

1995 No. 369**ANIMALS****Bovine Leucosis Order (Northern Ireland) 1995**

Made 20th September 1995

Coming into operation 30th October 1995

The Department of Agriculture, in exercise of the powers conferred on it by Articles 5(1), 10(6), 12(1), 14(b), (c), (d), (f) and (h), 19(e), (h), (i) and (k), 44(b) and 60(1) of the Diseases of Animals (Northern Ireland) Order 1981(a) and of every other power enabling it in that behalf, hereby makes the following Order:

Citation and commencement

1. This Order may be cited as the Bovine Leucosis Order (Northern Ireland) 1995 and shall come into operation on 30th October 1995.

Interpretation

2.—(1) In this Order—

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

“Divisional Veterinary Officer” means a Divisional Veterinary Officer of the Department;

“identification number” in relation to any animal or carcase means the number allocated thereto by the Department under the provisions of the Tuberculosis Control Order (Northern Ireland) 1964(c);

“infected place” means a holding declared by the Department to be an infected place in accordance with Article 8; and

“the Scheme” means the Bovine Leucosis Scheme (Northern Ireland) 1995(d).

(2) Other expressions used in this Order which are also used in the Scheme shall have the same meaning as in the Scheme.

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- (a) 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) Arts. 20 and 23
 (b) S.R. & O. (N.I.) 1972 No. 16 as amended by S.R. 1975 No. 69
 (c) S.R. & O. (N.I.) 1964 No. 31; the relevant amending orders are S.R. & O. (N.I.) 1968 No. 236, S.R. 1986 No. 48 and S.R. 1994 No. 216
 (d) S.R. 1995 No. 370

Movement of animals for slaughter by Department

3. Nothing in Articles 5, 6 or 7 shall prevent an animal from being moved from any holding directly for slaughter in accordance with paragraph 10B of Part I of Schedule 2 to the 1981 Order(a).

Notification of disease

4.—(1) Every person having in his possession or under his charge, an animal or carcase which he knows or suspects is diseased shall, as soon as is reasonably practicable, give notice thereof to a Divisional Veterinary Officer.

(2) Subject to paragraph (4) any person who examines or handles any animal or carcase and knows or suspects that it is diseased shall, with all practicable speed, give notice thereof to a Divisional Veterinary Officer.

(3) A notice required to be given under paragraph (1) or (2) shall include the identification number of the animal or carcase to which it relates, a description of that animal or carcase and the name and address of the owner or person in charge thereof.

(4) The requirements of paragraph (2) shall not apply in relation to an authorised officer carrying out functions under paragraph 5 of the Scheme.

Movement of affected or suspected animals and removal of carcasses or other things

5.—(1) Where the Department knows or suspects that an animal or carcase is diseased it shall serve on the owner or person in charge thereof, or of the holding on which it is kept, a notice informing him of that fact.

(2) The person on whom a notice is served under paragraph (1) shall—

(a) detain the animal or carcase to which it relates on the holding, or such part thereof as may be specified in the notice, unless it is moved from that holding or part under the authority of and in accordance with the conditions of a licence granted by the Department;

(b) not move any litter or dung which has or may have been in contact with the diseased or suspected animal or carcase and any other animal which has or may have been in contact either with that litter or dung or the diseased or suspected animal, from the holding except under the authority of and in accordance with the conditions of a licence granted by the Department; and

(c) not move any vehicle, machinery or equipment which has or may have been in contact with any animal or carcase, litter or dung described in sub-paragraphs (a) or (b), from the holding until such vehicle, machinery or equipment has been thoroughly washed, cleansed and disinfected with an approved disinfectant.

(3) A person on whom a notice is served under paragraph (1) shall ensure that such requirements regarding isolation and segregation of animals kept on the holding as may, in the opinion of an inspector, be necessary to prevent the spread of disease are complied with.

(a) As inserted by S.R. 1995 No. 368

(4) The restrictions imposed pursuant to a notice served under paragraph (1) shall remain in force until the notice is revoked or until the holding concerned is declared to be an infected place.

