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STATUTORY RULES OF NORTHERN IRELAND

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**1999 No. 263**

**ANIMALS**

**Tuberculosis Control 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 Articles 5(1), 10(6), 16(1), 19, 44 and 60(1) of, and paragraph 4 of Part I and paragraph 4 of Part II of Schedule 2 to, the Diseases of Animals (Northern Ireland) Order 1981(1) and of every other power enabling it in that behalf, hereby makes the following Order:

**PART I**  
**PRELIMINARY**

**Citation and commencement**

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

**Interpretation**

2.—(1) In this Order—

“affected” in relation to any animal or non-bovine animal means affected with disease and includes a reactor;

“animal” means a bovine animal;

“approved disinfectant” means a disinfectant approved for the time being by the Department under the Diseases of Animals (Approval of Disinfectants) Order 1972(2);

“disease” means bovine tuberculosis;

“carcase” means the carcase of an animal;

“herd” means—

(a) an animal kept; or

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(1) S.I. 1981/1115 (N.I. 22) as amended by S.I. 1984/702 (N.I. 2) Art. 17 and S.I. 1994/1891 (N.I. 6) Articles 20 and 23  
(2) S.R. & O. (N.I.) 1972 No. 16 as amended by S.R. 1975 No. 69 and S.R. 1995 No. 467

(b) a group of animals kept, managed or housed together, on a holding in such manner and under such conditions as will in the opinion of a veterinary inspector minimize the possibility of infection to any other animals whether kept on the same holding or another holding;

“holding” means any establishment, construction or, in the case of an open air farm, place in which the animals are held, kept or handled and includes land with or without buildings;

“identification number” in relation to any animal means the number displayed on—

(a) the eartag applied to the ear of that animal in accordance with Article 4.1 of Council Regulation 820/97 and the Cattle Identification (No. 2) Regulations (Northern Ireland) 1998(3);

(b) where applicable, the eartag attached to the ear of that animal under the Tuberculosis Control Order (Northern Ireland) 1964 as read with those Regulations;

“infection” means the infection of bovine tuberculosis;

“keeper” means any natural or legal person responsible for animals, whether on a permanent or temporary basis including during transportation or at a market;

“knackery” means any premises or place used for the slaughtering of animals, or the flaying, cutting up or processing of dead animals, the flesh of which is not intended for human consumption and includes a knacker’s yard;

“non-bovine animal” means—

(a) a deer, a goat, a pig, or a sheep; and

(b) an animal of any other species which presents a serious risk of transmitting the disease to such an animal or to a bovine animal;

“official test” has the meaning assigned to it by paragraph 1(2) of the Scheme;

“reactor” means an animal which has given a positive reaction to an official test or such other reaction to the test as shall satisfy the Department that the animal is probably affected;

“slaughterhouse” means any premises used for the slaughtering of animals the flesh of which is intended for human consumption;

“suspected animal” means an animal suspected of being affected; and

“the Scheme” means the Tuberculosis (Examination and Testing) Scheme (Northern Ireland) 1999(4).

(2) In this Order any reference to a herd being affected or suspected or being affected means a herd in which at least one animal is affected or suspected of being affected.

## Notification

3.—(1) The keeper of an affected animal (other than a reactor) or a suspected animal shall, with all practicable speed, give notice of the fact to the Divisional Veterinary Officer.

(2) A veterinary surgeon who identifies or examines an affected animal (other than a reactor) or a suspected animal shall, with all practicable speed, give notice of the fact of the Divisional Veterinary Officer.

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(3) [S.R. 1998 No. 279](#)

(4) The Tuberculosis (Examination and Testing) Scheme (Northern Ireland) 1999 is set out in the Schedule to the [Tuberculosis \(Examination and Testing\) Scheme Order \(Northern Ireland\) 1999, S.R. No. 264](#)

## PART II

### CONTROL OF DISEASE

#### **Notification by the Department of diseased or suspected animals**

4. Where the Department knows or suspects that an animal, a herd or a carcase is diseased, it shall serve on the keeper thereof a notice informing him of the fact.

