
WELSH STATUTORY INSTRUMENTS

2017 No. 711 (W. 168)

ANIMALS, WALES

ANIMAL HEALTH

The Tuberculosis (Wales) (Amendment) Order 2017

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|----------------------------------------------------|---------|-----------------------|
| <i>Made</i> | - - - - | <i>27 June 2017</i> |
| <i>Laid before the National Assembly for Wales</i> | - - | <i>30 June 2017</i> |
| <i>Coming into force</i> | - - | <i>1 October 2017</i> |

The Welsh Ministers make the following Order in exercise of the powers conferred by sections 1, 7(1), 8(1), 15(4), 25, 32(2), 32(3), 34(7) and 83(2) of the Animal Health Act 1981⁽¹⁾.

Title, application and commencement

- 1.—(1) The title of this Order is the Tuberculosis (Wales) (Amendment) Order 2017.
- (2) This Order applies in relation to Wales.
- (3) This Order comes into force on 1 October 2017.

Amendment of the Tuberculosis (Wales) Order 2010

2. The Tuberculosis (Wales) Order 2010⁽²⁾ is amended in accordance with the Schedule.

Savings and transition

3. Any notice or licence issued, or approval or consent granted, under the Tuberculosis (Wales) Order 2010 and which has effect at the coming into force of this Order remains in force.

(1) 1981 c. 22. Functions under the Act are exercisable by the Welsh Ministers (in relation to Wales) by virtue of the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672); the National Assembly for Wales (Transfer of Functions) Order 2004 (S.I. 2004/3044); and section 162 of, and paragraph 30 of Schedule 11 to, the Government of Wales Act 2006 (c. 32).

(2) S.I. 2010/1379 (W. 122).

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27 June 2017

Lesley Griffiths
Cabinet Secretary for Environment and Rural
Affairs, one of the Welsh Ministers

SCHEDULE

Article 2

Amendment of the Tuberculosis (Wales) Order 2010

1. In article 2, in the appropriate places, insert—
 - ““collection centre” (*“canolfan gasglu”*) means premises used for the intermediate reception of animals intended to be moved elsewhere (but does not include a market or other place used for the sale or trading of animals unless all the animals there are intended for immediate slaughter);”
 - ““deposited map” (*“map a adnewwyd”*) means the map entitled “Wales Regional TB areas” signed on behalf of the Welsh Ministers and dated 23 June 2017(3);”
 - ““high TB area” (*“ardal TB uchel”*) means all the land shaded and identified as “High TB” on the deposited map;”
 - ““intermediate TB area” (*“ardal TB ganolradd”*) means all the land shaded and identified as “Intermediate TB” on the deposited map;”
 - ““licensed finishing unit” (*“uned besgi drwyddedig”*) means a discrete self-contained holding—
 - (a) where all the bovine animals are permanently housed on the unit until they can be moved to slaughter; and
 - (b) which is licensed by an inspector for the fattening and finishing of bovine animals that do not come from restricted herds;”
 - ““low TB area” (*“ardal TB isel”*) means all the land shaded and identified as “Low TB” on the deposited map;”
 - ““post-movement test” (*“prawf ar ôl symud”*) means a skin test carried out in accordance with article 13A;”.
2. In paragraph (3)(b) of article 10 (veterinary inquiry as to the existence of disease)—
 - (a) after “boiled” insert “or pasteurised”; and
 - (b) after “sterilised” insert “if not otherwise discarded;”.
3. In article 11A (biosecurity improvement notice)—
 - (a) in the heading for “improvement” substitute “requirements”; and
 - (b) in paragraph (2) for “(a “biosecurity improvement notice”) (*“hysbysiad gwella bioddiogelwch”*)” substitute “(a “biosecurity requirements notice”) (*“hysbysiad gofynion bioddiogelwch”*)”.
4. In article 12 (tuberculosis testing), after paragraph (2)(d) insert—
 - “(e) the on-farm slaughter and subsequent removal of that animal;”.
5. In article 13 (pre-movement testing)—
 - (a) for paragraph 2(c) substitute—
 - “(c) any movements specified in Schedule 2; and”; and
 - (b) for paragraph (3) substitute—
 - “(3) For the purposes of paragraph (1)(a)—
 - (a) the 60 day period begins on the day after tuberculin is injected into the animal; and

(3) The map is deposited and available for inspection at the Office of the Chief Veterinary Officer for Wales, Welsh Government, Cathays Park, Cardiff, CF10 3NQ. A copy of the map can be accessed at www.gov.wales/bovinetb.