Restrictions on the movement of other animals

6.—(1) Without prejudice to the provisions of Article 5, the Department may serve a notice on the owner or person in charge of any animal, or of the holding on which it is kept, which is part of or which has been in contact with an animal from—

- (a) a herd which is not an enzootic bovine leucosis free herd or which has had its enzootic bovine leucosis free status suspended in accordance with paragraph 4 of the Scheme; or
- (b) a herd linked epidemiologically with a herd which has had its enzootic bovine leucosis free status suspended in accordance with paragraph 4 of the Scheme.

(2) Where the Department has served a notice under paragraph (1), a person shall not move the animal to which it relates away from the holding on which it is kept except under the authority of and in accordance with the conditions of a licence granted by the Department.

7. Without prejudice to the provisions of Articles 5 or 6 if a person refuses to permit the official sampling of any animal, the carrying out of tests on carcasses or the examination of any animal or carcase under the Scheme or refuses or neglects to comply with a request by an authorised officer under paragraph 6(2) of the Scheme in relation to any animal or carcase the Department may, by notice in writing served on the owner or person in charge of the animal or carcase, or of the holding on which it is kept, prohibit the movement of that animal or carcase from the holding on which it is kept, except under the authority of and in accordance with the conditions of a licence granted by the Department.

Infected places

8.—(1) Where as a result of laboratory tests carried out on any official sample or any other sample taken under the Scheme, it appears to the Department that any animal is diseased it may serve a notice on the owner or occupier of any holding on which the animal is or has been kept, declaring that holding to be an infected place.

(2) The Department may, by the same notice as is referred to in paragraph (1) or by a further notice served in the like manner prohibit the movement into or out of the infected place of any animal, carcase, litter, dung, equipment, utensil, appliance, vehicle or other thing except under the authority of and in accordance with the conditions of a licence granted by the Department.

(3) A person on whom a notice is served under paragraph (1) shall ensure that such requirements regarding isolation and segregation of animals kept on the infected place as may, in the opinion of an inspector, be necessary to prevent the spread of disease are complied with.

Cleansing and disinfection generally

9.—(1) The Department may, by notice in writing served on the owner or occupier of an infected place, require him 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 carcase 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.

(2) An inspector may, by notice in writing served on the occupier of any holding (other than an infected place) in which there is or has within the preceding 56 days been any animal or carcase known or reasonably suspected by him to be or to have been diseased, require him to cleanse and disinfect with an approved disinfectant:—

- (a) the lairage of any animals and any yards, stables and other places used for animals or for the keeping of any carcase on the holding; and
- (b) any equipment, utensil, appliance or other thing used in connection with animals or carcasses therein,

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

Cleansing and disinfection of vehicles

10. The Department may, by notice in writing served on the owner or person in charge of any vehicle (other than a vehicle to which Article 9(1)(b) refers) which is used for the movement or removal of:—

- (a) any diseased or suspected animal or carcase; or
- (b) any animal, carcase, litter or dung which is or has been in contact with a diseased or suspected animal or carcase,

require him in such manner and within such period as may be specified in the notice, to cleanse and disinfect with an approved disinfectant that vehicle and any equipment, utensil, appliance or other thing used in connection with that carriage.

Notices

11.—(1) A notice served on any person under this Order may at any time be revoked or varied by a further notice served by the Department on the same person.

(2) Where a person has been served with a notice under this Order he shall comply with its requirements.

Action in case of default

12.—(1) Where a person fails to comply with a request by an authorised officer under paragraph 6(2) of the Scheme, the Department may, without prejudice to any proceedings for an offence arising out of such default, take such action as may be necessary to remedy that failure.

(2) Where a person on whom a notice is served under Articles 9 or 10 fails to comply with the requirements thereof the Department may, without prejudice to any proceedings for an offence arising out of such default, carry out or cause to be carried out such cleansing and disinfection as is required by the notice.

Marking

13.—(1) An inspector may for identification purposes, paint, stamp or clip any mark on any animal or carcase or may permanently mark an animal or carcase.

(2) A person shall not alter, remove, obliterate, deface or duplicate or attempt to alter, remove, obliterate, deface or duplicate any mark referred to in paragraph (1).

Milk from diseased or suspected animals

14.—(1) Subject to paragraph (3), a person shall not knowingly sell for feeding to animals any milk which he knows or has reason to suspect has been produced by a diseased or suspected animal.

(2) Subject to paragraph (4), a person shall not feed to any animal any milk which he knows or has reason to suspect has been produced by a diseased or suspected animal.