#### **Restriction on movement of animals**

5.—(1) Subject to paragraph (5), a person on whom a notice is served under Article 4 shall detain the animal, herd or carcase to which it relates on the holding on which it is kept, or such part of the holding as may be specified in the notice.

(2) Where an animal in respect of which a notice has been served under Article 4 has been, or may have been, in contact with any other animal, the Department may serve a notice on the keeper of that other animal requiring him, subject to paragraph (5), to detain the other animal on the holding on which it is kept, or such part of the holding as may be specified in the notice.

(3) If a person refuses to permit the official testing of any animal, or refuses or neglects to comply with any requirement imposed upon him in connection with such testing under the Scheme, the Department may, by notice in writing served on the keeper of that animal, require that person to detain it on the holding on which it is kept, or such part of the holding as may be specified in the notice.

(4) The Department may by notice on any person on whom a notice has been served under paragraph (1) or (2) prohibit the movement into or out of any holding or part of the holding to which that notice relates of any manure, slurry, equipment, utensil, appliance or other thing except under and in accordance with the conditions of a licence issued by the Department.

(5) Notwithstanding the requirements of paragraph (1) or (2), a person may move any animal, herd or carcase from or to any holding or part of a holding under and in accordance with the conditions of a licence issued by the Department.

(6) The restrictions imposed pursuant to a notice served under this Article or Article 4 shall remain in force until the notice is withdrawn.

(7) Where a notice is served in respect of any animal under Article 4 or 5(2), the keeper of that animal shall comply with such requirements for the isolation of that animal, or such other animals kept by him, as may in the opinion of a veterinary inspector be necessary to prevent the spread of disease.

#### **Further precautions against the spread of infection**

6.—(1) A veterinary inspector may by notice served on the keeper of an affected animal or herd require him to take such steps as may be reasonably practicable to prevent any animal kept on the same holding from infecting any animal or non-bovine animal kept on any adjoining premises.

(2) Where a veterinary inspector knows or suspects that there is a serious risk of the spread of infection, he may by notice served on the keeper of an affected animal or herd prohibit the movement of animals—

- (a) into the herd; or
- (b) onto the holding on which the animal is kept,

unless such animals are so moved under the authority of and in accordance with the conditions of a licence issued by the Department.

### **Cleansing and disinfection generally**

7.—(1) Where, from the results of any official tests carried out in relation to—

- (a) an animal or non-bovine animal;
- (b) a herd; or
- (c) a carcass or the carcass of a non-bovine animal,

it appears to the Department that the animal, herd or carcass is affected, it may serve a notice on the owner or occupier of the holding on which the animal, herd or carcass is kept declaring that holding to be an infected place.

(2) The Department may by the same notice as referred to in paragraph (1), or by any subsequent notice, require the owner or occupier of an infected place to cleanse and disinfect with an approved disinfectant—

- (a) that place or such part of it as may be specified in the notice;
- (b) any receptacle or vehicle used for the confinement or movement of animals or the removal of any carcass from that place; and
- (c) any equipment, utensil, appliance or other thing used in connection with animals or carcasses therein,

at such time and in such manner as may be specified in the notice.

### **Control of manure and slurry**

8.—(1) The Department may serve a notice in writing on the occupier of a holding on which is kept—

- (a) any animal or herd to which a notice under Article 4 or 5 relates; and
- (b) any non-bovine animal which has reacted to an official test.

(2) A notice served on any person under paragraph (1) may require that person to—

- (a) treat and store such manure or slurry on the holding to which it relates as may be specified in the notice in such manner as may be so specified; and
- (b) prohibit him from using such manure or slurry on the holding as may be specified in the notice except for such purpose and in such manner as may be so specified.

### **Compliance with notices**

9.—(1) A person on whom a notice is served under this Part shall comply with the notice.

(2) If any person on whom a notice is served under this Part fails to comply with any requirements imposed on him under or by virtue of the notice, the Department may, without prejudice to any proceedings arising out of such default, carry out or cause to be carried out those requirements.

