

1995 No. 370

**ANIMALS****Bovine Leucosis Scheme 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 8(1) and (2) of the Diseases of Animals (Northern Ireland) Order 1981(a) and of every other power enabling it in that behalf, having consulted with the bodies which appeared to it to be substantially representative of the interests concerned and with the approval of the Department of Finance and Personnel(b), hereby makes the following Order:

*Citation and commencement*

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

*Bovine Leucosis Scheme*

2. For the purpose of keeping bovine animals, so far as practicable, free from enzootic bovine leucosis and, so far as practicable, reducing the incidence of the disease, the Department hereby makes the Scheme set out in the Schedule.

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

(L.S.)

*P. T. Toal*

Assistant Secretary

The Department of Finance and Personnel hereby approves.

Sealed with the Official Seal of the Department of Finance and Personnel on 20th September 1995.

(L.S.)

*D. Thomson*

Assistant Secretary

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(a) S.I. 1981/1115 (N.I. 22) to which there are amendments not relevant to this Order

(b) Formerly the Department of Finance. See S.I. 1982/338 (N.I. 6) Art. 3

**Bovine Leucosis Scheme (Northern Ireland) 1995***Citation and interpretation*

1.—(1) This Scheme may be cited as the Bovine Leucosis Scheme (Northern Ireland) 1995.

## (2) In this Scheme—

“approved laboratory” means the laboratory of the Department situated at Stoney Road, Belfast, BT4 3SD;

“animal” means a bovine animal;

“authorised officer” means an inspector or other officer of the Department authorised by it to exercise powers under this Scheme and the Bovine Leucosis Order;

“Bovine Leucosis Order” means the Bovine Leucosis Order (Northern Ireland) 1995(a);

“carcass” means the carcase of an animal;

“the Directive” means Council Directive 64/432/EEC on animal health problems affecting intra-Community trade in bovine animals and swine(b);

“disease” means bovine leucosis;

“diseased” means affected with disease;

“enzootic bovine leucosis” means that form of the disease which is caused by bovine leucosis virus;

“enzootic bovine leucosis free” in relation to any herd means an enzootic bovine leucosis free health status allocated to that herd in accordance with paragraph 3;

“herd” means one or more animals in the same ownership;

“holding” has the same meaning as in the Directive;

“official sample” means a sample taken from an animal by an authorised officer for the purposes of an official sampling;

“official sampling” means the taking by an authorised officer of samples of blood from animals with a view to the samples being submitted to the approved laboratory for the carrying out of tests for enzootic bovine leucosis;

“suspected” means suspected of being diseased; and

“the 1981 Order” means the Diseases of Animals (Northern Ireland) Order 1981.

*Bovine leucosis free region*

2.—(1) Subject to sub-paragraph (2), Northern Ireland is hereby declared to be an enzootic bovine leucosis free region within the meaning of Section B of Chapter I of Annex G to the Directive.

(2) Where the enzootic bovine leucosis free status of more than 0.2% of herds in Northern Ireland has been suspended under paragraph 4 the status of Northern Ireland as an enzootic bovine leucosis free region shall be suspended until:—

(a) S.R. 1995 No. 369

(b) O.J. No. 121, 29.7.64, p. 1977, as most recently amended by Council Directive 94/42/EC (O.J. No. L201, 4.8.94, p. 26)

- (a) the measures required by paragraph 4(1) or (2), as the case may be, have been taken in relation to all such herds and any herd linked epidemiologically with them; and
- (b) official samples from each animal over 24 months of age in 20% of other herds have been tested in accordance with paragraph 7(3) within the time limits stipulated by Section A(1)(ii) of Chapter I of Annex G to the Directive, and all the official samples tested in accordance with this sub-paragraph have reacted negatively.

#### *Allocation of bovine health status*

3. The Department shall for the purposes of Section A(1) of Chapter I of Annex G to the Directive allocate to each herd the health status of an enzootic bovine leucosis free herd where it satisfies the conditions laid down in that Section.

#### *Suspension of bovine leucosis free status*

4.—(1) Where an official sample from only one animal in an enzootic bovine leucosis free herd has reacted positively to any test to which it was subjected in pursuance of paragraph 7(3), the enzootic bovine leucosis free status of that herd (in this sub-paragraph referred to as “the infected herd”) shall be suspended until:

- (a) the animal from which the positive sample was taken and, in the case of a cow, any calf if it has produced (other than an exempted calf) have left the herd for slaughter in accordance with paragraph 10B of Schedule 2 to the 1981 Order;
- (b) any exempted calves have been identified and remain on the holding until two official samples taken from each of them have been tested in accordance with paragraph 7(3) at intervals of at least 4 months;
- (c) official samples from all the remaining animals in the herd have been tested in accordance with paragraph 7(3) not less than 3 months after the animals mentioned in head (a) have left the herd; and
- (d) the Department has carried out an epidemiological enquiry in pursuance of paragraph 7(4), not less than 3 months after the animals mentioned in head (a) have left the infected herd and official samples, taken from all the animals in any herd linked epidemiologically with the infected herd have been tested in accordance with paragraph 7(3),

and all official samples tested in accordance with this sub-paragraph have reacted negatively.

