

STATUTORY INSTRUMENTS

1984 No. 1943

ANIMALS

ANIMAL HEALTH

The Tuberculosis (England and Wales) Order 1984

<i>Made - - - -</i>	<i>6th December 1984</i>
<i>Laid before Parliament</i>	<i>21st December 1984</i>
<i>Coming into Operation</i>	<i>12th January 1985</i>

The Minister of Agriculture, Fisheries and Food in relation to England, and the Secretary of State in relation to Wales, in exercise of the powers conferred by sections 1, 7(1), 8(1), 10(1) and (2), 15(4), 25, 32(2), 83(2), 87(2) and 88(2) of the Animal Health Act 1981(a), and of all other powers enabling them in that behalf, hereby make the following Order:—

Title and commencement

1. This Order may be cited as the Tuberculosis (England and Wales) Order 1984 and shall come into operation on 12th January 1985.

Interpretation

2.—(1) In this Order, unless the context otherwise requires:—

“the Act” means the Animal Health Act 1981;

“affected animal” means a cow which is affected with tuberculosis of the udder or is giving tuberculous milk, or a bovine animal which is affected with tuberculous emaciation, or is excreting or discharging tuberculous material, or is affected with a chronic cough and shows clinical signs of tuberculosis, and includes a reactor, and “suspected animal” shall be construed accordingly;

“appropriate Minister” in relation to England means the Minister, and in relation to Wales means the Secretary of State;

“appropriate officer” means a veterinary inspector or in relation to England, another officer of the Ministry, or in relation to Wales, an officer of the Secretary of State;

“approved disinfectant” means a disinfectant listed in the Diseases of Animals (Approved Disinfectants) Order of 1978(b) as being approved for the time being for use against tuberculosis;

“bovine animal” means a bull, cow, steer, heifer or calf;

(a) 1981 c. 22.

(b) S.I. 1978/32; relevant amending instruments are S.I. 1984/55, 1338.

“carcase” means the carcase of a bovine animal, and includes part of a carcase and the flesh, bones, hide, skin, hooves, offal or other part of a bovine animal, separately or otherwise, or any portion thereof;

“cow” includes a heifer that has calved;

“the Divisional Veterinary Officer” means the veterinary inspector appointed by the Minister to receive information about animals or carcasses affected or suspected of being affected with specified diseases, for the area in which the animal or carcase is;

“milk” includes cream and separated or skimmed milk;

“the Minister” and “the Ministry” mean respectively the Minister and the Ministry of Agriculture, Fisheries and Food;

“premises” includes land with or without buildings but does not include any part or parts of any premises used for the temporary detention of animals, as a market, sale-yard, fairground, slaughterhouse lair or place of exhibition;

“reactor” means a bovine animal which gives rise to a reaction consistent with its being affected with tuberculosis when tested for that disease either by or on behalf of the appropriate Minister or otherwise, as the case may be, provided that in the case of a test otherwise so carried out the result thereof has been reported to the appropriate Minister;

“slaughterhouse” means a slaughterhouse or knacker’s yard as defined in section 34 of the Slaughterhouses Act 1974(a);

“veterinary inspector” means a veterinary inspector appointed by the Minister;

“veterinary surgeon” means a person registered in the register of veterinary surgeons or the supplementary veterinary register.

(2) References in this Order to notices served in Form A or Form B shall be construed as references to notices served in the forms respectively so headed in Schedule 1 to this Order, or in forms substantially to the like effect.

Extension of definition of “disease” and power to slaughter on account of tuberculosis

3. For the purposes of the Act, the definition of “disease” in section 88(1) of the Act is hereby extended so as to include tuberculosis, and section 32 of the Act (power to slaughter animals) shall apply to that disease.

Application of the Order

4. The provisions of this Order shall not apply in relation to approved premises, within the meaning of the Importation of Animals Order 1977(b) and shall apply in relation to imported animals only—

(a) from the time specified in the licence issued in respect of those animals under article 11(5) of that Order; or

(a) 1974 c. 3.

(b) S.I. 1977/944.

- (b) where the existence or suspected existence of disease in any part of Great Britain makes it expedient that no such licence should be issued for the time being, from the time when those animals have completed the period of detention in quarantine required under the provisions of that Order, or as the case may be, have been rested in an approved reception centre for the period so required.

