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STATUTORY INSTRUMENTS

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**2007 No. 740**

**The Tuberculosis (England) Order 2007**

**Title, commencement and application**

1.—(1) This Order may be cited as the Tuberculosis (England) Order 2007 and comes into force on 6th April 2007.

(2) This Order applies in England only.

**Revocation**

2. The Tuberculosis (England) Order 2006(1) is revoked.

**Interpretation**

3. In this Order—

“the Act” means the Animal Health Act 1981;

“affected animal” means—

- (a) a cow which is affected with tuberculosis of the udder or is giving tuberculous milk, or
- (b) a bovine animal which is affected with tuberculous emaciation or is excreting or discharging tuberculous material or is affected with a chronic cough or shows any other clinical sign of tuberculosis;

“approved collecting centre” has the meaning given by article 12(1)(c);

“approved disinfectant” means a disinfectant that is approved for use against bovine tuberculosis in accordance with the Diseases of Animals (Approved Disinfectants) Order 1978(2);

“approved finishing unit” has the meaning given by article 12(1)(b);

“bovine animal” means domestic cattle of the genus *Bos*, buffalo or bison;

“collecting centre” means premises, other than a market, used for the intermediate reception of animals intended to be moved elsewhere;

“exempt finishing unit” has the meaning given by article 12(1)(a);

“exempt market” has the meaning given by article 11(1);

“the Divisional Veterinary Manager” means the veterinary inspector appointed by the Secretary of State to receive notifications about animals or carcasses affected or suspected of being affected with diseases, for the area in which the animal or carcass is located;

“finishing unit” means premises where bovine animals are fattened and from where they are sent to slaughter;

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(1) [S.I. 2006/394](#).

(2) [S.I. 1978/32](#), to which there are amendments not relevant to this order.

“keeper” means any person who owns or is responsible for a bovine animal whether on a permanent or temporary basis, but it does not include a person responsible for a bovine animal solely because he is transporting it;

“premises” includes land, with or without buildings;

“pre-movement test” means a skin test carried out in accordance with article 9(1);

“reactor” means a bovine animal that produces a reaction to a relevant test which is consistent with its being affected with tuberculosis;

“relevant test” means any diagnostic test for tuberculosis;

“skin test” means a single intradermal comparative cervical tuberculin test for tuberculosis;

“suspected animal” means a bovine animal that is suspected of being infected with tuberculosis, and includes a reactor;

“tuberculosis” means infection with *Mycobacterium bovis* (*M.bovis*).

#### **Extension of definition of “disease” and power to slaughter on account of tuberculosis**

4. For the purposes of the Act, the definition of “disease” in section 88(1) of the Act is extended so as to include tuberculosis, and section 32 of the Act (power to slaughter animals) applies to that disease.

#### **Notification of disease in bovine animals**

5.—(1) Any person who—

- (a) has in his possession or under his charge any bovine animal which he suspects is or may be an affected animal;
- (b) in the course of his practice as a veterinary surgeon, examines a bovine animal which he suspects is or may be an affected animal; or
- (c) in the course of his duties, inspects, for any purpose, a bovine animal which he suspects is or may be an affected animal,

must immediately notify the Divisional Veterinary Manager.

(2) Any person who has in his possession or under his charge any bovine animal which he suspects is or may be an affected animal must, pending conclusion of the veterinary inquiry under article 7 and the service of any notice under that article, immediately—

- (i) detain that animal on the premises where it then is;
- (ii) isolate it as far as practicable from other bovine animals; and
- (iii) adopt precautions with respect to milk produced by that animal as if a notice under article 7 had already been served.

#### **Notification of disease in carcasses**

6.—(1) Any person who—

- (a) has in his possession or under his charge any carcass that is affected with or suspected of being affected with tuberculosis;
- (b) in the course of his practice as a veterinary surgeon, examines a carcass that is affected with or suspected of being affected with tuberculosis; or
- (c) in the course of his duties, inspects, for any purpose, a carcass that is affected with or suspected of being affected with tuberculosis,

must, immediately he suspects the carcass may be affected with tuberculosis, notify the Divisional Veterinary Manager.

