

2004 No. 361

ANIMALS

Brucellosis Control Order (Northern Ireland) 2004

Made - - - - - 26th August 2004

*Coming into operation in accordance with Article 1(2)
and (3)*

The Department of Agriculture and Rural Development(a), in exercise of the powers conferred on it by Articles 5(1), 10(6), 18(7), 19, 44, 46(7A) and 60(1) of, and paragraph 5(1) of Part I and paragraph 5(1) of Part II of Schedule 2 to, the Diseases of Animals (Northern Ireland) Order 1981(b) and of every other power enabling it in that behalf, hereby makes the following Order:

**PART I
PRELIMINARY**

Citation and commencement

- 1.—(1) This Order may be cited as the Brucellosis Control Order (Northern Ireland) 2004.
- (2) This Order shall come into operation for all purposes other than Article 5 on 1st October 2004.
- (3) For the purposes of Article 5 this Order shall come into operation on 1st December 2004.

Interpretation

2. In this Order –

“abortion” means any bovine foetus or calf born dead or which dies within 24 hours of birth;

“affected” in relation to any animal means affected with disease and includes a reactor;

“animal” means a bovine animal;

“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(c);

(a) The Department of Agriculture for Northern Ireland was renamed the Department of Agriculture and Rural Development by Article 3(4) of the Departments Order 1999 (S.I. 1999/283 (N.I. 1))

(b) S.I. 1981/1115 (N.I. 22) as amended by S.I. 1984/702 (N.I. 2) Article 17, S.I. 1994/1891 (N.I. 6) Articles 20 and 23, S.R. 1994 No. 11 and S.R. 2004 No. 362

(c) S.R. & O. (N.I.) 1972 No. 16 as amended by S.R. 1975 No. 69 and S.R. 1995 No. 467

“carcase” 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^(a);

“disease” means brucellosis;

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

“herd” means –

(a) an animal kept, or

(b) a group of animals kept, managed or housed together,

on a holding in such manner and under such conditions as will in the opinion of a veterinary inspector minimise the possibility of infection to any other animals whether kept on the same holding or another holding;

“holding” means any establishment, construction or, in the case of an open-air farm, place in which animals are held, kept or handled and includes land with or without buildings;

“keeper” means any natural or legal person responsible for animals whether on a permanent or temporary basis including during transportation or at a market and “herd keeper” shall be construed accordingly;

“livestock” means any creature kept for the production of food, wool, skin or fur or (excluding a dog) for use in the farming of land;

“market” means a market place, sale yard or other premises or place in or upon which animals are exhibited for the purpose of public sale;

“official test” has the meaning assigned to it by paragraph 1(2) of the Scheme;

“pedigree” means a pedigree animal registered in the herd book of the appropriate Breed Society;

“reactor” means an animal which has undergone an official test the result of which shall give the Department reason to believe that the animal is probably affected;

“the Scheme” means the Brucellosis (Examination and Testing) Scheme Order (Northern Ireland) 2004^(b);

“steer” means a male animal which has been castrated;

“suspected” in relation to any animal means an animal suspected of being affected.

PART II NOTIFICATION

Notification of the presence of disease

3.—(1) A keeper of an affected or suspected animal or a herd keeper who knows or suspects that any animal in his herd –

(a) has been exposed to the possibility of infection by being in contact with an affected animal (other than an animal in his own herd), or

(b) has been in any other way exposed to the disease

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

(2) Where the Department knows or suspects that any animal is affected with disease, it may, for the purpose of preventing the spread of disease notify –

(a) O.J. No. L121, 29.7.64, p. 1977, as last amended by Council Regulation (EC) No. 21/2004 (O.J. No. L005, 19.1.2004, p. 0008)

(b) S.R. 2004 No. 364

- (a) any veterinary surgeon;
- (b) the keeper of any herd to which the disease may spread; or
- (c) any person who, within the last 56 days has visited, or, in the future is likely to visit or arrange to visit, any holding on which the animal is or has been kept.

Notification of abortion

4.—(1) The keeper of a herd shall, with all practicable speed, notify a Divisional Veterinary Office if he knows or has reason to suspect that any animal in his herd has had an abortion.