## **PART III**

### **SLAUGHTER AND COMPENSATION**

#### **Power to slaughter**

10.—(1) The Department may slaughter or cause to be slaughtered under the direction of a veterinary inspector any reactor or other animal which in the opinion of a veterinary inspector has been exposed to a significant risk of infection with disease and has not already been slaughtered under paragraph (5).

(2) Where the Department intends to slaughter an animal or to cause an animal to be slaughtered under paragraph (1) it shall serve on the keeper of the animal a notice in writing stating that intention.

(3) A notice served under paragraph (2) shall specify the identification number, sex, colour, breed and date of birth of the animal to which it relates.

(4) The keeper of an animal to which a notice under paragraph (2) relates shall provide all reasonable facilities for the valuation of the animal before it is removed for slaughter, and for the collection, securing and removal of the animal for slaughter.

(5) The owner of any animal to which a notice under paragraph (2) relates shall not slaughter or cause to be slaughtered that animal except under the authority and in accordance with the conditions of a licence issued by the Department for that purpose and where he does so Article 11 shall not have effect in relation to that animal.

### **Valuation and compensation**

**11.**—(1) Where the Department slaughters or causes an animal to be slaughtered under Article 10(1), the compensation payable by the Department for the animal shall be the market value of the animal.

(2) For the purposes of this Order, the market value of an animal means—

(a) in the case of an animal over 30 months old either—

(i) the price which might reasonably have been obtained for it at the time of valuation from a purchaser in the market if it had been free from disease; or

(ii) the value of that animal to the owner had it been slaughtered under and in accordance with Commission Regulation (EC) No. 716/96 adopting exceptional support measures for the beef market in the United Kingdom<sup>(5)</sup>,

whichever is the higher; or

(b) in the case of an animal 30 months old or under, the price which might reasonably have been obtained for it at the time of valuation from a purchaser in the market if it had been free from disease.

(3) Subject to paragraph (6) the market value of an animal to which a notice under Article 10(2) relates shall, for the purposes of this Article, be determined before the slaughter of the animal—

(a) by agreement between an inspector of the Department and the owner of the animal; or

(b) if they fail so to agree, by an independent valuer paid by the Department and selected by the owner from a list of at least three such valuers submitted by the Department to the owner.

(4) For the purposes of paragraph (3), the calculation of the market value of an animal under this Article shall not take account of any sum to which the owner might have become entitled in respect of the animal under any other statutory or any Community provision.

(5) The amount of compensation payable to the owner of an animal under this Article shall be without prejudice to any entitlement of that person to any payments in respect of the animal under any other statutory or any Community provision.

(6) Where the owner of an animal to which a notice under Article 11(2) relates refuses to select a valuer in accordance with paragraph (3), the Department shall select a valuer from the list mentioned in that paragraph to determine the market value.

(7) A valuer selected in accordance with paragraph (3) or (6) shall give to the Department and to the owner of the animal concerned a certificate in writing of his valuation of the animal.

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(5) O.J. No. L99, 19.4.96, p. 14

## PART IV

### GENERAL

#### **Power to seize certain animals**

12.—(1) The Department may seize, detain and dispose of an affected or suspected animal exposed for sale, carried, kept or otherwise dealt with in contravention of this Order, any notice served under this Order or the Scheme.

(2) The amount of any expenses reasonably incurred by the Department in seizing, detaining or disposing of an animal under paragraph (1) shall be recoverable by it as a civil debt from the owner of that animal.

#### **Information to be furnished to inspectors**

13.—(1) The owner of an affected animal which has been or is being kept on any holding, shall on demand by an inspector give such information as he possesses as to—

- (a) that animal or any other animal or carcase which is or has been on that holding; and
- (b) any other animal or carcase with which any animal or carcase mentioned in subparagraph (a), has or may have been in contact.

