

Note: Failure to comply with this notice is an offence under [section 48](#) of the [Diseases Of Animals Act, 1966](#).

PART II

PROVISIONS REFERRED TO IN ARTICLE 12 (2) AND APPLICABLE TO A RESTRICTED HOLDING.

The person who is for the time being in occupation of a restricted holding shall ensure that:

- (1) no animal is moved into or out of the holding except under the authority of a movement permit;
- (2) all animals punched in accordance with Article 11(2) of this Order (which animals are in this Part referred to as "punched animals") are isolated immediately from any other animals in the herd in such a manner as to prevent spread of infection;
- (3) all practicable steps, including where necessary the repair and reconstruction of boundary fences, are taken to prevent the infection of animals on adjoining land by contact with animals on the restricted holding;
- (4) milk from cows with bovine tuberculosis is not fed to bovine animals or to any other species of animal except after suitable heat treatment;
- (5) milk from cows with tuberculosis mastitis is not used for any purpose;
- (6) where all the punched animals on a holding are removed from the holding all houses used for housing animals and all pens, fittings and receptacles used for animals are forthwith cleansed and disinfected;
- (7) any manure and slurry on the holding is stored for at least two months prior to being moved off or spread on the holding;
- (8) receptacles containing an approved disinfectant are placed at any entrance to or exit from the holding or any animal housing thereon.

PART III

BOVINE TUBERCULOSIS (ATTESTATION OF THE STATE AND GENERAL PROVISIONS) ORDER, 1989.

WITHDRAWAL OF DECLARATION OF HOLDING AS A RESTRICTED HOLDING.

To *Dealer/Herd number
..... of the holding at

.....
.....

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 referred to above to be a restricted holding.

Accordingly, the provisions contained in Part II of the Second Schedule to the above Order (and set out on the back of the said notice) no longer apply to the above holding.

Dated this day of 19

Signed
.....
Veterinary Inspector

*Delete whichever is inapplicable.

THIRD SCHEDULE

Article 13

BOVINE TUBERCULOSIS (ATTESTATION OF THE STATE AND GENERAL PROVISIONS) ORDER, 1989.

NOTICE TO OWNER OR PERSON IN CHARGE OF REACTOR.

To Herd number of the holding at

I, the undersigned, being a veterinary inspector, hereby require you the owner or person in charge of the undermentioned

*animal which is a reactor

..... to—

animals which are reactors

(1) remove the said animal/animals* or cause it/them* to be removed directly to a meat processing plant for slaughter

(2) to so remove or cause to be so removed and to cause to be slaughtered the said animal/animals* within days from the date of this notice.

Dated this day of 19

Signed
.....

Veterinary Inspector
Ear Tag No.

Breed

Description

*Delete whichever is inapplicable.

FOURTH SCHEDULE

Article 14

PART I

*BOVINE TUBERCULOSIS (ATTESTATION OF THE STATE AND GENERAL PROVISIONS)
ORDER, 1989.*

NOTICE REQUIRING CLEANSING AND DISINFECTION.

To

.....
..... of
.....
.....

1. I, the undersigned, being a veterinary inspector/an authorised officer* for the purposes of the above mentioned Order, hereby give you notice as owner, occupier or person in charge of the holding or other land, referred to above, being a holding or other land on which evidence of bovine tuberculosis has been found, that you are required to cleanse and disinfect, in accordance with the provisions contained in Part II of the Fourth Schedule to the above Order (which provisions are set out on the back hereof), both the place or each of the places (of which the said holding or other land is partly comprised) specified hereunder and the items specified in the said Part II within days of this notice and in accordance with the provisions so set out.

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2. In addition to the foregoing I hereby require you until the day of 19..... to refrain from grazing, or permitting to be grazed by bovine animals, goats or swine in the land specified hereunder:

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

Dated this day of 19
Signed

.....
.....
Authorised Officer/Veterinary Inspector*

*Delete whichever is inapplicable.

PART II

PROVISIONS REFERRED TO IN ARTICLE 14 (1)

1. Such parts of a holding or other land to which a notice under Article 14 of this Order relates as are required by the notice to be cleansed and disinfected shall, before the removal of any manure, be sprayed or saturated with an approved disinfectant.
2. The manure referred to shall then be removed from the said parts and stocked in a place remote from cattle, goats and swine and shall not subsequently be spread on any pasture land.
3. After the removal of manure in pursuance of paragraph 2 of this Part, the place from which the manure is so removed shall be thoroughly scraped and the scrapings 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 be sprayed with an approved disinfectant.
4. Any hay, straw, fodder, roots or other feeding stuffs on the holding or other land and used for or about any cattle which are or were reactors shall be disposed of in the manner specified by an authorised officer.
5. All fittings, utensils and receptacles in the place of each of the places specified in a notice under Article 14 of this Order and used for any cattle which are or were reactors shall be

thoroughly cleansed and washed with a 4 per cent solution of washing soda in hot water and finally be sprayed with an approved disinfectant.

6. The boots worn by, and the hands of, persons who have carried out cleansing and disinfection in pursuance of this order or persons who have come into contact with reactors or any material which may be contaminated, shall be washed in an approved disinfectant.

7. The lands specified in that behalf in a notice under Article 14 of this Order shall not be used or permitted to be used for the purpose of grazing cattle, goats or swine during such period as is so specified.

FIFTH SCHEDULE

Article 2

(Front)

Serial No.

AN ROINN TALMHAIOCHTA AGUS BIA

CATTLE IDENTITY CARD

SEX

MALE

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 Issuing Officer Date
.....

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
Surgeon

Herd No.

Signature of Veterinary

1

 2

 3

 4

 5

1. Any alteration to this card renders it invalid.
2. Card must be surrendered:
 - (a) To new owner at time of sale or disposal of animal.
 - (b) To Local District Veterinary Office on death or slaughter or on leaving area.

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

RECORD OF SALE AT MARTS

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

.....

.....

.....

.....

RECORD OF VETERINARY SUBSTANCE (S) ADMINISTERED TO ANIMAL

Substance Used Veterinary Surgeon and Code Number	Expiry Date of Withdrawal Period	Signature of
1
2
3
4
5

GIVEN under my Official Seal, this 23rd day of November, 1989.

MICHAEL O'KENNEDY,
Minister for Agriculture and Food.

EXPLANATORY NOTE.

This Order which replaces the Bovine Tuberculosis (Attestation of the State and General Provisions) Order 1978 with effect from 4 December 1989 declares that the State continues to be an attested or disease-free area for the purposes of bovine tuberculosis eradication.

The Order also (1) prohibits testing of bovine animals for tuberculosis and vaccination of bovine animals against tuberculosis or Johne's disease, except with permission; (2) prescribes the type of test to be used for testing bovine animals for tuberculosis 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 far 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.

