

2014 No. 714

ANIMALS, ENGLAND

ANIMAL HEALTH

The Tuberculosis (England) (Amendment) Order 2014

Made - - - - *18th March 2014*

Coming into force in accordance with article 1(2)

The Secretary of State, in exercise of the powers conferred by sections 1, 8(1), 15(4), 25 and 83(2) of the Animal Health Act 1981(a) and now vested in the Secretary of State(b), makes the following Order.

Title and commencement

1.—(1) This Order may be cited as the Tuberculosis (England) (Amendment) Order 2014.

(2) This Order comes into force on 6th April 2014, with the exception of article 2(8) which comes into force on 30th June 2014.

Amendments to the Tuberculosis (England) Order 2007

2.—(1) The Tuberculosis (England) Order 2007(c) is amended as follows.

(2) In article 3 (interpretation)—

(a) after the definition of “approved disinfectant” insert—

““approved veterinary surgeon” means a veterinary surgeon who is approved in accordance with article 3A;” and

(b) for the definition of “relevant test” substitute—

““relevant test” means—

(a) a skin test; or

(b) any other diagnostic test for tuberculosis approved by the Secretary of State;”.

(3) After article 3 insert—

“Approval of veterinary surgeons

3A.—(1) The Secretary of State may approve a veterinary surgeon where—

(a) 1981 c. 22.

(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 the Transfer of Functions (Agriculture and Food) Order 1999 (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).

(c) S.I. 2007/740, as last amended by S.I. 2012/2897.

- (a) the veterinary surgeon has undertaken any training as required by the Secretary of State, and
 - (b) the Secretary of State is of the opinion that the veterinary surgeon is suitable to carry out functions conferred on an approved veterinary surgeon by this Order.
- (2) The Secretary of State may by notice revoke any such approval, giving reasons for the revocation.”.

(4) In article 8 (tuberculosis testing)—

- (a) in paragraph (3) after the word “requirements of an inspector” insert “or approved veterinary surgeon”;
- (b) in sub-paragraph (a) of paragraph (3) after the word “inspector” insert “or approved veterinary surgeon”; and
- (c) for paragraph (5) substitute—

“(5) The requirements on the keeper in paragraph (6) apply where—

- (a) a relevant test has been applied to a bovine animal;
- (b) the result of that test has been read by an inspector or an approved veterinary surgeon and communicated to the keeper; and
- (c) the inspector or the approved veterinary surgeon is satisfied that the test reading reveals the bovine animal to be a reactor or an inconclusive reactor.

(6) The requirements are—

- (a) that no bovine animal be moved on or off the premises on which the reactor or inconclusive reactor is kept except under the authority of a licence issued by an inspector;
- (b) to ensure that every reactor and inconclusive reactor is isolated from other animals;
- (c) to permit every reactor to be marked by the person who read the relevant test or by an officer of the Secretary of State;
- (d) not to place any milk from a reactor dairy cow in the bulk milk tank; and
- (e) where the reactor resides on premises with a milking herd, to inform every commercial buyer which buys milk from that herd of the loss of tuberculosis-free status.

(7) An inspector may by notice amend or disapply the requirement referred to in paragraph (6)(a) or (b) at any time.

(8) The Secretary of State may treat a bovine animal (other than a bison or buffalo) as suspected of being affected with tuberculosis where—

- (a) the keeper has failed to have the animal tested as required by a notice served under paragraph (1); and
- (b) for reasons of practicability the animal has not been tested in accordance with paragraph (4) due to—
 - (i) its wild or aggressive propensity, or
 - (ii) the lack of adequate testing facilities.

(9) The inspector or approved veterinary surgeon reading the result of a relevant test which reveals a reactor or inconclusive reactor must report such test result as soon as reasonably practicable to the Secretary of State.

(10) In this article—

“inconclusive reactor” means a bovine animal that reveals a non-negative reading when tested for tuberculosis, but is not regarded as a reactor; and

“loss of tuberculosis-free status” means the herd no longer satisfies the conditions laid down in Annex A.I, paragraphs 1 and 2 of Council Directive 64/432/EEC on animal health problems affecting intra-Community trade in bovine animals and swine.”.

- (5) In article 9 (pre-movement testing)—
- (a) in paragraph (1)(b) after “inspector” insert “or approved veterinary surgeon”; and
 - (b) after paragraph (1) insert—
“(1A) Where a reading of the test in paragraph (1)(b) does not reveal a negative result for tuberculosis, the requirements in article 8(6) apply.”.
- (6) In paragraph (1) of article 10 (tuberculosis test records) after “inspector” insert “or approved veterinary surgeon”.
- (7) In article 19 (marking of bovine animals)—
- (a) for paragraph (1) substitute—
“(1) If directed to do so by an inspector or approved veterinary surgeon, the keeper must mark any bovine animal in the manner required by the inspector or approved veterinary surgeon.”; and
 - (b) in paragraph (2) after “inspector” insert “or approved veterinary surgeon”.
- (8) In the Schedule (permitted movements) omit paragraph 2 (common land).

18th March 2014

George Eustice
Parliamentary Under Secretary of State
Department for Environment, Food and Rural Affairs

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Tuberculosis (England) Order 2007 (S.I. 2007/740) (“the 2007 Order”). It provides for the Secretary of State to approve veterinary surgeons to carry out certain diagnostic tests for tuberculosis (relevant tests) on bovine animals and to examine and mark such animals. It provides for automatic requirements to apply to a keeper where a relevant test reveals a reactor or inconclusive reactor.

Article 2(2) introduces a new definition of “approved veterinary surgeon” and amends the definition of “relevant test”.

Article 2(4) amends article 8 of the 2007 Order—

- (a) paragraph (5) identifies the circumstances when requirements set down in paragraph (6) apply to the keeper;
- (b) paragraph (7) provides for an inspector to amend or disapply certain of the requirements by notice at any time;
- (c) paragraph (8) enables the Secretary of State to treat untested bovine animals (that are not bison or buffalo) in defined circumstances as affected with tuberculosis; and
- (d) paragraph (9) provides for reporting the results of a non-negative test result to the Secretary of State.

Article 2(5) enables an approved veterinary surgeon to carry out pre-movement testing of bovine animals. Article 2(6) provides that an inspector or an approved veterinary surgeon may mark bovine animals kept in order to identify affected animals. Article 2(7) enables an approved veterinary surgeon to mark, or direct the keeper, to mark a bovine animal. Article 2(8) removes the exemption from pre-movement testing before a keeper moves a bovine animal to or from common land.

A full impact assessment of the effect that this instrument will have on the costs of business, the voluntary sector and the public sector is available on the Defra website at www.gov.uk/defra, and is published with the Explanatory Memorandum alongside the instrument on www.legislation.gov.uk.

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