(2) A veterinary surgeon shall, with all practicable speed, notify a Divisional Veterinary Office if in his opinion an animal has had an abortion.

(3) In the event of an animal having an abortion, the keeper shall immediately house the animal in isolation from other animals and shall, with all practicable speed, liberally spray the immediate area where the abortion took place with an approved disinfectant.

(4) An animal which has had an abortion shall be retained in isolation until the Department has tested it and has informed the keeper that it may rejoin the herd.

(5) Manure containing discharges or fluids from an animal which has had an abortion shall be stored away from access by livestock for at least 6 months and shall not be spread on grazing fields for a period of at least 12 months.

PART III MOVEMENT CONTROL

Pre-movement tests

5.—(1) In this Article –

- (a) “animal” means any animal over 12 months old with the exception of steers;
- (b) “controlled movement” means the movement of an animal into or out of any herd other than –
 - (i) directly to premises at which it is to be slaughtered; or
 - (ii) from a market, show or exhibition;
- (c) “pre-movement test” means in the case of any animal an official test carried out in accordance with Annex C of the Directive by a laboratory approved by the Department for those purposes on a sample taken from it in accordance with paragraph (5).

(2) Subject to paragraphs (3) and (4), an animal shall not make any controlled movement unless –

- (a) it has reacted negatively to a pre-movement test on a sample taken from it during the 30 days prior to the date of the movement; or
- (b) it is moved under and in accordance with the conditions of a licence issued by the Department.

(3) If, during the period of 30 days following the taking of a sample for a pre-movement test, an animal makes a controlled movement, that animal shall not make a second or further such movement during the remainder of the 30 day period unless, before the second or further movement, it has reacted negatively to a second or further pre-movement test, as the case may be.

(4) The requirements of paragraph (3) for a second or further pre-movement test shall not apply in any case where an animal is moved to a market, show or exhibition from a herd where the animal has reacted negatively to a pre-movement test carried out in that herd on a sample taken at any time during the 30 days prior to the date of the movement and during that period the animal has not formed part of any other herd.

(5) A sample for the purposes of a pre-movement test shall be arranged by the keeper at his own expense and shall be taken by a person approved, for this purpose, by the Department.

PART IV

CONTROL OF DISEASE

Power to take samples

6. The Department may examine any animal, take such samples and apply such tests as it considers necessary for the purpose of controlling disease.

Detention and movement of animals

7. Where the Department knows or suspects that an animal on any holding has been moved or dealt with otherwise than in accordance with this Order or the Scheme, as the case may be, it may by notice –

- (a) require the keeper to –
 - (i) detain the animal on a specified area of the holding and isolate it from other animals;
 - (ii) have a sample from the animal, and if required any other animal on the holding, subjected to an official test, at his own expense and within such time limit as shall be specified in the notice;
- (b) prohibit the movement of any animal to or from the holding except under and in accordance with the conditions of a licence issued by the Department.

Restrictions

- 8.—(1) The Department may serve a notice on a herd keeper where –
- (a) it suspects that disease may exist or may within 56 days have existed on the holding on which the herd is normally kept;
 - (b) a reactor has been found in the herd as a result of an official test;
 - (c) a reactor in another herd had access to the herd;
 - (d) a reactor in another herd was moved from the herd;
 - (e) an animal in the herd has been exposed to the possibility of infection with disease by contact with a reactor;
 - (f) a sample of milk from the herd when tested for the presence of brucella infection by the Department has given such result as to cause the Department to suspect that an animal in the herd is infected with disease;
 - (g) an animal in the herd has had an abortion and has not been cleared by an official test;
 - (h) an animal in the herd has given an inconclusive result to an official test; or
 - (i) animals in the herd have been compulsorily slaughtered under Article 15 as animals which have been exposed to a significant risk of infection with disease.
- (2) A notice under paragraph (1) may –
- (a) prohibit the movement to or from the holding on which the herd is kept of any animal except under and in accordance with the conditions of a licence issued by the Department;
 - (b) require the herd keeper to isolate any animal from other animals;
 - (c) require the herd keeper to isolate in a house or building or otherwise under cover, any in-calf animal in the herd immediately before it calves and to keep such animal and any calf it produces in isolation from other animals until it has given a negative reaction to an official test after calving and he has been informed by the Department in writing that it and the calf can join the herd;
 - (d) require the herd keeper to detain any animal in his herd on a specified area of the holding on which the herd is kept;
 - (e) require the herd keeper, when any animal in his herd calves, to notify a Divisional Veterinary Office within 24 hours;
 - (f) require the herd keeper to treat, store, dispose of or use slurry or manure in accordance with such conditions and in such manner as may be specified in the notice;