Notification of disease in bovine animals

5.—(1) A person who has in his possession or under his charge on any premises an affected animal (other than a reactor) or a suspected animal and a veterinary surgeon who, in the course of his practice, examines any such animal shall, with all practicable speed, give notice of the fact to a constable of the police force for the area in which the animal is or to an inspector of the local authority or to the Divisional Veterinary Officer.

(2) Where notice under paragraph (1) above is given to a constable or to an inspector of the local authority, he shall immediately transmit the information contained therein by the most expeditious means to the Divisional Veterinary Officer.

(3) A person who has in his possession or under his charge an affected or suspected animal as is described in paragraph (1) above shall forthwith detain it on the premises where it then is and isolate it as far as practicable from other bovine animals, and shall adopt precautions with respect to milk produced by the affected or suspected animal as if a notice in Form A had already been served upon him under article 7 below in respect of that animal.

Notification of disease in carcasses

6.—(1) A person who has in his possession or under his charge on any premises a carcass which is affected with or suspected of being affected with tuberculosis, and—

- (a) a veterinary surgeon who, in the course of his practice, examines any such carcass, and
- (b) a person who in the course of his duties under the Meat Inspection Regulations 1963^(a), or whilst inspecting meat for any other purpose, inspects any such carcass,

shall with all practicable speed, give notice of the fact to the Divisional Veterinary Officer.

(2) A person who has in his possession or under his charge a carcass to which paragraph (1) above applies shall detain it, or so much of it as is affected with or suspected of being affected with tuberculosis, on the premises where it then is until it has been examined by a veterinary inspector.

Veterinary enquiry as to the existence of disease

7.—(1) Where by reason of information received, whether under article 5 or article 6 above or otherwise, there is reason to believe that there is on any

^(a) S.I. 1963/1229, to which there are amendments not relevant to this Order.

premises an affected animal (other than a reactor) or a suspected animal or a carcase which is affected with or suspected of being affected with tuberculosis, a veterinary inspector shall, with all practicable speed, take such steps as may be necessary to establish the correctness of that information. For the purpose of carrying out his duties under the foregoing provisions of this paragraph a veterinary inspector may examine any bovine animal or carcase on the premises and take such samples as may be required for the purpose of diagnosis from any such bovine animal or carcase.

(2) A veterinary inspector shall serve a notice in Form A on the owner or person in charge of any bovine animal examined by him which in his opinion is an affected or suspected animal.

(3) The person on whom a notice in Form A has been served under this article shall comply with the notice and such notice shall remain in force until—

- (a) the animal to which it relates has died, or has been slaughtered pursuant to section 32 of the Act; or
- (b) withdrawn by a notice in writing served by a veterinary inspector on the person on whom the notice in Form A was served.

Tuberculin tests and valuation

8.—(1) The owner or person in charge of any bovine animal shall comply with all reasonable requirements of an appropriate officer with a view to facilitating the examination of that animal by a veterinary inspector, or the application to it of any diagnostic test for tuberculosis or the valuation of the animal in a case where the appropriate Minister intends to cause it to be slaughtered under section 32 of the Act in its application to tuberculosis, and in particular shall arrange for the collection, penning and securing of any such animal if so required.

(2) No person shall test a bovine animal with tuberculin except with the consent of the appropriate Minister and a person to whom any such consent is given shall, as soon as he knows the result of the test, forthwith report it to the appropriate Minister.

(3) If any person fails to comply with any reasonable requirement of an appropriate officer made in accordance with the provisions of paragraph (1) above the appropriate Minister may, without prejudice to any proceedings for an offence arising out of such default, take or cause to be taken all such steps as may be necessary to facilitate the examination and valuation of such animal, or the application to it of any diagnostic test for tuberculosis, and the amount of any expenses reasonably incurred by the appropriate Minister for the purpose of making good the default shall be recoverable by him as a civil debt from the person in default.

Prohibition on vaccination and therapeutic treatment

9.—(1) No person shall vaccinate a bovine animal against tuberculosis.

(2) No person shall treat a bovine animal for tuberculosis.