(2) Any person engaged in the purchase, sale, dispatch, transit or delivery of animals shall on demand by an inspector give such information as he possesses relating to any animal or carcase which is or has been in his possession or under his control.

#### **Control of non-bovine animals**

14.—(1) Where an animal is kept on the same holding as a non-bovine animal, a veterinary inspector may, by notice in writing served on the occupier of the holding, require him—

- (a) to ensure that the animal is separated from any such non-bovine animals which are affected or suspected; and
- (b) to ensure that such part or parts of the holding as may be specified in the notice and which is used by affected or suspected non-bovine animals is not used by any animal, or by any such animal or animals as may be so specified.

(2) The Department may slaughter or cause to be slaughtered under the direction of a veterinary inspector any non-bovine animal which reacts positively to an official test.

(3) The amount of compensation payable to the owner of a non-bovine animal slaughtered under paragraph (2) shall be the market value of the animal.

(4) Article 11(2) to (7) shall apply in relation to any non-bovine animal slaughtered under paragraph (2) as it applies to any animal to which a notice under Article 10(2) relates.

#### **Draft or dispersal sales**

15.—(1) Except under and in accordance with the conditions of a licence issued by the Department in writing the owner of any animal shall not hold or cause or permit to be held a sale by auction or otherwise of that animal—

- (a) on premises in which the animal is normally kept unless those premises have been habitually used as a market, sale-yard, fairground or place of exhibition; or
- (b) in any public place other than premises habitually used as a market, sale-yard, fairground or place of exhibition.

(2) A licence issued under paragraph (1) may, where the Department considers it necessary, be subject to the condition that all of the animals in the sale to which it relates shall have been officially tested during the period of 30 days prior to the holding of the sale with negative results.

### **Sterilisation of milk**

**16.** A person shall not use milk from an affected or suspected animal or non-bovine animal for feeding to or in the preparation of any feeding stuff for animals or non-bovine animals unless it has been first sterilised.

### **Notification of the presence of tuberculosis**

**17.** Where the Department knows or suspects that any animal is affected, it may, for the purposes of preventing the spread of disease notify—

- (a) any veterinary surgeon treating that animal; and
- (b) any person who keeps animals which are substantially at risk of becoming infected with disease by that animal or any animal on the holding on which that animal is maintained.

### **Revocations**

**18.** The statutory provisions listed in the Schedule are hereby revoked to the extent that they remain in operation.

Sealed with the Official Seal of the Department of Agriculture on

L.S.

9th June 1999.

*R. S. Johnston*  
Assistant Secretary

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## SCHEDULE

### Revocations

Column (1) <i>Number</i>	Column (2) <i>Title</i>
S.R. & O. (N.I.) 1935 No. 39	Bovine Tuberculosis (Northern Ireland) Order 1935
S.R. & O. (N.I.) 1959 No. 54	Tuberculosis (Arrested Herds) (Northern Ireland) Scheme 1959
S.R. & O. (N.I.) 1962 No. 161	Bovine Tuberculosis (Amendment) Order (Northern Ireland) 1962
S.R. & O. (N.I.) 1964 No. 26	Tuberculosis (Arrested Herds) (Amendment) Scheme (Northern Ireland) 1964
S.R. & O. (N.I.) 1964 No. 31	Tuberculosis Control Order (Northern Ireland) 1964
S.R. & O. (N.I.) 1966 No. 37	Tuberculosis (Arrested Herds) (Amendment No. 2) (Northern Ireland) Scheme 1966
S.R. & O. (N.I.) 1968 No. 236	Tuberculosis Control (Amendment) Order (Northern Ireland) 1968
S.R. & O. (N.I.) 1973 No. 76	Tuberculosis Control (Amendment) Order (Northern Ireland) 1973
S.R. 1975 No. 298	Tuberculosis Control (Amendment) Order (Northern Ireland) 1975
S.R. 1976 No. 85	Tuberculosis Control (Amendment) Order (Northern Ireland) 1976
S.R. 1977 No. 1	Tuberculosis Control (Amendment) Order (Northern Ireland) 1977
S.R. 1977 No. 338	Tuberculosis Control (Amendment No. 2) Order (Northern Ireland) 1977
S.R. 1978 No. 164	Tuberculosis Control (Amendment) Order (Northern Ireland) 1978
S.R. 1981 No. 348	Tuberculosis Control (Amendment) Order (Northern Ireland) 1981
S.R. 1981 No. 412	Tuberculosis Control (Amendment No. 2) Order (Northern Ireland) 1981
S.R. 1986 No. 48	Tuberculosis Control (Amendment) Order (Northern Ireland) 1986
S.R. 1994 No. 216	Tuberculosis Control (Amendment) Order (Northern Ireland) 1994
S.R. 1996 No. 240	Tuberculosis Control (Amendment) Order (Northern Ireland) 1996



