
STATUTORY INSTRUMENTS

1989 No. 878

ANIMALS

ANIMAL HEALTH

The Tuberculosis (Deer) Order 1989

Made - - - - *22nd May 1989*

Coming into force

Article 1 *31st September 1989*

Remainder *1st June 1989*

The Minister of Agriculture, Fisheries and Food, in relation to England, the Secretary of State for Scotland in relation to Scotland, and the Secretary of State for Wales in relation to Wales, in exercise of the powers conferred on them by section 1, 7(1), 8(1), 15(4), 25, 72 and 86(1) of the Animal Health Act 1981(1) and of all other powers enabling them in that behalf, hereby make the following Order:

Title and commencement

1.—(1) This Order may be cited as the Tuberculosis (Deer) Order 1989 and, except for article 13, shall come into force on 1st June 1989.

(2) Article 13 of this Order shall come into force on 1st September 1989.

Interpretation

2.—(1) In this Order, unless the context otherwise requires—

“the Act” means the Animal Health Act 1981;

“affected animal” means a deer which is affected with tuberculous emaciation, or is excreting or discharging tuberculous material, or is affected with a chronic cough and shows clinical signs of tuberculosis or is a reactor, and “suspected animal” shall be construed accordingly;

“appropriate Minister” means, in relation to England, the Minister, and in relation to Scotland or Wales, the Secretary of State;

(1) 1981 c. 22; section 86(1) contains a definition of “the appropriate Minister” relevant to the exercise of the statutory powers under which this Order is made. The definition of “disease” in section 88(1) of the Act was extended, in relation to England and Wales, by article 3 of S.I. 1984/1943 so as to include tuberculosis and, in relation to Scotland, by a corresponding provision of S.I. 1984/2063.

“appropriate officer” means a veterinary inspector or, in relation to England another officer of the Ministry or, in relation to Scotland or Wales, an officer of the Secretary of State;

“approved disinfectant” means a disinfectant listed in the Diseases of Animals (Approved Disinfectants) Order 1978⁽²⁾ as being approved for the time being for use against tuberculosis;

“carcase” means the carcase of a deer, and includes part of a carcase and the flesh, bones, hide, skin, hooves, offal or other part of a deer, separately or otherwise, or any portion thereof;

“cattle” means bulls, cows, steers, heifers and calves;

“deer” means deer of any species;

“the Divisional Veterinary Officer” means the veterinary inspector appointed for the time being by the Minister to receive information about affected or suspected animals, or the carcasses of such animals, for the area in which such animals or carcasses are;

“the Minister” and “the Ministry” mean respectively the Minister and the Ministry of Agriculture, Fisheries and Food;

“premises” includes land with or without buildings but does not include any part or parts of any premises used for the temporary detention of animals as a market, sale-yard, fairground, lair or place of exhibition;

“reactor” means a deer which gives rise to a reaction consistent with its being affected with tuberculosis when tested for that disease either by or on behalf of the appropriate Minister or otherwise, as the case may be, provided that in the case of a test otherwise so carried out the result thereof has been reported to the appropriate Minister;

“veterinary inspector” means a veterinary inspector appointed by the Minister;

“veterinary surgeon” means a person registered in the register of veterinary surgeons or the supplementary veterinary register.

(2) Any reference in this Order to a lettered form is a reference to a form bearing that letter in the Schedule to this Order.

Application of the Order

3. The provisions of this Order shall not apply in relation to approved premises, within the meaning of the Importation of Animals Order 1977⁽³⁾ and shall apply in relation to imported animals only—

- (a) from the time specified in the licence issued under article 11(5) of that Order; or
- (b) where the existence or suspected existence of disease in any part of Great Britain makes it expedient that no such licence should be issued for the time being, from the time when those animals have completed the period of detention in quarantine required under the provisions of that Order, or, as the case may be, have been rested in an approved reception centre for the period so required.

Notification of disease in deer

4.—(1) A person who has in his possession or under his charge an affected or a suspected animal and a veterinary surgeon who in the course of his duties, examines any such animal shall, with all practicable speed, give notice of the fact to the Divisional Veterinary Officer.

(2) A person who has in his possession or under his charge an affected or a suspected animal shall forthwith detain it on the premises where it then is and isolate it as far as practicable from other animals.

(2) S.I. 1978/32; relevant amending instrument is S.I. 1989/144.

(3) S.I. 1977/944.

Notification of disease in carcasses

5.—(1) A person who has in his possession or under his charge a carcass which is affected with or suspected of being affected with tuberculosis, and any veterinary surgeon or other person who in the course of his duties examines any such carcass shall, with all practicable speed, give notice of the fact to the Divisional Veterinary Officer.

(2) A person who has in his possession or under his charge a carcass which is affected or suspected of being affected with tuberculosis shall detain it, or so much of it as is affected with or suspected of being affected with tuberculosis, on the premises where it then is until it has been examined by a veterinary inspector.

Veterinary enquiry as to the existence of disease

6.—(1) Where by reason of information received, whether under article 4 or article 5 above or otherwise, a veterinary inspector has reasonable grounds for supposing that there is on any premises an affected or a suspected animal or a carcass which is affected with or suspected of being affected with tuberculosis he shall, with all practicable speed, take such steps as may be necessary to establish the correctness of that information.

(2) For the purposes of such an enquiry a veterinary inspector may—

- (a) examine any deer or carcass on the premises;
- (b) make such tests and take such samples from any deer or carcass on the premises as he may consider necessary for the purpose of diagnosis;
- (c) paint, stamp, clip, tag or otherwise mark any deer or carcass on the premises.

(3) If so required by a veterinary inspector the owner or person in charge of any deer or carcass on the premises shall mark the deer or carcass in the manner required by the veterinary inspector.

(4) The occupier of the premises and his employees, and any person who is or has been in possession or charge of any deer or carcass which is or has been on the premises, shall—

- (a) provide such reasonable facilities and comply with such reasonable requirements as are necessary for the purposes of the enquiry; and
- (b) if so required by an appropriate officer give such information as he possesses as to—
 - (i) any deer or carcass which is or has been on the premises,
 - (ii) any other deer or carcass with which any deer or carcass which is or has been on the premises may have come into contact, and
 - (iii) the location and movement of any deer or carcass which is or has been in his possession or charge.

(5) A veterinary inspector shall serve a notice in Form A on the owner or person in charge of any deer examined by him which in his opinion is an affected or suspected animal.

(6) On the service of a notice in Form A the requirements contained in that notice shall have effect.

(7) A notice in Form A shall remain in force until it is withdrawn by a notice in Form B served by a veterinary inspector on the owner or person in charge of the deer to which the notice in Form A relates.

Testing of deer

7. An appropriate officer may, by notice in writing served on the owner or person in charge of any deer, require him—

- (a) to arrange for any deer which may be specified in the notice to be tested for tuberculosis at his own expense and in such manner and within such period as may be so specified; and

- (b) to report the result of any such test to the Divisional Veterinary Officer as soon as practicable.

Prohibition on vaccination and therapeutic treatment

- 8.—(1) No person shall vaccinate any deer against tuberculosis.
(2) No person shall treat any deer for tuberculosis.

Precautions against spread of infection

9.—(1) Where the appropriate Minister is satisfied that there is on any premises a deer which is an affected animal—

- (a) a veterinary inspector may, by notice in writing served on the owner or person in charge of such deer, require him to take such steps as may be reasonably practicable to prevent any deer kept on the premises from infecting by contact any deer or cattle kept on any adjoining premises; and
- (b) an appropriate officer may, by notice in writing served on the owner or person in charge of such deer, require him—
- (i) to arrange for the isolation of any deer which may be specified in the notice on any part or parts of the premises so specified;
 - (ii) to ensure that any part or parts of the premises specified in the notice shall not be used by any deer or cattle on the premises, or by such deer or cattle as may be so specified;
 - (iii) at his own expense, and within such time and in such manner as may be specified in the notice to cleanse and disinfect such part or parts of the premises as may be so specified;
 - (iv) to treat and store manure or slurry from any place which has been used by such deer in accordance with the requirements of the notice;
 - (v) not to spread any manure or to spray or spread any slurry from any place which has been used by any such deer otherwise than in accordance with the requirements of the notice;
 - (vi) to cleanse and wash all utensils and other articles used for or about a deer to which the notice relates within such time and in such manner as may be specified in the notice.