(3) The prohibition in paragraph (1) shall not apply to the sale of milk for feeding to an animal in a research establishment under the authority of a licence granted under paragraph (4)(b).

(4) The prohibition in paragraph (2) shall not apply:—

(a) to the feeding to its own calf of any milk produced by a cow if the calf is to be slaughtered by the Department; or

(b) to the feeding of any milk to an animal, in a research establishment under the authority of and in accordance with the conditions of a licence granted by the Department.

Information to be furnished to inspectors

15. The owner of any diseased or suspected animal and any person engaged in the purchase, sale, despatch, transit or delivery of such an animal shall on demand by an inspector give such information as he possesses as to:—

(a) that animal and in particular its identification number, location and movement;

(b) any other animal with which that animal may have come into contact and in particular its identification number, location and movement.

Seizure and detention of certain animals

16.—(1) The Department may seize and detain a diseased or suspected animal which has been carried, kept or otherwise dealt with in contravention of this Order or the Scheme.

(2) The Department may recover from the owner thereof the amount of any expenses reasonably incurred by the Department in seizing or detaining any animal under paragraph (1).

Revocation

17. The Bovine Leucosis Order (Northern Ireland) 1977(a) is hereby revoked.

Sealed with the Official Seal of the Department of Agriculture on 20th September 1995.

(L.S.)

P. T. Toal

Assistant Secretary

(a) S.R. 1977 No. 33

EXPLANATORY NOTE

(This note is not part of the Order.)

This Order makes certain provisions in accordance with the requirements of Annex G to Council Directive 64/432/EEC ("the Directive") for the control of enzootic bovine leucosis ("the disease").

The main provisions of the Order are as follows:—

- (a) Article 3 exempts animals moved for slaughter in accordance with paragraph 10B of Part I of Schedule 2 to the Diseases of Animals (Northern Ireland) Order 1981 from the movement controls contained in Articles 5 to 7.
- (b) Article 4 requires certain persons to notify the Department where they know or suspect that a bovine animal or carcase is diseased.
- (c) Article 5 requires the Department to serve a notice on the owner or person in charge of a diseased or suspected animal or carcase. It also requires the person on whom such a notice is served to detain the animal or carcase and certain other things on the premises unless they are moved under licence granted by the Department.
- (d) Article 6 enables the Department to serve a notice on the owner or person in charge of an animal which is part of or which has been in contact with an animal from certain herds which pose a risk of spreading the disease. Where the Department has served such a notice a person shall not move the animal to which it relates except under licence granted by the Department.

- (e) Article 7 enables the Department to prohibit the movement of animals, except under licence, if a person refuses to permit the sampling, testing or examination of animals or carcasses or refuses or neglects to comply with paragraph 6(2) of the Scheme.
- (f) Article 8 provides for the declaration of infected places and the consequences of such declarations.
- (g) Article 9 provides for cleansing and disinfection of infected places and other holdings.
- (h) Article 10 provides for the cleansing and disinfection of vehicles.
- (i) Article 11 provides for the revocation and variation of notices served under this Order.
- (j) Article 12 enables the Department to take remedial action where a person fails to comply with a request by an authorised officer under paragraph 6(2) of the Scheme or the requirements of a notice served under Articles 9 or 10 of this Order.
- (k) Article 13 empowers inspectors to mark animals for identification purposes.
- (l) Article 14 prohibits the feeding or sale for such purposes of milk from diseased or suspected animals subject to certain exemptions.
- (m) Article 15 requires certain persons to give specified information, on demand, to inspectors.
- (n) Article 16 enables the Department to seize and detain diseased or suspected animals carried, kept or otherwise dealt with in contravention of this Order or the Scheme.

Any person who without lawful authority or excuse, proof of which shall lie on him, contravenes any provision of the Order shall be guilty of an offence against the Diseases of Animals (Northern Ireland) Order 1981. The penalty, on summary conviction, is a fine at level 5 on the standard scale (currently £5,000) or in the case of an offence committed with respect to more than 5 animals, a fine at level 3 on the standard scale (currently £1,000) for each animal; or in the case of an offence committed in relation to carcasses or other inanimate things a fine at level 5 on the standard scale (currently £5,000) together with a further fine at level 3 on the standard scale (currently £1,000) in respect of every 508 kilogrammes in weight of the carcasses or other things after the first 508 kilogrammes.