
SCOTTISH STATUTORY INSTRUMENTS

2023 No. 93

The Tuberculosis (Scotland) Order 2023

PART 3

Testing of bovine animals

Meaning of premises

8. For the purposes of article 9 and 10, “premises” does not include any assembly centre, collection centre, agricultural show, market or slaughterhouse.

Pre-movement testing

9.—(1) The keeper of any bovine animal on any premises in a high incidence area in Scotland must not allow that animal to be moved from the premises unless a diagnostic test for tuberculosis has been applied to it no more than 30 days before the date of its movement from the premises.

(2) The occupier of any premises in Scotland must not allow to enter those premises any bovine animal from premises in a high incidence area unless that animal has had applied to it a diagnostic test for tuberculosis no more than 30 days before the date of its movement from the premises in a high incidence area.

(3) Where a bovine animal on any premises in Scotland which has been moved from any premises in a high incidence area has not had applied to it a diagnostic test for tuberculosis no more than 30 days before the date of its movement from the premises in a high incidence area, the keeper of the animal must—

- (a) ensure that test is applied to the animal as soon as reasonably practicable after it is known to that person that a test was not applied before the animal was moved from the high incidence area, and
- (b) where the result of the test carried out under paragraph (a) is read by and to the satisfaction of an approved veterinary surgeon, ensure that a second test is applied to the animal no fewer than 60 days and no more than 120 days from the date of application of the first test.

(4) The occupier of any premises in Scotland must not allow to enter those premises any bovine animal from premises in a low incidence area unless that animal has had applied to it a diagnostic test for tuberculosis no more than 30 days before the date of its movement from the premises in a low incidence area.

(5) Paragraph (4) does not apply to a bovine animal born and kept at all times on premises in a low incidence area.

(6) For the purposes of paragraph (5), a bovine animal born and kept at all times on premises in a low incidence area includes a bovine animal moved from premises in a low incidence area to an agricultural show or a market in a high incidence area.

(7) Where a bovine animal on any premises in Scotland which has been moved from any premises in a low incidence area has not had applied to it a diagnostic test for tuberculosis no more than 30 days before the date of its movement from the premises in the low incidence area, the keeper of the animal

must ensure that test is applied to the animal as soon as reasonably practicable after it is known to that person that a test was not applied before the animal was moved from the low incidence area.

(8) This article does not apply to any bovine animal under 42 days of age at the time it is moved to Scotland.

(9) For the purposes of paragraphs (1), (2) and (4), the application of a short interval test is not to be treated as meeting the requirement for the application of a diagnostic test for tuberculosis before the date of movement.

(10) In paragraph (9), “short interval test” means a diagnostic test for tuberculosis applied to a bovine animal for the purpose of ascertaining whether movement restrictions may be lifted from a premises where the presence of tuberculosis has been confirmed.

(11) In this article and in article 10, “high incidence area” means an area in Great Britain where bovine animals are subject to routine tuberculin testing at intervals of no more than two years.

(12) In this article, “low incidence area” means an area in England or Wales where bovine animals are subject to routine tuberculin testing at intervals of more than two years.

Post-movement testing

10.—(1) Where a bovine animal is moved to premises in Scotland (in this article “the receiving premises”) from premises in a high incidence area, the keeper of the bovine animal must ensure that a diagnostic test for tuberculosis is applied to it no fewer than 60 days and no more than 120 days after the date on which it first arrives at the receiving premises.

(2) Unless paragraph (3) applies, the keeper of a bovine animal must not allow the animal to be moved from the receiving premises unless a diagnostic test has been applied to it in accordance with paragraph (1) and the results of the test as read by an inspector or approved veterinary surgeon are negative for tuberculosis.

(3) This paragraph applies where the bovine animal is moved—

- (a) directly to slaughter within 120 days of the animal’s first arrival at the receiving premises,
- (b) solely for the purpose of veterinary treatment, provided that after the treatment the animal is returned directly to the receiving premises or is killed or goes directly to slaughter, or
- (c) under the authority of a movement licence issued by a veterinary inspector.

Premises situated partly in Scotland and partly in England

11. Articles 9 and 10 do not apply to movements of animals within premises which are partly situated in Scotland and partly situated in England, where the movement is from that part of the premises situated in Scotland to that part of the premises situated in England, or vice versa.

Application of test

12.—(1) The keeper of the bovine animal to which a test must be applied in accordance with article 9(1), (3), (4) or (7) or article 10(1) must arrange for an approved veterinary surgeon to apply the test and is to meet the expense of its application.

(2) Paragraph (1) does not apply where any bovine animal has had applied to it within the relevant periods a diagnostic test for tuberculosis for purposes other than those of articles 9 (other than a short interval test referred to in article 9(9)) and 10.

Restriction on movement after application of test

13.—(1) Unless under the authority of a licence issued by a veterinary inspector, a person must not move a bovine animal from the premises on which it is kept where—

- (a) a diagnostic test for tuberculosis is applied, and
- (b) the results of the test have not yet been read.

Restriction on movement etc. subsequent to positive or inconclusive test results

14.—(1) Paragraph (2) applies where—

- (a) a diagnostic test for tuberculosis is applied to a bovine animal,
- (b) the results of that test are read by an inspector or approved veterinary surgeon,
- (c) the inspector or approved veterinary surgeon is satisfied that the test results reveal that the bovine animal is either a reactor, or an inconclusive reactor, and
- (d) the keeper is informed of the test results by a person who has received consent to test under article 35(a).

(2) Where this paragraph applies, the keeper must ensure that—

- (a) no such animal may be moved on or off the premises on which it is kept, except under the authority of a licence issued by a veterinary inspector,
- (b) every reactor and inconclusive reactor is kept in isolation,
- (c) no milk from a reactor is placed in a bulk milk tank, and
- (d) where the reactor is kept on premises with a dairy herd of bovine animals, any commercial buyer of the milk from the herd in which the reactor was found is informed that the herd is subject to restrictions under this article as no longer considered to be free from tuberculosis.

(3) Each of the restrictions or requirements in paragraph 2(a) to (d) remain in force until a veterinary inspector serves a notice amending or withdrawing that restriction or requirement.

Reporting test results

15. Any person diagnostically testing a bovine animal for tuberculosis must report the result of that test, as soon as reasonably practicable, to the Scottish Ministers.

Obstruction

16. A person must not interfere with, or obstruct the application or reading of, a diagnostic test for tuberculosis applied under this Order.