- (g) require the herd keeper, in the case of a holding on which there is a reactor, to ensure that notices, in a form approved by an inspector, are displayed prominently at all entrances to and exits from the holding drawing attention to the existence of disease;
- (h) require the herd keeper, if he acquires a holding after the date of the notice, to inform a Divisional Veterinary Office in writing within 7 days of the date of such acquisition and to give such details in relation to the acquisition as may be specified in the notice;
- (i) prohibit the movement of any animal on to a holding to which sub-paragraph (h) applies except under and in accordance with the conditions of a licence issued by the Department;
- (j) require the herd keeper, prior to the disposal of his holding or any part thereof by way of sale, grant, lease, exchange, surrender, licence, letting in conacre, or otherwise, to inform the Department in writing of such disposal and the area and location of the holding disposed of and, unless the holding disposed of was held by him as a licensee in conacre or under a lease which has terminated, to inform the Department, within 7 days, of such disposal and the name and address of the person to whom he has disposed of his holding or any part thereof;
- (k) prohibit the feeding of milk from affected animals to livestock on the same holding unless such milk is treated in accordance with the terms of the notice.

Temporary control area

9.—(1) Where the Department knows or suspects that there is a serious risk of the spread of disease it may, by notice, declare the establishment of an area to be known as a “temporary control area”.

(2) The location and size of the temporary control area shall be such as the Department considers necessary to prevent the spread of disease.

(3) Where a temporary control area has been established, a person –

- (a) shall not move any animal onto or off a holding in the area or move any animal into or out of the area except under and in accordance with the conditions of a licence issued by the Department; and
- (b) shall, if required to do so by an inspector, detain any animal, located on a holding within the area, on a specified part of the holding.

(4) Any holding which is partly inside and partly outside a temporary control area shall be deemed to be wholly inside that area.

Contact with animals on adjoining land

10.—(1) The keeper of a herd shall maintain the fences dividing his holding from adjoining land in such condition as to prevent –

- (a) contact of his herd with animals on adjoining land; and
- (b) his herd from straying from the holding.

(2) Where a reactor is found in any herd, the keeper of the herd shall take all practical precautions to prevent the infection of any animals kept on the adjoining land by contact with animals on his holding.

Prohibition on grazing

11.—(1) The Department may, by notice, prohibit for a period of up to 6 months, any person who keeps animals on a holding from using for grazing by animals, other than steers, all or any part of the holding to which this Article applies.

(2) This Article applies to any holding that includes land which, during the previous 6 months, has been part of a holding on which there has been, during that period, a reactor or any animal slaughtered as a result of being in contact with a reactor.

Use of milk for feeding to animals

12.—(1) A person shall not bring onto any holding on which a herd is kept, any milk or dairy by-products for feeding to livestock kept on the holding except when the milk or dairy by-product –

- (a) comes direct from a holding which is not the subject of a notice under Article 7 or 8(1);
- (b) has been converted into powder form; or
- (c) has been boiled or pasteurised.

(2) For the purpose of this paragraph, “pasteurised” means retained at a temperature of not less than 145° Fahrenheit and not more than 150° Fahrenheit for at least 30 minutes or at a temperature of not less than 162° Fahrenheit for at least 15 seconds.

Cleansing and disinfection generally

13.—(1) The Department may serve on the owner or occupier of any holding on which there is, or has within 56 days been, an affected or suspected animal or any animal which may have been exposed to the possibility of brucella infection or the carcass of such an animal, a notice requiring him to –

- (a) cleanse and disinfect, at his own expense, and in such manner and within such period as may be specified in the notice –
 - (i) all or any part of his holding, and
 - (ii) any equipment, appliance, utensil or other thing used in connection with any such animal or carcass;
- (b) soak any litter in an approved disinfectant and destroy such litter in the manner specified in the notice;
- (c) dispose of washings from cleansing and disinfection carried out under sub-paragraph (a) in the manner specified in the notice;
- (d) provide footbaths containing an approved disinfectant at all entrances to and exits from the holding.

