

2016 No. 347

ANIMALS, ENGLAND

ANIMAL HEALTH

The Tuberculosis (England) (Amendment) Order 2016

Made - - - - *10th March 2016*
Coming into force - - *6th April 2016*

The Secretary of State makes this Order in exercise of the powers conferred by sections 1 and 8(1) of the Animal Health Act 1981(a) and now vested in the Secretary of State(b).

Citation and commencement

1. This Order may be cited as the Tuberculosis (England) (Amendment) Order 2016 and comes into force on 6th April 2016.

Amendment to the Tuberculosis (England) Order 2014

- 2.—(1) The Tuberculosis (England) Order 2014(c) is amended as follows.
- (2) In article 2 (interpretation), after the definition of “keeper” insert—
- ““post-movement test” means a skin test carried out in accordance with article 9A;”
- (3) In the following provisions, for “biennially” substitute “annually”—
- (a) article 9(3)(a) and (c), and
- (b) article 11(7)(a).
- (4) After article 9 (pre-movement testing) insert—

“Post-movement skin tests in the low risk area

9A.—(1) When a bovine animal is moved into the low risk area from a herd located in another part of England, or in Wales, the keeper who receives the animals must arrange and pay for a post-movement skin test to be undertaken on it by an approved veterinary surgeon no fewer than 60 days, but no more than 120 days, after the date of arrival at the receiving premises.

- (2) The following animals do not require a post-movement skin test—

(a) 1981 c22.
(b) Functions conferred under the Act were transferred, so far as exercisable by the Secretaries of State for Scotland and Wales, to the Minister of Agriculture, Fisheries and Food by S.I. 1999/3141. Functions of the Minister of Agriculture, Fisheries and Food were then further transferred to the Secretary of State by the Ministry of Agriculture, Fisheries and Food (Dissolution) Order 2002 (S.I. 2002/794), article 2.
(c) S.I. 2014/2383 as amended by S.I. 2015/1838.

- (a) bovine animals that are slaughtered within 120 days of arrival at the receiving premises;
 - (b) bovine animals that are moved solely for veterinary treatment inside the low risk area, or are returning to the low risk area following veterinary treatment elsewhere, provided that they are returned directly to their premises of origin after the treatment, or are killed or go directly to slaughter;
 - (c) bovine animals that are moved to an agricultural show in the low risk area, or that return to the low risk area from an agricultural show outside the low risk area, provided that—
 - (i) the move does not involve a stay of more than 24 hours or the housing of those animals at the showground, and
 - (ii) they are returned directly to their premises of origin after the show, or are killed or go directly to slaughter after the show;
 - (d) bovine animals that are moved directly to one of the following in the low risk area—
 - (i) a market from which all animals go direct to slaughter;
 - (ii) an exempt market;
 - (iii) an approved collecting centre; or
 - (iv) a licensed finishing unit;
 - (e) bovine animals that are moved under the authority of a movement licence issued by an inspector.
- (3) Where a bovine animal is required to have a post-movement skin test under paragraph (1), no person may move that animal from the receiving premises until the skin test has been completed with negative results, unless the move is—
- (a) directly (or via a slaughter gathering or market) to slaughter,
 - (b) to a licensed finishing unit or an approved finishing unit, or
 - (c) made under the authority of a movement licence issued by an inspector.
- (4) Where a bovine animal is required to have a post-movement skin test, but remains untested after 120 days since arrival at the receiving premises—
- (a) the test will be treated by the Secretary of State as overdue, and
 - (b) an inspector must impose movement restrictions on all bovine animals on the premises until the overdue post-movement test has been completed with negative results.
- (5) For the purposes of this article—
- “the low risk area” means the area in England in which routine surveillance testing of bovine herds for tuberculosis takes place once every four years by default and which is identified by county by the Secretary of State in the document entitled “The Strategy for achieving Officially Tuberculosis Free status in England” published on 3rd April 2014^(a);
- “a licensed finishing unit” means a discrete, self-contained holding in the low risk area—
- (a) where all the bovine animals are permanently housed on the unit under movement restriction until they can be moved to slaughter,
 - (b) which is licensed by an inspector for the fattening and finishing of bovine animals that do not come from restricted herds.”

(a) “The Strategy for achieving Officially Tuberculosis Free status in England”, published by the Department for Environment, Food and Rural Affairs at www.gov.uk, or available by writing to the Bovine TB Programme team at Defra, Nobel House, 17 Smith Square, London SW1P 3JR.

(5) In paragraph 1 of article 12 (exempt finishing units, approved finishing units and approved collecting centres), for sub-paragraph (b) substitute—

“(b) a finishing unit (“an approved finishing unit”) that is—

- (i) in an area that is subject to routine surveillance testing of bovine herds for tuberculosis at least annually,
- (ii) permanently under movement restrictions,
- (iii) licensed by an inspector to take bovine animals from restricted and unrestricted herds for fattening and finishing until they are moved to slaughter, and
- (iv) licensed either for the bovine animals to be permanently housed, or for the bovine animals to be grazed on contiguous grazing land on the unit;”.

(6) In article 13 (prohibitions), after paragraph (4) insert—

“(5) Where a relevant test has been applied to a bovine animal, a person must not move the animal from the premises where it is being tested until the result of that test is negative, except under the authority of a licence issued by a veterinary inspector.”

(7) In the Schedule (permitted movements), in paragraph 1(f) omit the words after “unit”.

George Eustice
Minister of State

10th March 2016

Department for Environment, Food and Rural Affairs

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes a number of amendments to the Tuberculosis (England) Order S.I. 2014/2383 (“the 2014 Order”).

It inserts a new article 9A into the 2014 Order requiring keepers who receive bovine animals into the tuberculosis low risk area (an area of English counties specified by the Secretary of State) to arrange and pay for a post-movement skin test to be undertaken by an approved veterinary surgeon. The new article also sets out circumstances in which a post-movement test is not required.

The test must be undertaken no fewer than 60 days, but no more than 120 days, after the animals have arrived at the premises. If the test is not done then an inspector must impose movement restrictions on all bovine animals on the premises.

Article 13 of the 2014 Order is amended to provide that a person must not move bovine animals which have undergone a relevant test for tuberculosis before the result of such test has been completed with negative results.

Articles 9 and 11 of the 2014 Order are amended to refer to testing required annually rather than biennially as a result of changes to the different frequency of routine tuberculosis surveillance testing in England for certain bovine herds as published by the Secretary of State at www.gov.uk.

A full impact assessment of the effect that this instrument will have on the costs of business, and the voluntary sector is available on the Defra website (www.defra.gov.uk) or from the Bovine TB Programme team at the Department for Environment, Food and Rural Affairs, Nobel House, 17 Smith Square, London SW1P 3JR and is published with the Explanatory Memorandum alongside the instrument on (www.legislation.gov.uk).

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