
STATUTORY INSTRUMENTS

2014 No. 2383

The Tuberculosis (England) