

2004 No. 364

ANIMALS

**Brucellosis (Examination and Testing) Scheme Order
(Northern Ireland) 2004**

Made - - - - - *26th August 2004*

Coming into operation *1st October 2004*

The Department of Agriculture and Rural Development(a), in exercise of the powers conferred on it by Article 8 of the Diseases of Animals (Northern Ireland) Order 1981(b) 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, hereby makes the following Order:

Citation and commencement

1. This Order may be cited as the Brucellosis (Examination and Testing) Scheme Order (Northern Ireland) 2004 and shall come into operation on 1st October 2004.

Brucellosis (Examination and Testing) Scheme (Northern Ireland) 2004

2. For the purposes of keeping bovine animals, so far as practicable, free from bovine brucellosis, and controlling and, so far as practicable, reducing the incidence of that disease, the Department hereby makes the Scheme set out in the Schedule.

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

The Department of Finance and Personnel hereby approves the foregoing Order.

Sealed with the Official Seal of the Department of Finance and Personnel on 26th August 2004.

(L.S.) *Jack Layberry*
A senior officer of the Department of Finance and Personnel

(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) to which there are amendments not relevant to the subject matter of this Order

BRUCELLOSIS (EXAMINATION AND TESTING) SCHEME (NORTHERN IRELAND) 2004

Citation and interpretation

1.—(1) This Scheme may be cited as the Brucellosis (Examination and Testing) Scheme (Northern Ireland) 2004.

(2) In this Scheme –

“approved laboratory” means a laboratory approved by the Department to carry out tests on samples submitted to it under this Scheme;

“authorised officer” means an inspector, a veterinary inspector or other person authorised by the Department for the purposes of this Scheme;

“official test” means a test to determine whether or not an animal is diseased and includes –

- (a) a test carried out in an approved laboratory on a sample of blood or milk from an animal in accordance with Annex C of the Directive;
- (b) such other test carried out on an animal or sample therefrom, as the Department may require.

(3) Any other expression used in this Scheme that is also used in the Brucellosis (Control) Order (Northern Ireland) 2004(a) shall have the same meaning as in that Order.

Examination and official tests

2.—(1) The Department may, for the purposes of this Scheme, require an authorised officer to carry out such examination or official test as it may determine in relation to an animal kept on a holding and upon being so required that officer –

- (a) shall carry out that examination or official test; and
- (b) may carry out such further examinations or official tests and may take such further steps as he thinks fit to establish whether any animal on the holding is affected with disease.

(2) Where an authorised officer has taken a sample from an animal during the course of an official test under paragraph (1) he shall submit the sample to an approved laboratory in accordance with the instructions of the Department.

(3) Where a sample has been submitted to an approved laboratory in accordance with paragraph (2) the person in charge of that laboratory shall –

- (a) subject the sample or cause it to be subjected to such tests as the Department shall specify for the presence of disease; and
- (b) notify the Department and the keeper of the animal, without delay, of the results of such tests.

Powers of entry

3.—(1) For the purpose of carrying out his functions under paragraph 2, an authorised officer may at any time, and on production if so required of his authority, enter onto any land, building, shed, place or pen where an animal or carcase is kept or suspected, on reasonable grounds, to be kept.

(2) The keeper of any animal or carcase and the owner or occupier of, 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) provide facilities that in the opinion of an authorised officer are appropriate for the number and type of animals being presented and are adequate to ensure both the safety of any person involved in the examination or official testing of any animal and that of the animal being so examined or tested;
- (b) present such animals or carcasses in his charge as the officer may require;
- (c) in the case of an animal, collect, pen, restrain or otherwise secure it in such manner as the officer may require so as to enable him to carry out an examination or official test; and
- (d) make clean water available to the officer for the cleansing and disinfection of any clothing and equipment used for the purposes of, or in connection with, any examination or official test.