Notification of intended slaughter of animals

10.—(1) Where the appropriate Minister intends to cause a bovine animal to be slaughtered under section 32 of the Act in its application to tuberculosis, a veterinary inspector may serve a notice in Form B on the owner or person in charge of the animal informing him of the intended slaughter and requiring him to detain the animal pending such slaughter (or pending its surrender and removal for such slaughter) on such part of the premises as is specified in the notice and to isolate it as far as practicable from such other animals as are so specified.

(2) The person on whom such a notice has been served—

(a) shall comply with the notice; and

(b) shall not move the animal, or cause or permit it to be moved, off that part of the premises on which it is required to be detained, except under the authority of a licence issued by an appropriate officer.

Precautions against spread of infection

11.—(1) Where the appropriate Minister is satisfied that any bovine animal kept on any premises is an affected animal or a reactor—

(a) a veterinary inspector may, by notice in writing served on the owner or person in charge of any such animal, require him to take such steps as may be reasonably practicable to prevent any bovine animal kept on the premises from infecting by contact any bovine animal kept on any adjoining premises; and

(b) an appropriate officer may, by notice in writing served on the owner or person in charge of any such animal, require him—

(i) to arrange for the isolation of any animal or animals which may be specified in the notice on any part or parts of the premises so specified.

(ii) to ensure that any part or parts of the premises specified in the notice shall not be used by any animal on the premises, or by such animal or animals as may be so specified;

(iii) at his own expense, and within such time and in such manner as may be specified in the notice, to cleanse and disinfect such part or parts of the premises as may be so specified;

(iv) to treat and store manure or slurry from any place which has been used by such animal in accordance with the requirements of the notice;

(v) not to spread any manure or to spray or spread any slurry from any place which has been used by any such animal otherwise than in accordance with the requirements of the notice;

(vi) to cleanse and wash all utensils and other articles used for or about an animal to which the notice relates within such time and in such manner as may be specified in the notice.

(2) Where an appropriate officer reasonably believes that any bovine animal which is on, or which has been on, any premises which are used for any show,

exhibition, market, sale or fair, is an affected animal or has been exposed to the infection of tuberculosis, he may, by notice in writing served on the occupier of such premises, require him—

- (a) to ensure that any part or parts of the premises specified in the notice shall not be used by any other bovine animal for such period as may be specified in the notice;
- (b) at his own expense, and within such time and in such manner as may be specified in the notice—
 - (i) to cleanse and disinfect such part or parts of the premises as may be specified in the notice;
 - (ii) to dispose of any manure, slurry or other animal waste, straw, litter or other matter which has or might have come into contact with such animal.

(3) If any person on whom a notice is served under paragraphs (1)(b) or (2) above fails to comply with the requirements of the notice, the appropriate Minister may, without prejudice to any proceedings arising out of such default, carry out or cause to be carried out the requirements of the notice, and the amount of any expenses reasonably incurred by the appropriate Minister for the purpose of making good the default shall be recoverable by him as a civil debt from the person in default.

(4) A notice served under paragraph 1(b)(i) or (ii) above shall remain in force until withdrawn by a further notice in writing served by an appropriate officer on the owner or person in charge of the bovine animal to which that notice relates.

Prohibition on movement of bovine animals

12.—(1) A veterinary inspector may by notice in writing served on the owner or person in charge of bovine animals kept on such premises as are specified in the notice, prohibit the movement of bovine animals on to or off such premises, except under the authority of a licence issued by an appropriate officer and in accordance with any conditions subject to which the licence is issued.

(2) Such notice shall remain in force until withdrawn by a further notice in writing served by a veterinary inspector on the owner or person in charge of the bovine animals to which that notice relates.

Manure, slurry etc.

13. Where a notice has been served on the owner or person in charge of bovine animals kept on any premises under the provisions of article 12(1) above which prohibits the movement of bovine animals off such premises except under the authority of a licence, no manure, slurry or other animal waste shall be removed from such premises except under the authority of a licence issued by the appropriate officer and in accordance with any conditions subject to which such licence is issued.

Suspected animals in markets, shows and sales

14.—(1) Where a veterinary inspector reasonably believes that a bovine animal on any premises at which a show, exhibition, market, sale or fair is being held, is infected with, or has been exposed to the infection of tuberculosis, he may require that animal to be removed from those premises, and (as the owner or person in charge of the animal may elect) taken either—

- (a) to a slaughterhouse for immediate slaughter; or
- (b) back to the premises from which the animal was brought to the show, exhibition, market, sale or fair; or
- (c) to such other premises as may be approved by the appropriate officer for the purpose.