(2) In this Article “washings” means any material, disinfectant or water remaining after the cleansing and disinfection has been carried out.

Cleansing and disinfection of vehicles

14. The Department may, by notice served on the owner or person in charge of any vehicle which is used for the movement or removal of –

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

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.

PART V

SLAUGHTER, COMPENSATION AND APPEALS

Power to slaughter

15.—(1) Subject to paragraphs (2) and (3), the Department shall slaughter or cause to be slaughtered any reactor and may slaughter or cause to be slaughtered any suspected animal or other animal which is or has been in contact with a reactor or which in the opinion of a veterinary inspector has been in any way exposed to a significant risk of infection with disease.

(2) Where the Department is satisfied that an animal should be slaughtered in accordance with paragraph (1), it shall serve a notice on the keeper of the animal stating that the Department proposes to slaughter the animal and requiring the keeper, pending such slaughter, to detain the animal on the premises specified in the notice and isolate it from other animals and to comply with such other requirements as may be specified in the notice.

(3) Where the Department considers that any animal in respect of which a notice has been served under paragraph (2) ought not to be slaughtered it shall serve a notice on the keeper of the animal stating that fact and revoking the notice under that paragraph.

(4) The keeper of an animal in respect of which there is a notice under paragraph (2) in force shall comply with the requirements of that notice and shall –

- (a) not move or cause or permit to be moved such animal from the premises specified in the notice, except under and in accordance with the conditions of a licence issued by the Department;
- (b) maintain, at his own expense, such animal until it is removed for slaughter by or on behalf of the Department;
- (c) provide facilities that in the opinion of the Department are adequate to ensure the safety of any person involved in determining the market value of the animal or arranging its removal for slaughter;
- (d) collect, pen, restrain or otherwise secure and present the animal, in such manner and at such time as the Department shall require, for the purpose of determining its market value or arranging its removal for slaughter; and
- (e) make clean water available for the cleansing and disinfection of clothing and equipment used by any person in connection with the determination of the market value of the animal.

Valuation and compensation

16.—(1) Where the Department causes an animal to be slaughtered in accordance with Article 15 the compensation payable by the Department shall be –

- (a) in the case of a reactor an amount equal to 75% of either –
 - (i) the animal's market value, or
 - (ii) a figure calculated in accordance with the provisions of Schedule 1,whichever is the less;
- (b) in every other case, an amount equal to its market value.

(2) For the purposes of this Order the market value of an animal means the price which might reasonably have been obtained for it, at the time of valuation in accordance with this Article or Article 17, from a purchaser in the market if it had been free from disease.

(3) Upon service of a notice in respect of an animal under Article 15(2), the Department shall (unless the notice has previously been revoked) make an initial assessment of the market value of the animal for the purposes of paragraph (1) and shall notify the owner of that assessment.

(4) Subject to the following paragraphs and Article 17, the market value of an animal which the Department proposes to cause to be slaughtered shall, for the purposes of compensation under paragraph (1), be determined before slaughter by agreement, between the Department and the owner of the animal, if the agreement is reached within 3 working days of the Department informing the owner of its initial assessment of the market value under paragraph (3).

(5) If the Department and the owner of an animal fail to agree the market value of the animal in accordance with paragraph (4), the Department shall submit a list of independent valuers, approved by it for the purposes of this Article, to the owner and, within 2 working days of receiving this list, the owner shall –

- (a) nominate a valuer (hereinafter referred to as the “nominated valuer”) from the list; and
- (b) notify the Department of the name and address of the nominated valuer.

(6) Within 8 working days of the owner of the animal notifying the Department of the name and address of the nominated valuer in accordance with paragraph (5) –

(a) the owner shall arrange for the nominated valuer to determine the market value of the animal and shall be liable for any costs, fees or other expenses incurred by the valuer in carrying out the valuation; and

(b) the nominated valuer shall carry out the valuation and shall give to the Department and the owner a certificate in writing of his determination of the market value of the animal.