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- (b) the skin test cannot be one applied to an animal subject to a notice served under article 16 (isolation and prohibition on movement of animals) unless approved by the Welsh Ministers.”

6. After article 13 (pre-movement testing) insert—

“Post-movement testing

13A.—(1) There are three tuberculosis areas in Wales, which are the—

- (a) low TB area;
- (b) intermediate TB area;
- (c) high TB area.

(2) When a bovine animal is moved into the low TB area from a herd located in—

- (a) the intermediate TB area;
- (b) the high TB area;
- (c) England; or
- (d) Northern Ireland,

the keeper who receives the animal must arrange for a post-movement test to be undertaken on it by an approved veterinary surgeon no fewer than 60 days, but no more than 120 days, after the date of arrival at the receiving premises.

(3) Paragraph (2) does not apply to—

- (a) bovine animals that are slaughtered within 120 days of arrival at the receiving premises;
- (b) the movement of a bovine animal to a place for veterinary treatment provided that it is returned direct to its premises of origin after the treatment, or is killed or goes direct to slaughter;
- (c) any movements specified in Schedule 3; and
- (d) any movement that is approved by the Welsh Ministers.

(4) Where a bovine animal is required to have a post-movement test under paragraph (2), no person may move that animal from the receiving premises until the skin test has been completed with a negative result unless the move is—

- (a) directly (or via a slaughter gathering) to slaughter;
- (b) to an approved finishing unit; or
- (c) made under the authority of a movement licence issued by an inspector.

(5) Where a bovine animal is required to have a post-movement test, but remains untested after 120 days since arrival at the receiving premises—

- (a) the test will be treated by the Welsh Ministers as overdue; and
- (b) an inspector must impose movement restrictions on all bovine animals on the premises until the overdue post-movement test has been completed with negative results.

(6) The post-movement test must be arranged with an approved veterinary surgeon at the expense of the keeper of the bovine animal unless a test for tuberculosis has been instructed by the Welsh Ministers in accordance with article 12(1) to take place within the period mentioned in paragraph (2).”

7. In article 26 (compensation for bovine animals slaughtered for tuberculosis)—

- (a) in paragraph (1) for “the Schedule” substitute “Schedule 1”; and
 - (b) in paragraph (3) for “the Schedule” substitute “Schedule 1”.
- 8.** In the Schedule (calculation of the value of a bovine animal slaughtered for tuberculosis), in the heading to the Schedule, for “Schedule” substitute “Schedule 1”.
- 9.** In paragraph 1 (calculation) of the Schedule (calculation of the value of a bovine animal slaughtered for tuberculosis)—
- (a) in sub-paragraph (1) for “£15,000” substitute “£5,000, unless SV is greater than £5,000,”; and
 - (b) after sub-paragraph (1) insert—
 “(1A) Where a bovine animal is not identified by means of eartags and a cattle passport in accordance with the requirements of the Cattle Identification (Wales) Regulations 2007, C is £1.”
- 10.** In paragraph 3 (failure to comply with a notice) of the Schedule (calculation of the value of a bovine animal slaughtered for tuberculosis)—
- (a) in sub-paragraph (1)(a)(iii) for “improvement” substitute “requirements”; and
 - (b) in sub-paragraph (2)(e) for “improvement” substitute “requirements”.
- 11.** After Schedule 1 insert—

"SCHEDULE 2

Article 13

Permitted movements without pre-movement testing

Movement to slaughter

1. The movement of a bovine animal direct to slaughter.

Movement to slaughter markets

2. The movement of a bovine animal direct to a market from which all animals go direct to slaughter.

Movement to markets

3. The movement of a bovine animal to market provided that it is returned direct to its premises of origin if not sold, or is a movement to market approved by the Welsh Ministers under article 13.

Movement to collection centres

4. The movement of a bovine animal direct to a collection centre approved by the Welsh Ministers under article 13.

Movement to exempt finishing units

5. The movement of a bovine animal direct to an exempt finishing unit approved by the Welsh Ministers under article 14A.

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Movement to approved finishing units

6. The movement of a bovine animal direct to an approved finishing unit approved by the Welsh Ministers under article 14A.

