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(1) 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 –

(1) S.R. 2004 No. 361
(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 carcases 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;
(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.