(2) Where an appropriate officer has reasonable grounds for supposing that a deer which is on, or which has been on, any premises which are used for any show, exhibition, market, sale or fair, is an affected animal or has been exposed to the infection of tuberculosis, he may, by notice in writing served on the occupier of such premises, require him—

- (a) to ensure that any part or parts of the premises specified in the notice shall not be used by any other deer for such period as may be so specified;
- (b) at his own expense, and within such time and in such manner as may be specified in the notice—
- (i) to cleanse and disinfect such part or parts of the premises as may be so specified;
 - (ii) to dispose of any manure, slurry or other animal waste, straw, litter or other matter which, to his knowledge, has or might have come into contact with such deer.

(3) If any person on whom a notice is served under paragraphs (1)(b) or (2) above fails to comply with the requirements of the notice, the appropriate Minister may, without prejudice to any proceedings arising out of such default, carry out or cause to be carried out the requirements of the notice, and the amount of any expenses reasonably incurred by the appropriate Minister for the

purpose of making good the default shall be recoverable by him as a civil debt from the person in default.

(4) A notice served under paragraph (1)(b)(i) or (ii) above shall remain in force until withdrawn by a further notice in writing served by an appropriate officer on the owner or person in charge of the deer to which that notice relates.

Prohibition on movement of deer and carcasses

10.—(1) A veterinary inspector may, by notice in writing served on the owner or person in charge of any deer kept on such premises as are specified in the notice, prohibit the movement of any deer or carcasses on to or off such premises, except under the authority of a licence issued by an appropriate officer and in accordance with any conditions subject to which the licence is issued.

(2) A notice served under paragraph (1) above shall remain in force until withdrawn by a further notice in writing served by a veterinary inspector on the owner or person in charge of the deer to which that notice relates.

Manure, slurry etc.

11. Where a notice has been served on the owner or person in charge of any deer under the provisions of article 10(1) above which prohibits the movement of such deer off the premises specified in the notice except under the authority of a licence, no manure, slurry or other animal waste shall be removed from such premises except under the authority of a licence issued by the appropriate officer and in accordance with any conditions subject to which such licence is issued.

Suspected animals in markets, shows and sales

12.—(1) Where a veterinary inspector has reasonable grounds for supposing that a deer on any premises at which a show, exhibition, market, sale or fair is being held, is infected with, or has been exposed to the infection of tuberculosis, he may require that deer to be removed from those premises, and (as the owner or person in charge of the deer may elect) taken either—

- (a) back to the premises from which the deer was brought to the show, exhibition, market, sale or fair; or
- (b) to such other premises as may be approved by the appropriate officer for the purpose.

(2) A deer shall only be moved in accordance with the provisions of paragraph (1)(a) or (b) above on condition that it is immediately put into isolation for a period to be terminated by a notice in writing served on the owner or person in charge of the said deer by an appropriate officer.

Identification of deer

13.—(1) Subject to paragraph (3) below, the owner of a deer which is kept on a deer farm (whether or not that deer is a farmed deer) shall mark or identify the deer in a manner approved by the appropriate Minister and shall thereafter maintain such mark or identification so as to be clearly legible.

(2) No person shall move a deer on to or off any premises unless it is marked or identified in a manner approved by the appropriate Minister.

(3) The requirement in paragraph (1) above shall not apply in relation to any deer less than 16 weeks old.

(4) In this article—

- (a) “deer farm” means any land on which farmed deer are kept; and
- (b) “farmed deer” means any deer which—

- (i) are kept by any person by way of business on land enclosed by a deer-proof barrier; and
- (ii) are kept by him—
 - for sale; or
 - primarily for the purpose of the production of meat or other foodstuffs or skins or other by-products; or
 - primarily for breeding purposes;

Restriction on the sale of unidentified deer in markets

14. The owner of a deer shall not expose it for sale or cause or permit it to be exposed for sale in any market or sale-yard unless—

- (a) the deer has been marked or identified in accordance with the provisions of article 13(2) above; and
- (b) such mark or identification is so maintained as to be clearly legible.