Movement to agricultural shows

7. The movement of a bovine animal to an agricultural show that does not involve a stay of more than 24 hours or housing of that animal at the showground, provided that the animal either goes directly from the show to slaughter or is returned directly to its premises of origin after the show.

Movement within or from the low TB area

8. The movement of a bovine animal within or from the low TB area, unless the bovine animal is in a—

- (a) restricted herd;
- (b) licensed finishing unit;
- (c) herd that has had tuberculosis-free status for less than 18 months; or
- (d) herd on premises that borders other premises where the herd is a restricted herd.

SCHEDULE 3

Article 13A

Permitted movements without post-movement testing

Movement to slaughter

1. The movement of a bovine animal direct to slaughter.

Movement to slaughter markets

2. The movement of a bovine animal direct to a market from which all animals go direct to slaughter.

Movement to exempt finishing units

3. The movement of a bovine animal direct to an exempt finishing unit approved by the Welsh Ministers under article 14A.

Movement to approved finishing units

4. The movement of a bovine animal direct to an approved finishing unit approved by the Welsh Ministers under article 14A.

Movement to licensed finishing units

5. The movement of a bovine animal direct to a licensed finishing unit.

Movement to agricultural shows

6. The movement of a bovine animal to an agricultural show in the low TB area, or a return to the low TB area from an agricultural show outside the low TB area, provided that—

- (a) the move does not involve a stay of more than 24 hours or the housing of that animal at the showground; and
- (b) the animal either goes directly from the show to slaughter or is returned directly to its premises of origin after the show.

Movement from the low risk area in England to the low TB area

7. The movement of a bovine animal from the low risk area in England to the low TB area. “The low risk area in England” (“*yr ardal risg isel yn Lloegr*”) means the area defined in article 9A of the Tuberculosis (England) Order 2014(4).

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Tuberculosis (Wales) Order 2010 (S.I. 2010/1379 (W. 122)) (“the 2010 Order”).

The amendments are contained in the Schedule to this Order.

Paragraph 1 introduces definitions of “collection centre”, the different tuberculosis areas in Wales, “licensed finishing unit” and “post-movement test”.

Paragraph 2 makes provision clarifying precautions against the spread of disease.

Paragraphs 3 and 10 replace biosecurity improvement notices with biosecurity requirements notices.

Paragraph 4 makes provision for facilitating the on-farm slaughter and subsequent removal of an animal tested for tuberculosis.

Paragraph 5 clarifies the circumstances in which a skin test cannot be used as a pre-movement test, and when a pre-movement test is not required.

Paragraph 6 inserts a new article 13A into the 2010 Order requiring keepers in the low TB area who receive bovine animals from herds in areas where there are a greater number of occurrences of tuberculosis, or from England or Northern Ireland, to arrange and pay for a post-movement skin test to be undertaken by an approved veterinary surgeon. The new article also sets out when a post-movement skin test is not required. The test must be undertaken no fewer than 60 days but no more than 120 days after the animals have arrived at the premises. If the test is not done then an inspector must impose movement restrictions on all bovine animals on the premises. The different tuberculosis areas in Wales are shown on the map entitled “Wales Regional TB areas”. Due to the scale of the map, it is not possible to annex it to this Order. The map can be accessed on the Welsh Government’s website at www.gov.wales/bovinetb.

Paragraphs 7 and 8 amend the numbering of the Schedule to the 2010 Order following the introduction of Schedules 2 and 3 by this Order.

Paragraph 9 amends paragraph 1 of the Schedule to the 2010 Order. It amends the maximum compensation value of an animal slaughtered for tuberculosis, and makes provision for the amount

(4) S.I. 2014/2383 as amended by S.I. 2015/1838 and S.I. 2016/347.

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of compensation where an animal is not identified in accordance with the requirements of the Cattle Identification (Wales) Regulations 2007 ([S.I. 2007/842 \(W. 74\)](#)).

Paragraph 11 inserts new Schedules 2 and 3 setting out permitted movements without pre- or post-movement testing.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to this Order. As a result, a Regulatory Impact Assessment has been prepared as to the likely costs and benefits of complying with this Order. A copy can be obtained from the Welsh Government, Cathays Park, Cardiff CF10 3NQ.