Column (1) <i>Number</i>	Column (2) <i>Title</i>
<a href="#">S.R. 1998 No. 293</a>	Tuberculosis Control (Amendment) Order (Northern Ireland) 1998

### EXPLANATORY NOTE

*(This note is not part of the Order.)*

This Order which is made under the Diseases of Animals (Northern Ireland) Order 1981 revokes and re-enacts with amendments the Bovine Tuberculosis Order (Northern Ireland) 1935 (as amended) and the Tuberculosis Control Order (Northern Ireland) 1964 (as amended). The Order requires the keeper of any animal suspected of, or affected with, bovine tuberculosis and any veterinary surgeon attending such an animal to give notice of the fact to the Divisional Veterinary Officer (Article 3) and requires the Department, where it knows or suspects that any animal is diseased, to notify the keeper of that fact (Article 4).

Article 4 implements, as respects Northern Ireland, Article 8 of Council Directive [64/432/EC](#) on health problems affecting intra-Community trade in bovine animals and swine (O.J. No. 121, 29.7.1964, p. 1977/64 as last amended by Council Directive [97/12/EC](#) (O.J. No. L109, 25.4.97, p. 1) and Council Directive [98/46/EC](#) (O.J. No. L198, 15.7.98, p. 22)).

Restrictions are placed on the movement of animals which are known or suspected to be diseased (Article 5). A veterinary inspector may require the keeper of an affected animal to take such steps as are reasonably practicable to prevent the further spread of the disease (Article 6).

Where an affected animal or non-bovine animal, or a carcass, is on any premises the Department may serve a notice on the occupier of such premises requiring that any part of the premises, as specified in the notice, must be cleansed and disinfected (Article 7) and may impose further controls on the storage or use of manure or slurry (Article 8).

The Order makes non-compliance with notices an offence (Article 9) and provides the Department with powers of slaughter, valuation and compensation (Articles 10 and 11). The Department may seize, detain and dispose of an affected or suspected animal where there has been a contravention of this Order or the Tuberculosis (Examination and Testing) Scheme Order (Northern Ireland) 1999 (“the Scheme Order”) and any expense reasonably incurred by the Department concerning such seizure, detention or disposal shall be recoverable as a civil debt from the owner of the animal (Article 12).

The owner of an affected animal which is or has been kept on any premises or a person operating a slaughterhouse, knackery or any other establishment where animals or carcasses are found must provide such information as he possesses, as to any animal or carcass which is or has been on those premises, to an inspector on demand (Article 13).

Provision is made for a veterinary inspector to require the separation of animals from non-bovine animals (Article 14). Unless authorised by the Department in writing, the owner of animals must not hold, cause or permit a sale by auction or otherwise of his animals either on the premises where the animals are being kept or any public premises. If considered necessary by the Department, such authorisation may stipulate that all animals must have passed an official test within 30 days before the holding of the sale (Article 15).

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Where an animal (including a non-bovine animal) shows any signs or symptoms of tuberculosis an inspector may require the sterilisation of milk from that animal (Article 16). Where the Department knows or suspects that an animal is affected with the disease it may notify any veterinary surgeon treating that animal and any other person keeping animals which are substantially at risk of becoming infected (Article 17).