Production of licences

15. Where a deer is moved under the authority of a licence issued under this Order—

- (a) the deer shall be accompanied throughout such movement by the licence; and
- (b) the person in charge of the deer being so moved shall, on demand made under this Order by an appropriate officer, or by an inspector of the local authority or by a member of a police force furnish his name and address and shall produce the licence and allow a copy thereof or extract therefrom to be taken.

Enforcement by local authority

16. This Order shall, except where otherwise expressly provided, be executed and enforced by the local authority.

Offences

17. Any person who, without lawful authority or excuse, proof of which shall lie on him—

- (a) defaces, obliterates or removes any mark or identification as is referred to in article 6(2) (c), 6(3) or 13 above; or
- (b) contravenes any provision of this Order or of a licence issued or of a notice served under this Order; or
- (c) fails to comply with any such provision or with any condition of any such licence or notice or with any requirement made under this Order;
- (d) causes or permits any such contravention or non-compliance, commits an offence against the Act.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 22nd May 1989.

L.S.

John MacGregor
Minister of Agriculture, Fisheries and Food

17th May 1989.

Sanderson of Bowden
Minister of State, Scottish Office

18th May 1989

Peter Walker
Secretary of State for Wales

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

SCHEDULE

FORM A ANIMAL HEALTH ACT 1981 THE TUBERCULOSIS (DEER) ORDER 1989 (Article 6) NOTICE REQUIRING DETENTION AND ISOLATION OF AFFECTED OR SUSPECTED ANIMALS AND PROHIBITING MOVEMENT OF DEER AND THEIR CARCASSES

To.....
of

I, the undersigned, being a veterinary inspector of the Ministry of Agriculture, Fisheries and Food, hereby give you notice in accordance with the provisions of the above Order that, as the owner/*person in charge of the deer specified below which is an affected or suspected animal for the purposes of the above Order, you are required

- (a) to detain the said deer on the premises known as (insert description of premises including full postal address) and to keep them isolated, as far as practicable, from other deer and from cattle; and
- (b) to ensure that no deer or carcasses are moved on to or off the premises except under the authority of a licence issued by a veterinary inspector and in accordance with any conditions subject to which the licence is issued.

This notice remains in force until it is withdrawn by a further notice served by a veterinary inspector.

Breach of the requirements of this notice may constitute an offence against the Animal Health Act 1981 and render a person liable to penalties on conviction.

The deer to which this notice applies are specified in the table below.

Description of deer to include age, species and sex

Signed..... Dated 19.....

Name in block letters

Official address

* Delete as appropriate

FORM B ANIMAL HEALTH ACT 1981 THE TUBERCULOSIS (DEER) ORDER 1989 (Article 6) WITHDRAWAL OF NOTICE DECLARING AN INFECTED PLACE (FORM A)

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

To.....
of
.....
I, the undersigned, being a veterinary inspector of the Ministry of Agriculture, Fisheries and Food, hereby withdraw, as from this day of 19....., the infected place notice (Form A) relating to the premises known as (insert: description of premises including full postal address)
served on you on the day of 19.....

Signed..... Dated 19.....
Name in block letters
Official address

EXPLANATORY NOTE

(This note is not part of the Order)

This Order contains provisions relating to tuberculosis in deer and, in particular, provides for—

- (a) the compulsory notification of tuberculosis in deer and in carcasses of deer (articles 5 and 6);
- (b) the investigation by a veterinary inspector into the existence of tuberculosis in deer and the examination by him of deer and their carcasses for this purpose (article 6(1), (2) and (3));
- (c) the imposition (by notice in Form A served by a veterinary inspector) of certain requirements in respect of deer which are affected or suspected of being affected with tuberculosis, including the isolation of such deer from all other deer and from cattle (article 6(4), (5) and (6));
- (d) the testing of deer (if required by notice) and the reporting of the results of such tests (article 7);
- (e) the prohibition of the vaccination and treatment of deer for tuberculosis (article 8);
- (f) precautions which may be required (by notice) to be taken against the spread of tuberculosis in deer, including the isolation of deer and the cleansing and disinfection of premises (articles 9 and 10);
- (g) the marking and identification of deer (article 13);
- (h) the prohibition of the exposure for sale in a market of a deer by its owner unless it is marked or identified in accordance with the provisions of the Order and the mark or identification is clearly legible (article 14); and
- (i) offences (article 17).