(2) A person who has in his possession or under his charge a carcass mentioned in paragraph (1) must detain it on the premises where it then is until it has been examined by a veterinary inspector.

(3) In this article, “carcass” means the carcass of any bovine animal or other farmed or pet mammal.

### **Veterinary inquiry as to the existence of disease**

7.—(1) Where a veterinary inspector has reason to believe an affected animal or a suspected animal (other than a reactor) or a carcass of a bovine animal that is affected with or suspected of being affected with tuberculosis is present on any premises, he must, with all practicable speed, take such steps as may be necessary to establish whether it is in fact an affected or suspected animal or carcass.

(2) For the purpose of carrying out his duties under this article a veterinary inspector may examine any bovine animal or carcass of a bovine animal on the premises and take such samples from any such animal or carcass or carry out such tests as may be required for the purpose of diagnosis.

(3) A veterinary inspector must serve a notice on the keeper of any bovine animal examined by him which in his opinion is an affected animal or suspected animal, requiring the keeper to—

- (a) detain that animal in accordance with the requirements of the notice and keep it isolated from other bovine animals;
- (b) where appropriate, take steps to ensure that the milk produced by the animal is not mixed with other milk and is boiled or otherwise sterilized and that any utensil with which such milk has been in contact before it is so treated is thoroughly cleansed and scalded with steam or boiling water before the utensil is used again; and
- (c) ensure that no bovine animal is moved on to or off the premises or such part of the premises as is specified in the notice except under the authority of a licence issued by an inspector.

### **Tuberculosis testing**

8.—(1) The Secretary of State may by notice served on the keeper of a bovine animal, require the keeper to have any such animal tested for tuberculosis with a relevant test by a specified date.

(2) Without prejudice to article 14, where there has been a failure to test an animal in accordance with a notice served under paragraph (1) the Secretary of State may, by notice served on the keeper of that animal, prohibit the movement of bovine animals, or of such bovine animals as are specified in the notice, on to or off the premises or any part of them, except under the authority of a licence issued by an inspector.

(3) The keeper of any bovine animal must comply with all reasonable requirements of an inspector with a view to facilitating—

- (a) the examination of that animal by that inspector;
- (b) the application to it or the reading of any relevant test; or
- (c) the valuation of it in a case where the Secretary of State intends to cause it to be slaughtered under section 32 of the Act in its application to tuberculosis,

and in particular must arrange at his own expense for the collection, penning and securing of any such animal if so required.

(4) Without prejudice to any proceedings for an offence under this Order, where there has been a failure to test an animal in accordance with a notice issued under paragraph (1), the Secretary of State may take or cause to be taken all the steps that may be necessary to facilitate the examination, testing and, if appropriate, the valuation of that animal, (including the removal of that animal from the

premises on which it is kept) and the amount of any expenses reasonably incurred by the Secretary of State for the purpose of making good the default shall be recoverable by him from the person in default.

(5) Where a relevant test has been applied to a bovine animal, no person may move that animal from the premises on which it is kept unless—

- (a) the movement is under the authority of a licence issued by a veterinary inspector; or
- (b) the results of the test have been read by an inspector and are negative.

### **Pre-Movement Testing**

9.—(1) No person may move a bovine animal from any premises unless—

- (a) a skin test has been applied to it no more than 60 days before the date of movement; and
- (b) the results of the test have been read by an inspector and are negative.

(2) Paragraph (1) does not apply to the following animals—

- (a) bovine animals in herds that are subject to routine testing for tuberculosis less frequently than biennially;
- (b) bovine animals that are under 6 weeks old at the date of the movement;
- (c) bovine animals that have been present on the premises for no more than 30 days at the date of the movement;
- (d) bovine animals that are subject to routine annual testing for the following public health reasons only—
  - (i) they are on a farm considered by the Divisional Veterinary Manager to be a farm that is open for visits by the public or by sections of the public;
  - (ii) they are part of a herd from which the Dairy Hygiene Inspectorate has approved the sale of raw cow's milk for drinking direct to the end consumer, either by retail sale of bottled milk or as part of an on-farm catering business;
  - (iii) they are part of a herd from which raw cow's milk is regularly used for the manufacture of unpasteurised cheese or other unpasteurised dairy products;
- (e) bovine animals at an approved semen collection centre.