(7) Where the owner of an animal or the nominated valuer fails to comply with, in the case of the owner, paragraphs (5) or (6)(a) or, in the case of the nominated valuer, paragraph (6)(b), the Department shall determine the market value of the animal.

(8) The calculation of the market value of an animal under this Article or Article 17 shall not take account of any sum to which the owner might have become entitled in respect of the animal under any other statutory or any Community provision.

(9) The amount of compensation payable to the owner of the animal under this Article shall be without prejudice to any entitlement of that person to any payments in respect of the animal under any other statutory or any Community provision.

(10) Notwithstanding any other provisions of this Article the Department may cause an animal, in respect of which a notice under Article 15(2) is in force, to be slaughtered prior to the determination of its market value under this Article or Article 17 –

(a) where such slaughter is necessary to prevent the spread of disease;

(b) to establish if there has been interference with any sample taken or test carried out under this Order or Scheme whereby the result of the test is intended to be affected; or

(c) where in the judgement of the Department the keeper has been guilty of an offence tending to prejudice the due control of the disease.

(11) Notwithstanding any other provisions of this Article the market value of an animal to which paragraph (10) applies shall be determined by the Department.

Appeals

17.—(1) The Department or the owner of an animal may submit an appeal to a tribunal of persons, appointed by the Department for the purpose, if dissatisfied with the determination of the market value of the animal –

(a) in the case of an appeal by the Department, under Article 16(6)(b); or

(b) in the case of an appeal by the owner, under Article 16(6)(b), (7) or (11).

(2) An appeal to a tribunal under this Article shall be submitted in writing within 30 working days of the determination of market value to which it relates and shall be accompanied by –

(a) full details of the grounds upon which the appeal is sought including documentary or other evidence; and

(b) the change sought to the valuation.

(3) Following its consideration of an appeal submitted by the Department or the owner of the animal, the tribunal shall determine the market value of the animal in question and such determination shall be final and binding on the Department and the owner.

PART VI GENERAL

Power to seize certain animals

18.—(1) The Department may seize, detain and dispose of an affected or suspected animal exposed for sale, carried, kept or otherwise dealt with in contravention of this Order or the

Scheme, or of any notice served or licence issued under this Order or the Scheme, as the case may be.

(2) The amount of any expenses reasonably incurred by the Department in seizing, detaining or disposing of an animal under paragraph (1) shall be recoverable by it as a civil debt from the owner of that animal.

Information to be furnished to inspectors

19.—(1) The keeper of an affected or suspected animal or any animal which may have been exposed to the possibility of brucella infection shall, on demand by an inspector, give such information as he possesses as to –

- (a) that animal or any other animal or carcase which is or has been on his holding;
- (b) any other animal or carcase with which any animal or carcase mentioned in sub-paragraph (a), has or may have been in contact;
- (c) the location and movement of any animal or carcase which is or has been in his possession or charge; and
- (d) the location of all or any part of his holding.

(2) A person engaged in the purchase, sale, collection, transport or delivery of animals shall on demand by an inspector give such information as he possesses relating to any animal or carcase which is or has been in his possession or under his control.

Draft or dispersal sales

20.—(1) The keeper of any animal shall not hold or cause or permit to be held a sale by auction or otherwise of that animal –

- (a) on premises in which the animal is normally kept, unless those premises have been habitually used as a market, sale-yard, fairground or place of exhibition,
- (b) in any public place, other than premises habitually used as a market, sale-yard, fairground or place of exhibition,

except under and in accordance with the conditions of a licence issued by the Department.

(2) A licence under paragraph (1) may, where the Department considers it necessary, be subject to the condition that all of the animals in the sale to which it relates shall have undergone an official test during the period of 30 days prior to the holding of the sale, with negative results.

Compliance with licences, notices, approvals and authorisations

21.—(1) A licence, notice, approval or authorisation under this Order or the Scheme, as the case may be, shall be in writing, may be general or specific, may be subject to conditions and may be amended, suspended or revoked by notice at any time, and in particular may be suspended or revoked if the Department is of the reasonable opinion that the provisions of this Order or the Scheme are not being complied with.