(2) A bovine animal shall only be moved in accordance with the provisions of subparagraph (b) or (c) of paragraph (1) above on condition that it is immediately put into isolation for a period to be terminated by a notice in writing served on the owner or person in charge of the said animal by an appropriate officer.

Control of infection from other animals

15.—(1) Where a veterinary inspector reasonably believes that an animal kept on any premises is, or may be, infected with tuberculosis, he may by notice in writing served on the occupier of such premises, require him to keep the animal under control in such manner as may be specified in the notice or to confine it to such part of the premises as may be so specified.

(2) A notice served under paragraph (1) above in respect of an animal kept on any premises shall remain in force until such time as the animal dies or it is withdrawn by a further notice in writing served by a veterinary inspector on the occupier of such premises.

(3) For the purposes of paragraphs (1) and (2) above “animal” means any kind of mammal except man.

Identification of bovine animals

16.—(1) Subject to paragraph (2) below, the owner of a bovine animal kept on any premises shall mark or identify the animal in a manner approved by the appropriate Minister and shall thereafter maintain such mark or identification so as to be clearly legible.

(2) The requirement in paragraph (1) above shall not apply in relation to any bovine animal less than 14 days old that is not removed, or is removed only to a slaughterhouse from such premises, within such period of 14 days.

Restriction on the sale of unidentified bovine animals in markets

17. The owner of a bovine animal shall not expose the animal for sale or cause or permit it to be exposed for sale in any market or sale-yard unless—

- (a) the animal has been marked or identified in accordance with the provisions of Article 16(1) above; and
- (b) such mark or identification is so maintained as to be clearly legible.

Marking of bovine animals

18.—(1) If so required in writing by an appropriate officer the owner or person in charge of bovine animals kept on any premises shall mark such animals in the manner required by the appropriate officer.

(2) The appropriate officer may paint, stamp, clip, tag or otherwise mark bovine animals kept on any premises.

(3) No person shall alter, remove, obliterate or deface, or attempt to alter, remove, obliterate or deface any such mark or identification as is referred to in the foregoing provisions of this article or in article 16(1) above.

Production of licences

19. Where a bovine animal is moved under the authority of a licence issued under this Order—

- (a) the animal shall be accompanied throughout such movement by the licence; and
- (b) the person in charge of the animal being so moved shall, on demand made under this Order by an appropriate officer, or by an inspector of the local authority or a constable, furnish his name and address and shall produce the licence and allow a copy thereof or extract therefrom to be taken.

Enforcement by local authority

20. This Order shall, except where otherwise expressly provided, be executed and enforced by the local authority.

Offences

21. Any person who, without lawful authority or excuse, proof of which shall lie on him—

- (a) contravenes any provision of this Order or of a licence issued or of a notice served under this Order; or
 - (b) fails to comply with any such provision or with any condition of any such licence or notice or with any requirement made under this Order; or
 - (c) causes or permits any such contravention or non-compliance,
- commits an offence against the Act.

Revocation

22. The Orders listed in Schedule 2 are hereby revoked.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 4th December 1984.



Michael Jopling,
Minister of Agriculture, Fisheries
and Food.

Nicholas Edwards,
Secretary of State for Wales.

6th December 1984.

SCHEDULE 1

FORM A

ANIMAL HEALTH ACT 1981

TUBERCULOSIS (ENGLAND AND WALES) ORDER 1984

(Article 7)

Notice requiring detention and isolation of affected or suspected animals, adoption of precautions with respect to milk and prohibiting movement of bovine animals

To _____ of _____

I, the undersigned, being a veterinary inspector appointed by the Minister of Agriculture, Fisheries and Food hereby give you notice as the owner/person in charge* of the following bovine animal, namely, _____ on the under-mentioned premises which is an affected or suspected animal for the purposes of the above Order, requiring you—

- (1) to detain the animal on the said premises and to keep the animal isolated as far as practicable from other bovine animals;
- (2) to take steps to ensure that the milk produced by the animal shall not be mixed with other milk and to ensure that all such milk shall forthwith be boiled or otherwise sterilised, and that any utensil with which such milk has been in contact before being so treated shall be thoroughly cleansed and scalded with steam or boiling water before being used again; and
- (3) to ensure that no bovine animals are moved on to or off the premises except under the authority of a licence issued by a veterinary inspector and in accordance with any conditions subject to which the licence is issued.