(2) Where an official sample from more than one animal in a bovine leucosis free herd has reacted positively to any test to which it was subjected in pursuance of paragraph 7(3), the enzootic bovine leucosis free status of that herd (in this sub-paragraph referred to as “the infected herd”) shall be suspended until:

- (a) all animals from which the positive samples were taken and, in the case of cows, any calves they have produced (other than any exempted calves) have left the herd for slaughter in accordance with paragraph 10B of Schedule 2 to the 1981 Order;
- (b) any other animals of less than 6 months of age in the herd (including any exempted calf) have been identified and remain on the holding until two official samples taken from each of them have been tested in accordance with paragraph 7(3) at intervals of at least 4 months;
- (c) the herd remains under official supervision by the Department until the requirements of Section A(1)(ii) and (iii) of Chapter I of Annex G to the Directive are again fulfilled in relation to it; and

(d) the Department has carried out an epidemiological enquiry in pursuance of paragraph 7(4) and two official samples taken from each animal over 24 months of age in any herd linked epidemiologically to the infected herd have been tested in accordance with paragraph 7(3) carried out at intervals of at least 4 months,

and all official samples tested in accordance with this sub-paragraph have reacted negatively.

(3) In this paragraph "exempted calf" means any calf which has been exempted under paragraph 10B of Schedule 2 to the 1981 Order from the requirements of that paragraph.

#### *Official sampling and veterinary enquiries*

5.—(1) The Department may, for the purposes of this Scheme, require an authorised officer to carry out the official sampling in relation to any herd, and upon being so required that officer:—

(a) shall carry out an official sampling of such animals in that herd as the Department may require; and

(b) may carry out an official sampling of such other animals in the herd as he may think fit.

(2) If an authorised officer, on reasonable grounds, suspects that the disease exists or has within the preceding 56 days existed on any holding, he shall with all practicable speed conduct such veterinary enquiry and take such further steps as he considers necessary to establish the correctness of that suspicion.

(3) Without prejudice to the generality of paragraph (2), an authorised officer may—

(a) take such official samples from any animal;

(b) carry out such tests on any carcase;

(c) carry out such other examinations on any animal or carcase;

as may be necessary for the purposes of a veterinary enquiry conducted under that paragraph.

(4) In the exercise of its powers under sub-paragraph (1), the Department shall ensure that such official samplings are carried out in relation to herds in Northern Ireland as is necessary to enable—

(a) Northern Ireland to maintain its status as an enzootic bovine leucosis free region within the meaning of Section B of Chapter I of Annex G to the Directive or, if it has had such status suspended, to re-establish it in accordance with paragraph 2(2); and

(b) each herd to have the opportunity to establish and maintain its status as an enzootic bovine leucosis free herd or, if it has had such status suspended, to re-establish it in accordance with paragraph 4.

(5) A veterinary surgeon or veterinary inspector who examines an animal and knows or suspects that it is diseased shall, in addition to giving notice thereof to a Divisional Veterinary Officer under Article 4(2) of the Bovine Leucosis Order, take such samples from the animal as may be necessary for diagnostic purposes and shall forward them forthwith to the Department together with a report on his examination of the animal.

#### *Powers of an authorised officer*

6.—(1) For the purposes of carrying out his functions under paragraph 5, an authorised officer may at any time, and upon production if so required of his

authority, enter on or into any land, building, shed, pen or place where an animal or carcase is kept or is suspected on reasonable grounds to be kept.

(2) The owner or person in charge of any animal or carcase and the owner or occupier, and any person employed on or in, any land, building, shed, pen or place where it is kept shall, upon request by an authorised officer:—

(a) present such animals or carcases in his charge; and

(b) in the case of an animal, pen, restrain or otherwise secure it in such manner as the officer may require so as to enable him to carry out his functions under paragraph 5.

#### *Submission and testing of official samples*

7.—(1) Where an authorised officer has taken an official sample he shall submit it to the approved laboratory and shall inform the laboratory of the name and address of the owner of the animal from which it was taken.