(3) If a person refuses to permit or otherwise delays or impedes the examination or official testing of any animal, or refuses or neglects to comply with any requirement imposed upon him in connection with such examination or testing, the Department may, by notice –

- (a) require that person to detain any animal on the holding on which it is kept, or on such part of the holding as may be specified in the notice;

(a) S.R. 2004 No. 361

- (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;
- (c) require that person to have such animal subjected to an official test, at his own expense and within such time limit, as shall be specified in the notice.

Prohibition on movement during testing

4. A person shall not, except with the prior permission of the Department, move or attempt to move or cause or permit to be moved any animal off a holding –

- (a) while it is undergoing an official test; or
- (b) where a sample taken in the course of such testing is submitted to an approved laboratory for testing,

until the result of any such test is notified to the person by the Department.

Prohibition on tampering with official tests

5. A person shall not do any act or thing or attempt to do any act or thing or cause or permit any act or thing to be done whether before, during or after the carrying out of an official test, whereby the result of the test is intended to be affected.

Prohibition on testing, treatment and vaccination

6.—(1) A person, including an authorised officer, shall not take or cause or permit to be taken a sample from any animal for the purposes of an official test under this Scheme or the Brucellosis Control Order (Northern Ireland) 2004, or carry out any test on an animal for detection of the disease, except under and in accordance with the conditions of a licence issued by the Department.

(2) A person shall not treat any animal for the disease except under and in accordance with the conditions of a licence issued by the Department.

(3) A person shall not vaccinate any animal with an anti-abortion vaccine intended for use in the vaccination of an animal against the disease except under and in accordance with the conditions of a licence issued by the Department.

Sampling of milk

7. A person who buys milk in any form, from the keeper of a herd of dairy cows, for resale as milk or milk products shall, if required and in accordance with the conditions of a notice issued by the Department, ensure that a sample of milk (which includes milk from all the dairy cows in that herd whose milk is available for sale) is supplied to the Department.

Action in case of default

8. Where a person fails to comply with any requirement imposed on him under this Scheme or by virtue of any licence, notice, approval or authorisation 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.

EXPLANATORY NOTE

(This note is not part of the Order.)

This Order contains a Scheme for the examination and testing of bovine animals which, in conjunction with the Brucellosis Control Order (Northern Ireland) 2004, S.R. 2004 No. 361, is designed to keep bovine animals, so far as is practicable, free from brucellosis and to control and, so far as is practicable, reduce the incidence of that disease.

The Scheme –

- (a) enables an authorised officer to carry out an examination or official test for brucellosis on any animal (paragraph 2(1));
- (b) makes provision for any sample taken from an animal to be submitted to an approved laboratory, the tests to be applied to the sample and the notification of the results of such tests to the Department and keeper of the animal (paragraphs 2(2) and (3));
- (c) provides powers of entry for an authorised officer and specifies the requirements imposed on any person in respect of the examination and testing of animals including requirements in the event of default by that person (paragraph 3);
- (d) prohibits the movement of an animal while it is undergoing an official test, until the result of such test is known, except with the prior permission of the Department (paragraph 4);
- (e) prohibits any act whereby the result of an official test is intended to be affected (paragraph 5);
- (f) prohibits the sampling, testing, treatment or vaccination of an animal for brucellosis except under the authority of a licence from the Department (paragraph 6);
- (g) prescribes the requirements which may be imposed on the purchaser of milk in any form, from the keeper of a herd of dairy cows, for resale as milk or milk products (paragraph 7);
- (h) enables an inspector to carry out any requirements imposed on a person under the Scheme where that person fails to comply with those requirements (paragraph 8).

Any person who, without lawful authority or excuse, proof of which shall lie on him, contravenes any provision of this Order shall be guilty of an offence against the Diseases of Animals (Northern Ireland) Order 1981 and shall be liable, on summary conviction, either to imprisonment for a term not exceeding one month or to a fine not exceeding level 5 on the standard scale (currently £5,000) or in the case of an offence committed with respect to more than 5 animals, not exceeding level 3 on the standard scale currently (£1,000) for each animal.

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