This notice remains in force until the animal to which it relates has died or has been slaughtered pursuant to the above-mentioned Act, or until it is cancelled by a subsequent notice served by a veterinary inspector on the owner or person in charge of the animal.

(Signed).....
 Veterinary Inspector of the Ministry of Agriculture,
 Fisheries and Food.

Dated _____ 19____

Description of premises on which the animal is to be detained and isolated.

Note. The veterinary inspector is with all practicable speed to send a copy of this notice to the Divisional Veterinary Officer, and to the local authority.

* Delete as appropriate

FORM B

ANIMAL HEALTH ACT 1981

TUBERCULOSIS (ENGLAND AND WALES) ORDER 1984

(Article 10)

NOTICE OF INTENDED SLAUGHTER

Herd Ref No

To
of
.....
.....
.....

I, the undersigned, being a veterinary inspector appointed by the Minister of Agriculture, Fisheries and Food, hereby give notice that the Minister/Secretary of State for Wales* proposes to cause the following bovine animals to be slaughtered with all convenient speed under the powers conferred by section 32 of the above Act in its application to tuberculosis, namely

- (a) affected animals and reactors (see Note 2 below)
.....
kept at
- (b) other animals (see Note 2 below)
.....
kept at

I require you, pending such slaughter (or pending surrender and removal for such slaughter), to detain the animal(s) specified above in
.....
being part of the premises where it is/they are* now kept, and to keep it/them* isolated as far as practicable from other bovine animals.

Signed.....
Veterinary Inspector of the Ministry of Agriculture,
Fisheries and Food.

Dated19

Note 1: In accordance with Article 11(1) of the Tuberculosis (England and Wales) Order 1984 you are required to take such steps as may be reasonably practicable to prevent the infection of bovine animals kept on adjoining premises by contact with bovine animals kept on your premises.

Note 2: The Brucellosis and Tuberculosis (England and Wales) Compensation Order 1978 (as amended) defines affected animals and reactors and fixes rates of compensation for them and for other bovine animals which are slaughtered as a result of being exposed to the infection of tuberculosis.

* Delete as appropriate

SCHEDULE 2

Article 22

Orders revoked	References
The Tuberculosis Order 1964	S.I. 1964/1151
The Tuberculosis (Amendment) Order 1973	S.I. 1973/2030
The Tuberculosis (Amendment) Order 1977	S.I. 1977/948

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order, which applies to England and Wales, consolidates, with amendments, the provisions of the Tuberculosis Order 1964 and its amending instruments.

The provisions of the 1964 Order relating to the application of what is now section 32 of the Animal Health Act 1981 (power to slaughter animals) to tuberculosis, to the compulsory notification of tuberculosis and to the investigation by a veterinary inspector into the existence of that disease are continued in force (Articles 3, 5, 6 and 7(1)). So are other provisions which enable precautionary measures to be required to be taken when a bovine animal is affected, or suspected of being affected, with tuberculosis (Article 7(2) and (3)), which prohibit the vaccination of a bovine animal against tuberculosis (Article 9) and which enable precautions to be required to be taken against the spread of tuberculosis (such as the isolation of animals and the cleansing and disinfection of premises) (Articles 10, 11, 12, 13 and 14).

The changes of substance made by the Order are—

- (1) the inclusion of a default power enabling the appropriate Minister (as defined in the Order) to carry out the requirements of a notice served on the occupier of premises used for any show, exhibition, market, sale or fair and on which there is or has been an animal suspected of being infected with tuberculosis, where such person fails to comply with its requirements, and to recover the cost of doing so from the person in default (Article 11(3));
- (2) the extension of a veterinary inspector's power to require pigs and goats, which are believed to be infected with tuberculosis to be confined to certain parts of the premises on which they are kept in order to prevent the risk of the spread of the disease, so that it applies to animals of any species where they are suspected of being infected with tuberculosis (Article 15); and
- (3) the inclusion of a prohibition on the exposure for sale in a market of a bovine animal by its owner unless it has been marked or identified in accordance with the provisions of the Order and the mark or identification is clearly legible (Article 17).

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