
 STATUTORY INSTRUMENTS

1984 No. 2063 (S. 163)

ANIMALS

ANIMAL HEALTH

The Tuberculosis (Scotland) Order 1984

<i>Made - - - -</i>	<i>19th December 1984</i>
<i>Laid before Parliament</i>	<i>25th January 1985</i>
<i>Coming into Operation</i>	<i>15th February 1985</i>

In exercise of the powers conferred by sections 1, 7(1), 8(1), 10(1) and (2), 15(4), 25, 32(2), 72, 83(2), 87(2) and 88(2) as read with section 86(1) of the Animal Health Act 1981(a), and of all other powers enabling me in that behalf, I hereby make the following order:—

Title extent and commencement

1. This order which may be cited as the Tuberculosis (Scotland) Order 1984 shall apply to Scotland only and shall come into operation on 15th February 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;

“appropriate officer” means a veterinary inspector, an officer of the Secretary of State, or an officer of the Minister;

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

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

“carcase” means the carcase of a bovine animal, and includes part of a carcase and the meat, 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;

“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;

(a) 1981 c.22.

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

“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 unless expressly so provided 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 it being affected with tuberculosis when tested for that disease;

“slaughterhouse” means a slaughterhouse or knacker’s yard as defined in section 22 of the Slaughter of Animals (Scotland) Act 1980(a) ;

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

“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

(b) where the existence or suspected existence of disease in any part of Great Britain makes it expedient that 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 at 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 a suspected or affected animal other than a reactor, 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.

(a) 1980 c.13.

(b) S.I. 1977/944.

(3) A person who has in his possession or under his charge a suspected or affected animal other than a reactor 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 Food (Meat Inspection) (Scotland) Regulations 1961(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 premises a suspected or affected animal other than a reactor or a carcass 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 carcass on the premises and take such samples as may be required for the purpose of diagnosis from any such bovine animal or carcass.

(2) A veterinary inspector shall serve on the owner or person in charge of any bovine animal examined by him which in his opinion is an affected or suspected animal a notice in Form A requiring the detention and isolation of affected or suspected animals and the adoption of precautions with respect to milk, and prohibiting movement of bovine animals.

(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.

(a) S.I. 1961/243, to which there are amendments not relevant to this order.

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 Secretary of State 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 Secretary of State 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 Secretary of State.

(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 Secretary of State 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 Secretary of State 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 Secretary of State 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 Secretary of State 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 spread or spray 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) or (2) above fails to comply with the requirements of the notice, the Secretary of State 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 Secretary of State 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 an appropriate officer and in accordance with any conditions subject to which such licence is issued.

Suspected animals in markets, fairs 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 to such other premises as may be approved by the appropriate officer for the purpose, provided the premises to which the animal is to be taken are not used for any show, exhibition, market, sale or fair.

(2) A bovine animal shall only be moved in accordance with the provisions of subparagraph (b) 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 the notice 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 Secretary of State 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.

(3) No person shall alter, remove, obliterate or deface or attempt to alter, remove, obliterate, or deface any such mark as is referred to in paragraph (1) above.

Restriction on the movement or sale of unidentified bovine animals

17. The owner of a bovine animal other than one which falls within article 16(2) above, shall not—

- (a) move or cause or permit the movement of that animal to any premises including any place used for any show, exhibition, market, sale or fair; or
- (b) expose for sale or cause or permit to be exposed for sale that animal,

unless the animal has been marked or identified in accordance with the provisions of article 16(1) above and such mark or identification is still 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 as is referred to in the foregoing provisions of this article.

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.

George Younger,
One of Her Majesty's Principal
Secretaries of State.

New St Andrews House,
Edinburgh.
19th December 1984.

Article 7

SCHEDULE 1

FORM A

ANIMAL HEALTH ACT 1981

Department of Agriculture and Fisheries for Scotland

TUBERCULOSIS (SCOTLAND) ORDER 1984

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*)

Official Address

Name in Block
Capitals

Date

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

Article 10

Department of Agriculture and Fisheries for Scotland

TUBERCULOSIS (SCOTLAND) ORDER 1984

NOTICE OF INTENDED SLAUGHTER

To Herd Ref. No.

of

.....

.....

.....

I, the undersigned, being a Veterinary Inspector appointed by the Minister of Agriculture, Fisheries and Food, hereby give notice that the Secretary of State 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 1 below)

.....

.....

(b) other animals (see Note 1 below)

.....

.....

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 (see Note 2 below).

Signed
(Veterinary Inspector)

Official Address

Name in Block
Capitals

Date

*Delete as appropriate

Note 1: The Brucellosis and Tuberculosis Compensation (Scotland) Order 1978 (a) fixes rates of compensation for affected animals and reactors and for other bovine animals which are slaughtered as a result of being exposed to the infection of tuberculosis.

Note 2: In accordance with article 11(1) of the Tuberculosis (Scotland) 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.

(a) S.I. 1978/1485, amended by S.I. 1981/1448.

Orders revoked	References
The Tuberculosis (Scotland) Order 1964	S.I. 1964/1109
The Tuberculosis (Scotland) Amendment Order 1973	S.I. 1973/2101
The Tuberculosis (Scotland) Amendment Order 1977	S.I. 1977/957

EXPLANATORY NOTE

(This Note is not part of the Order.)

This order consolidates with amendments the provisions of the Tuberculosis (Scotland) Order 1964 and its amending instruments.

Articles 3, 5, 6 and 7(1) of this order continue in force the provisions of the 1964 Order as now applied by section 32 of the Animal Health Act 1981 (power to slaughter animals) in respect of tuberculosis, the compulsory notification of the disease and the investigation by a veterinary inspector into the existence of the disease.

Also continued are the provisions enabling a veterinary inspector to require precautionary measures to be taken when a bovine animal is affected, or suspected of being affected, with tuberculosis (article 7(2) and (3)); prohibiting the vaccination of a bovine animal for, or treating it against, tuberculosis (article 9); and, with minor additional controls, enabling precautions to be taken against the spread of tuberculosis (articles 10, 11, 12, 13 and 14).

Changes of substance made by the order are—

- (a) the inclusion of a default power enabling the Secretary of State 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));
- (b) the empowering of a veterinary inspector to require animals of any species to be kept under control or confined to certain parts of the premises on which they are kept in order to prevent the risk of spread of the disease; this power applied previously only in respect of goats and swine (article 15);
- (c) the inclusion of a prohibition on the movement or exposure for sale 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).

A person who contravenes the order without lawful authority or excuse is guilty of an offence against the Act, and, by virtue of section 75 of the Act is liable in summary conviction to a fine not exceeding level 5 on the standard scale (presently £2,000) or in some cases a fine not exceeding level 3 on the standard scale (at present £400) for each animal or quantity of substance involved.

SI 1984/2063
ISBN 0-11-048063-5



780110480633