(3) Paragraph (1) does not apply to the following movements—

- (a) movements specified in the Schedule;
- (b) any movement under the authority of a licence issued by a veterinary inspector.

(4) For the purposes of paragraph (1)(a), a skin test is applied on the date tuberculin is injected.

### **Tuberculosis test records**

10.—(1) Where a skin test has been applied to a bovine animal, the Secretary of State must, as soon as practicable after the results of the test have been read by an inspector, give the keeper of that animal a written record of the results.

(2) Paragraph (1) does not apply to animals in respect of which movement is, or remains, prohibited under this Order following the test.

(3) The keeper of any animal to which paragraph (1) applies must—

- (a) retain the record of the results of the test for a period of 3 years and 60 days following the date of injection of tuberculin; and
- (b) produce such record when requested to do so by an inspector.

## **Exempt markets**

**11.**—(1) The Secretary of State may approve a market to handle and sell bovine animals that have been moved without a pre-movement test in accordance with article 9(3)(a) (“an exempt market”).

(2) The approval must specify—

- (a) the operator of the market;
- (b) the premises upon which the exempt market is to be held;
- (c) the dates and times for the holding of the exempt market; and
- (d) the conditions with which the operator of the exempt market must comply.

(3) The operator of an exempt market must separate animals in or entering the exempt market from other bovine animals present on other parts of the premises where the exempt market is located.

(4) No person may purport to hold an exempt market unless it is approved under paragraph (1).

(5) No person may move a bovine animal from an exempt market except direct to a permitted destination.

(6) No person may move a bovine animal that is not separated from animals in or entering an exempt market as required by paragraph (3) except to a permitted destination.

(7) In this article, “permitted destination” means—

- (a) in respect of animals that are subject to routine testing less frequently than biennially, an exempt or approved finishing unit or a slaughterhouse;
- (b) in respect of all other animals, an exempt or approved finishing unit, a slaughterhouse, or back to the premises from which they were brought.

(8) A market in Scotland or Wales that is approved by the Scottish Ministers or the National Assembly for Wales for the same purpose as a market may be approved under this article is also an exempt market for the purposes of this Order.

## **Exempt finishing units, approved finishing units and approved collecting centres**

**12.**—(1) The Secretary of State may approve—

- (a) a finishing unit to take bovine animals that have been moved without a pre-movement test in accordance with article 9(3)(a) (“an exempt finishing unit”);
- (b) a finishing unit to take bovine animals that come from a restricted herd (“an approved finishing unit”); or
- (c) a collecting centre to take bovine animals that come from a restricted herd (“an approved collecting centre”).

(2) In paragraph (1), “a restricted herd” means a herd that is under a movement restriction imposed under article 14(b).

(3) An approved finishing unit and an approved collecting centre are also approved to take bovine animals that have been moved without a pre-movement test in accordance with article 9(3)(a).

(4) The approval referred to in paragraph (1) must specify—

- (a) the operator;
- (b) the premises or the part of the premises upon which the exempt finishing unit, approved finishing unit or approved collecting centre may be situated; and
- (c) the conditions with which the operator of that finishing unit or collecting centre must comply.

(5) The operator of an exempt finishing unit, an approved finishing unit or an approved collecting centre must separate animals in or entering the finishing unit or collecting centre from other bovine animals present on other parts of the premises where that finishing unit or collecting centre is located.

(6) No person may purport to operate an exempt finishing unit, approved finishing unit or approved collecting centre unless it is approved under paragraph (1).

(7) No person may move a bovine animal from an exempt finishing unit, an approved finishing unit or approved collecting centre except—

- (a) direct to slaughter; or
- (b) under the authority of a licence issued by a veterinary inspector.

