
STATUTORY RULES OF NORTHERN IRELAND

1999 No. 264

ANIMALS

**Tuberculosis (Examination and Testing)
Scheme Order (Northern Ireland) 1999**

Made - - - - *9th June 1999*

Coming into operation *26th July 1999*

The Department of Agriculture, in exercise of the powers conferred on it by Article 8 of the Diseases of Animals (Northern Ireland) Order 1981(1) and of every other power enabling it in that behalf, having consulted with the bodies which appeared to it to be substantially representative of the interests concerned and with the approval of the Department of Finance and Personnel(2), hereby makes the following Order:

Citation and commencement

1. This Order may be cited as the Tuberculosis (Examination and Testing) Scheme Order (Northern Ireland) 1999 and shall come into operation on 26th July 1999.

Tuberculosis (Examination and Testing) Scheme (Northern Ireland) 1999

2. For the purposes of keeping bovine animals, so far as practicable, free from bovine tuberculosis, and controlling and, so far as practicable, reducing the incidence of that disease, the Department hereby makes the Scheme set out in the Schedule.

Sealed with the Official Seal of the Department of Agriculture on

9th June 1999.

R. S. Johnston
Assistant Secretary

(1) S.I.1981/1115 (N.I. 22)

(2) Formerly the Department of Finance. See S.I. 1982/338 (N.I. 6)Art. 3

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

The Department of Finance and Personnel hereby approves the foregoing Order.
Sealed with the Official Seal of the Department of Finance and Personnel on

9th June 1999.

D. Thomson
Assistant Secretary

Schedule

Tuberculosis (Examination and Testing) Scheme (Northern Ireland) 1999

Citation and interpretation

1.—(1) This Scheme may be cited as the Tuberculosis (Examination and Testing) Scheme (Northern Ireland) 1999.

(2) In this Scheme—

“animal” means any bovine or non-bovine animal;

“authorised officer” means an inspector, a veterinary inspector or other person authorised by the Department for the purposes of this Scheme;

“carcase” means the carcase of an animal;

“disease” means bovine tuberculosis;

“official test” means any examination or test which an authorised officer is required or authorised to carry out under paragraph 2(1).

(3) Any other expression used in this Scheme that is also used in the Tuberculosis Control Order (Northern Ireland) 1999(3) shall have the same meaning as in that Order.

Examination and official tests

2.—(1) The Department may for the purposes of this Scheme require an authorised officer to carry out such examinations or tests as it may determine in relation to any bovine animals or herd kept on such holding or holdings as it may determine and upon being so required that officer—

(a) shall examine or carry out those examinations and tests on such bovine animals kept on the holding or holdings as the Department may require;

(b) may carry out those examinations and tests on such other animals or such carcasses on the holding as he may think fit; and

(c) may carry out such further examinations or tests and may take such further steps as he thinks fit to establish whether any animal on the holding is affected with disease.

(2) An authorised officer who carries out an official test on an animal or a carcase shall forward a report on the result of that test, and such other information as the Department may require, to the Divisional Veterinary Officer within such time as the Department may require.

(3) Where an authorised officer has submitted a report to a Divisional Veterinary Officer under sub-paragraph (2) that report shall contain the name and address of the keeper of the animal, herd or carcase to which the report relates.

(4) Where a report has been submitted to him under sub-paragraph (2), the Divisional Veterinary Officer shall, if he knows or suspects that any bovine animal or herd to which the report relates is affected with tuberculosis, notify the owner of that animal of the fact.

3.—(1) For the purpose of carrying out his functions under paragraph 2, an authorised officer may at any time, and on production if so required of his authority, enter onto any land, building, shed, place or pen where an animal or carcase is kept or suspected on reasonable grounds to be kept.

(2) The keeper of any animal or carcase and the owner or occupier of, and any person employed on or in, any land, building, shed, pen or place where it is kept shall, upon request by an authorised officer—

- (a) provide facilities that in the opinion of a veterinary inspector are adequate to ensure both the safety of any person involved in the official testing of any animals and that of the animals being so tested;
- (b) present such animals or carcasses in his charge as the officer may require;
- (c) in the case of an animal, collect, pen, restrain or otherwise secure it in such manner as the officer may require so as to enable him to examine or officially test it; and
- (d) make clean water available to the officer for the cleansing and disinfection of any clothing and equipment used for the purposes of or in connection with any official test.

4. Where any person on whom a requirement is placed under paragraph 3 refuses or neglects to comply with these requirements without reasonable cause the Department may, without prejudice to any proceedings arising out of such default, carry out or cause to be carried out those requirements.

Prohibition on movement during testing

5. A person shall not, except with the prior permission of the Department, move or attempt to move or cause or permit to be moved any animal off any holding while animals on that holding continue to be officially tested or, where samples taken in the course of such testing are to be submitted to a laboratory for examination, until the result of that examination is known.

Prohibition on testing, vaccination and treatment

6.—(1) A person, other than an authorised officer, shall not carry out a test on any bovine animal for tuberculosis.

(2) A person, other than an authorised officer, shall not carry out a test on any non-bovine animal for tuberculosis without the permission of the Divisional Veterinary Officer for the area in which the animal is kept.

(3) A person shall not vaccinate any animal against tuberculosis except in accordance with the conditions of a licence issued by the Department.

(4) A person shall not treat any animal for tuberculosis except in accordance with the conditions of a licence issued by the Department.

(5) A licence issued under sub-paragraph (2), (3) or (4)—

- (a) shall be in writing;
- (b) may be granted subject to conditions; and
- (c) may be modified, suspended or revoked by notice in writing given to the holder thereof at any time.

Prohibition on tampering with official tests

7. A person shall not do any act or thing or attempt to do any act or thing or cause or permit any act or thing to be done whether before, during or after the carrying out of an official test, whereby the reaction of an animal or carcass to such a test is intended to be affected.

EXPLANATORY NOTE

(This note is not part of the Order.)

This Order contains a Scheme for the examination and testing of bovine and, where necessary, non-bovine animals which, in conjunction with the Tuberculosis Control Order (Northern Ireland) 1999 (S.R. 1999 No. 263) is designed to keep bovine animals, so far as practicable, free from bovine tuberculosis, and to control and, so far as practicable, reduce the incidence of that disease.

The Scheme—

- (a) enables an authorised officer to enter holdings where any bovine animals are kept or are suspected on reasonable grounds to be kept and examine and carry out a test for bovine tuberculosis on any bovine animals, non-bovine animals or carcasses on those premises (paragraph 2);
- (b) prescribes the requirements imposed on the occupier of the holding in relation to such an examination and test (paragraph 3);
- (c) enables the Department to carry out any requirements imposed on the occupier of a holding in relation to official tests where he fails to comply with those requirements (paragraph 4);
- (d) prohibits the movement of animals, and also non-bovine animals on which a test has been administered, off premises before an official test has been completed except with the prior permission of the Department of Agriculture (paragraph 5);
- (e) prohibits a person, other than an authorised officer, from carrying out a test on any animal for bovine tuberculosis and regulates the carrying out of such tests on other animals (paragraphs 6(1) and (2));
- (f) prohibits the vaccination of any animal or non-bovine animal against that disease (paragraph 6(3));
- (g) prohibits the treatment of any animal for that disease except under licence from the Department of Agriculture (paragraph 6(4)); and
- (h) prohibits acts whereby the reaction of an animal to a test for bovine tuberculosis is intended to be affected (paragraph 7).

Any person who, without lawful authority or excuse, proof of which shall lie on him, contravenes any provision of this Order shall be guilty of an offence against the Diseases of Animals (Northern Ireland) Order 1981 and shall be liable, on summary conviction, either to imprisonment for a term not exceeding one month or to a fine not exceeding level 5 on the standard scale (currently £5,000) or in the case of an offence committed with respect to more than 5 animals, not exceeding level 3 on the standard scale (currently £1,000) for each animal.