(2) The Department shall submit to the approved laboratory any sample forwarded to it in accordance with paragraph 5(5) and shall inform the laboratory of the name and address of the owner of the animal from which it was taken.

(3) Where a sample has been submitted to the approved laboratory under this paragraph, the person in charge of the laboratory shall subject the sample, or cause it to be subjected, to a test for enzootic bovine leucosis in accordance with Chapter II of Annex G to the Directive.

(4) Where a sample from an animal has reacted positively to any test to which it was subjected in pursuance of sub-paragraph (3), the Department shall notify the owner of the animal from which the official sample was taken, and shall carry out or cause to be carried out an epidemiological enquiry into the source and spread of the outbreak of enzootic bovine leucosis.

#### *Tampering with official samples*

8.—(1) A person shall not treat or otherwise tamper with any sample taken under this Scheme.

(2) For the purposes of this paragraph a person shall be deemed to have treated a sample if he does anything in relation to it or to any animal from which it is taken which is likely to affect the result of any test required to be carried out in pursuance of paragraph 7(3).

#### *Isolation of animals*

9.—(1) Where the Department knows or suspects that any animal in an enzootic bovine leucosis free herd originated in a herd that was not enzootic bovine leucosis free, within the meaning of Section A(1) of Chapter I of Annex G to the Directive, it may serve on the owner or person in charge of that animal, any calf born to it or any animal that is or may have been in contact with that animal or calf, or on the owner or person in charge of a holding on which any such animal or calf is kept, a notice specifying such requirements for their isolation and segregation from other animals as the Department considers necessary to prevent the infection of those other animals with enzootic bovine leucosis.

(2) Where notice is given to a Divisional Veterinary Officer under Article 4(1) or (2) of the Bovine Leucosis Order, the animal or carcase to which it relates shall be detained on the holding on which it is kept and isolated by the owner or person in charge of it from any animals and carcases which are not diseased or suspected, until the Divisional Veterinary Officer by notice in writing directs otherwise or a notice is served by the Department under the Bovine Leucosis Order in respect of that animal or carcase.

(3) Where a notice has been served on any person under paragraph (1) or (2) he shall comply with its requirements.

*Contact with animals on adjoining land*

10. For the purpose of this Scheme the owner or person in charge of a holding shall ensure that the animals on his holding are prevented from coming into contact with animals on adjoining land.

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EXPLANATORY NOTE

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

This Order introduces a Scheme in accordance with the requirements of Annex G to Council Directive 64/432/EEC ("the Directive") for the prevention and, if necessary, control of enzootic bovine leucosis. This Scheme enables bovine animals originating in Northern Ireland to meet certain criteria of the Directive relating to enzootic bovine leucosis in order to be traded within the European Economic Community. It also introduces other measures to prevent that disease.

The main provisions of the Scheme are as follows:—

- (a) paragraph 2 makes provision for the declaration of Northern Ireland as an enzootic bovine leucosis free region insofar as it meets the requirements laid down by Section B of Chapter I of Annex G to the Directive and for the suspension of that status if it were no longer to do so;
- (b) paragraph 3 requires the Department of Agriculture ("the Department") to allocate each herd in Northern Ireland the health status of an enzootic bovine leucosis free herd where it meets the requirements laid down by Section A(1) of Chapter I of Annex G to the Directive and paragraph 4 provides for the suspension of that status if it were no longer to do so;
- (c) paragraph 5 requires the Department and its authorised officers to carry out a programme of sampling blood from bovine animals in Northern Ireland herds so as to enable them to comply with the requirements of the Directive;
- (d) paragraph 5 also empowers authorised officers to take samples from and to carry out other tests and examinations of bovine animals and carcases as part of a veterinary enquiry into the existence of bovine leucosis and requires any veterinary surgeon or inspector who examines an animal which he knows or suspects is diseased to take samples from it and forward them to the Department;
- (e) paragraph 6 specifies the powers of authorised officers of the Department in connection with official sampling and veterinary enquiries;

- (f) paragraph 7 provides for the submission to and testing of official and other samples by the approved laboratory of the Department using one of the methods laid down in Chapter II of Annex G to the Directive. It also requires the Department to carry out an epidemiological enquiry into the outbreak of enzootic bovine leucosis revealed by the tests;
- (g) paragraph 8 deals with the prevention of tampering with official and other samples and in particular acts carried out on animals which might affect the result of a test carried out on a sample;
- (h) paragraph 9 requires the owner or person in charge of an animal to isolate it in certain circumstances;
- (i) paragraph 10 requires the owner or person in charge of a holding to ensure that the animals on his holding are prevented from coming into contact with animals on adjoining land.

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 carcases 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 carcases or other things after the first 508 kilogrammes.