(8) No person may move a bovine animal that is not separated from animals in or entering an exempt finishing unit, an approved finishing unit or an approved collecting centre as required by paragraph (5) except—

- (a) direct to slaughter; or
- (b) under the authority of a licence issued by a veterinary inspector.

(9) A finishing unit in Scotland or Wales that is approved by the Scottish Ministers or the National Assembly for Wales for the same purpose as a finishing unit may be approved under paragraph (1) (a) is also an exempt finishing unit for the purposes of this Order.

(10) A finishing unit in Scotland or Wales that is approved by the Scottish Ministers or the National Assembly for Wales respectively for the same purpose as a finishing unit may be approved under paragraph (1)(b) is also an approved finishing unit for the purposes of this Order.

(11) A collecting centre in Scotland or Wales that is approved by the Scottish Ministers or the National Assembly for Wales respectively for the same purpose as a collecting centre may be approved under paragraph (1)(c) is also an approved collecting centre for the purposes of this Order.

### **Prohibitions**

**13.**—(1) No person may vaccinate a bovine animal against tuberculosis without the written consent of the Secretary of State.

(2) No person may treat a bovine animal for tuberculosis without the written consent of the Secretary of State.

(3) No person may perform a test for tuberculosis on a bovine animal except with the written consent of the Secretary of State, and a person to whom any such consent is given must, as soon as he knows the result of the test, report it immediately to the Divisional Veterinary Manager.

(4) No person may interfere with or obstruct the application or the reading of a relevant test.

### **Isolation and prohibition on movement of animals**

**14.** An inspector may, for the purpose of controlling or preventing the spread of tuberculosis, by notice served on the keeper of bovine animals kept on such premises as are specified in the notice—

- (a) require such bovine animals as are specified in the notice to be isolated from other animals; and
- (b) prohibit the movement of bovine animals, or of such bovine animals as are specified in the notice, on to or off such premises, except under the authority of a licence issued by an inspector.

### **Notification of intended slaughter of animals**

**15.**—(1) Where the Secretary of State intends to cause a bovine animal to be slaughtered under section 32 of the Act, an inspector must serve a notice on the keeper of the animal informing him of the intended slaughter and requiring him to detain the animal pending such slaughter, or its removal for such slaughter, on such part of the premises as is specified in the notice and to isolate it as far as practicable from such other animals as are so specified.

(2) Where a notice has been served under paragraph (1), no person may move the animal, other than to slaughter, except under the authority of a licence issued by an inspector.

### **Precautions against spread of infection**

**16.**—(1) Where a veterinary inspector is satisfied that any bovine animal kept on any premises is an affected animal or a suspected animal, he may, by notice served on the keeper of any such animal, require him—

- (a) to treat and store manure or slurry from any place which has been used by any such animal in accordance with the requirements of the notice;
- (b) not to spread any manure or to spray or spread any slurry from any place which has been used by any such animal otherwise than in accordance with the requirements of the notice;
- (c) not to remove manure, slurry or other animal waste from the premises except under the authority of a licence issued by an inspector;
- (d) to take such steps as may be reasonably practicable to prevent any bovine animal kept on the premises from infecting any bovine animal kept on any adjoining premises;
- (e) to arrange for the isolation of any bovine animals which may be specified in the notice on any specified part or parts of the premises;
- (f) to ensure that any part or parts of the premises specified in the notice are not used by any bovine animal on the premises, or by such animal or animals as may be specified;
- (g) within such time and in such manner as may be specified in the notice, to cleanse and disinfect with an approved disinfectant, such part or parts of the premises as may be specified;
- (h) to cleanse and disinfect with an approved disinfectant all utensils and other articles used for or about an animal to which the notice relates within such time and in such manner as may be specified in the notice.

(2) If any person on whom a notice is served under paragraph (1) fails to comply with the requirements of the notice, the Secretary of State 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 Secretary of State for the purpose of making good the default shall be recoverable by him from the person in default.