(2) A person on whom a notice is served or to whom an approval or authorisation is granted under this Order or the Scheme shall comply with its requirements.

Action in case of default

22. Where a person fails to comply with any requirement imposed on him under this Order or by virtue of any licence, notice or approval issued under it, an inspector may, without prejudice to any proceedings arising out of such default, carry out or cause to be carried out those requirements.

Production of licences, etc

23. A person acting under the authority of a licence, notice, approval or authorisation under this Order or the Scheme, as the case may be, shall, on demand made by an inspector or a member of the Police Service of Northern Ireland, produce the licence, notice, approval or

authorisation and allow a copy thereof or an extract therefrom to be taken and shall also on such demand, furnish his name and address.

Revocations

24. The statutory provisions listed in Schedule 2 are hereby revoked to the extent that they remain in operation.

Sealed with the Official Seal of the Department of Agriculture and Rural Development on 26th August 2004.

(L.S.)

D. Small

A senior officer of the Department of Agriculture and Rural Development

SCHEDULE 1

Article 16(1)

COMPENSATION FOR REACTORS

1. For the purpose of this Schedule –

“animals” means commercial grade cows and in-calf heifers both of which are intended for use for the production of milk;

“average price” means a price calculated by the Department in accordance with paragraph 4;

“4 week period” means a period of 4 weeks ending on a Saturday which is 7 days or more before the last day of the month in which that Saturday falls;

“month” means the month in which a notice in respect of an animal was issued in accordance with Article 15(2);

“return” means a document furnished to the Department by a person operating a market for the sale of animals which shows for a week ending on a Saturday the number of animals sold at that market and the total sale price for such animals in that week at that market.

2. A return shall be furnished to the Department within 7 days from the end of the week to which that return relates, by any person operating a market in animals at any of the following places, that is to say –

Ballyclare

Ballymoney

Markethill

Omagh

Saintfield.

3. The Department shall, in accordance with paragraph 4, calculate an average price from the information contained in the returns forwarded to it in accordance with paragraph 2, as it considers relevant.

4.—(1) Subject to sub-paragraph (2), the average price shall be such amount as may be obtained by dividing the total amount of the prices shown in returns, furnished under paragraph 2, for a 4 week period as having been paid for animals by the total number of the animals stated in those returns to have been sold.

(2) Before the Department proceeds to make a calculation of an average price it shall have obtained returns for sales of not less than 100 animals during a 4 week period.

(3) Where in any 4 week period the requirements of sub-paragraph (2) are not met, the average price for that 4 week period shall be the same amount as the most recent average price calculated in accordance with sub-paragraphs (1) and (2).

5. In any month the figure for a non-pedigree reactor shall be 125% of the average price for the most recently preceding 4 week period rounded down to the nearest multiple of £4.

6. In any month the figure for a pedigree reactor shall be the figure for a non-pedigree reactor plus £300.

7. The Department shall take such steps as it considers appropriate for the purpose of bringing to the notice of persons concerned the figures for non-pedigree reactors and pedigree reactors referred to in paragraphs 5 and 6 respectively.

SCHEDULE 2

Article 24

REVOCATIONS

<i>Number</i>	<i>Title</i>
S.R. & O. (Northern Ireland) 1972, No. 94	Brucellosis Control Order (Northern Ireland) 1972
S.R. & O. (Northern Ireland) 1973, No. 77	Brucellosis (Amendment) Order (Northern Ireland) 1973
S.R. & O. (Northern Ireland) 1973, No. 437	Brucellosis (Amendment No. 2) Order (Northern Ireland) 1973
S.R. (Northern Ireland) 1976, No. 84	Brucellosis (Amendment) Order (Northern Ireland) 1976
S.R. (Northern Ireland) 1977, No. 47	Brucellosis (Amendment) Order (Northern Ireland) 1977
S.R. (Northern Ireland) 1977, No. 337	Brucellosis (Amendment No. 2) Order (Northern Ireland) 1977
S.R. (Northern Ireland) 1978, No. 165	Brucellosis (Amendment) Order (Northern Ireland) 1978
S.R. (Northern Ireland) 1979, No. 126	Brucellosis (Amendment) Order (Northern Ireland) 1979
S.R. (Northern Ireland) 1981, No. 413	Brucellosis (Amendment) Order (Northern Ireland) 1981
S.R. (Northern Ireland) 1982, No. 191	Brucellosis (Amendment) Order (Northern Ireland) 1982
S.R. (Northern Ireland) 1996, No. 239	Brucellosis (Amendment) Order (Northern Ireland) 1996

EXPLANATORY NOTE

(This note is not part of the Order.)

This Order which is made under the Diseases of Animals (Northern Ireland) Order 1981 revokes and re-enacts with amendments the Brucellosis Control Order (Northern Ireland) 1972 (as amended).

Articles 3(1) and 5 implement, as respects bovine animals, Article 8 of, and paragraph I(d) of Annex AII to, Council Directive 64/432/EEC on health problems affecting intra-Community trade in bovine animals and swine (O.J. No. L121, 29.7.1964, p. 1977 as last amended by Council Regulation (EC) No. 21/2004 (O.J. No. L005, 19.1.2004, p. 0008).

The Order requires the keeper of any animal suspected of, or affected with, brucellosis or in any way exposed to the disease to give notice of the fact to a Divisional Veterinary Office (Article 3(1)) and specifies those who may be informed by the Department where it knows or suspects that an animal may be diseased (Article 3(2)).

The keeper of a herd or a veterinary surgeon must notify the Divisional Veterinary Office if they know or suspect that an animal has had an abortion (Article 4).

Subject to certain exceptions an animal may not be moved into or out of any herd, except directly to a slaughterhouse, unless it has been subjected to an official test during the 30 days prior to the date of movement. In general an animal must be tested before each movement (Article 5).

The Department may examine an animal, take samples and apply tests (Article 6) and may require a keeper to detain an animal on the holding and have it subjected to an official test at his own expense where it has been moved or dealt with otherwise than in accordance with the Order (Article 7).

The Department may, by notice, impose specific restrictions on a herd keeper and may, where there is a serious risk of the spread of disease, declare the establishment of a temporary control area (Articles 8 and 9).

A herd keeper must maintain fences so as to prevent contact between his herd and any animals on adjoining land or the herd from straying from the holding. The keeper of a herd in which a reactor is found must take precautions to prevent the spread of disease to animals on adjoining land (Article 10). The Department may prohibit the use of certain land for grazing by animals for a period of up to 6 months (Article 11).

Milk or dairy by-products for feeding to livestock may not be brought onto a holding on which bovine animals are kept unless certain conditions are fulfilled (Article 12).

The Department may, by notice, specify cleansing and disinfection requirements on a holding on which there has been an affected or suspected animal or any animal which may have been exposed to the possibility of brucella infection or the carcass of such an animal (Article 13) and require cleansing and disinfection of vehicles (Article 14).

The Order provides the Department with powers of slaughter, regulates valuation and compensation for animals to be slaughtered and makes provision for the Department or owner of an animal to submit an appeal to a tribunal if dissatisfied with the market value of an animal (Articles 15 to 17).

The Department may seize, detain and dispose of an affected or suspected animal where there has been a contravention of the Order or the Brucellosis (Examination and Testing) Scheme Order (Northern Ireland) 2004, S.R. 2004 No. 364 ("the Scheme Order") and any

expenses reasonably incurred by the Department shall be recoverable by it as a civil debt from the owner of the animal (Article 18).

The keeper of an affected or suspected animal or any animal which may have been exposed to the possibility of brucella infection and a person engaged in the purchase, sale, collection, transport or delivery of animals must, on demand, provide certain information to an inspector (Article 19).

Except in accordance with the conditions of a licence, a keeper must not hold or cause or permit to be held a sale by auction or otherwise of his animals either on the premises where the animals are normally kept or in any public place (Article 20).

Provision is made for the issue and production of licences, notices, approvals and authorisations under this Order or the Scheme Order and action by an inspector if a person fails to comply with any requirement imposed on him under this Order or by virtue of any licence, notice or approval issued under it (Articles 21 to 23).

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