### **Suspected animals in markets, shows etc.**

**17.**—(1) Where a veterinary inspector reasonably believes that a bovine animal on any premises at which a show, exhibition, market, sale or fair is being held, is an affected animal, a suspected animal or has been exposed to infection by tuberculosis, he may—

- (a) by notice served on the keeper of the animal, require that animal to be removed from those premises, and taken—
  - (i) to a slaughterhouse for immediate slaughter;
  - (ii) back to the premises from which the animal was brought to the show, exhibition, market, sale or fair; or

- (iii) to such other premises as may be approved by the veterinary inspector for the purpose;
- (b) by notice served on the person in charge of the premises—
  - (i) require him to ensure that any part or parts of the premises specified in the notice are not used by any other bovine animal for such period as may be specified in the notice;
  - (ii) require him within such time and in such manner as may be specified in the notice—
    - (aa) to cleanse and disinfect with an approved disinfectant such part or parts of the premises as may be specified in the notice;
    - (bb) to dispose of any manure, slurry or other animal waste, straw, litter or other matter that has, or might have, come into contact with such animal.

(2) Where a bovine animal is moved in accordance with paragraph (1)(a)(ii) or (iii) the keeper must immediately put it into isolation and must not move it from the premises again except under the authority of a licence issued by an inspector.

(3) If any person on whom a notice is served under paragraph (1)(b) fails to comply with the requirements of the notice, the Secretary of State 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 Secretary of State for the purpose of making good the default shall be recoverable by him from the person in default.

#### **Control of infection from other animals**

**18.**—(1) Where a veterinary inspector reasonably believes that an animal kept on any premises is or may be affected with tuberculosis, he may by notice served on the occupier of such premises—

- (a) require him to keep the animal under control in such manner as may be specified in the notice or to confine it to such part of the premises as may be specified; and
  - (b) prohibit the movement of animals on to or off such premises, except under the authority of a licence issued by an inspector.
- (2) In paragraph (1), “animal” means any kind of mammal except a bovine animal or man.

#### **Marking of bovine animals**

**19.**—(1) If he is directed to do so by an inspector, the keeper of bovine animals kept on any premises must mark such animals in the manner required by the inspector.

- (2) The inspector may mark bovine animals kept on any premises.
- (3) No person may change or interfere with any mark that has been applied under this article.

#### **Isolation of *M. bovis* in a laboratory**

**20.**—(1) Where the presence of the organism *M. bovis* is identified by a laboratory examination of a sample taken from any mammal (except man) or from the carcass, products or surroundings of any such mammal, the person in charge of that laboratory must immediately notify the Veterinary Laboratories Agency.

(2) But there is no such duty to notify where *M. bovis* is present in the sample as a result of its deliberate introduction as part of research involving the use of that organism.

#### **General provisions as to notices, licences and approvals**

**21.**—(1) Any notice, licence or approval issued or granted under this Order must be in writing.

(2) Any licence issued under this Order may be general or specific, and may be made subject to conditions.

(3) Any approval granted under this Order may be made subject to conditions.

(4) A notice, licence or approval issued or granted under this Order may be amended, suspended or revoked in writing at any time.

(5) Any person to whom any requirement or condition in a notice, licence or approval issued or granted under this Order applies must comply with the requirement or condition.

### **Production of licences**

**22.** Where a bovine animal is moved under the authority of a licence (other than a general licence) issued under this Order, the person in charge of the animal being moved must, on demand made under this Order by an inspector, give his name and address and must produce the licence and allow a copy of it to be taken.

### **Enforcement**

**23.**—(1) This Order is enforced by the local authority.

(2) The Secretary of State may direct, in relation to cases of a particular description or any particular case, that he will enforce this Order instead of the local authority.

### **Savings**

**24.** Any notice or licence issued, or approval or consent granted, under the Tuberculosis (England and Wales) Order 1984 or the Tuberculosis (England) Order 2006 and which has effect at the coming into force of this Order remains in force as if it were a notice or licence issued, or approval or consent granted, under this Order.

8th March 2007

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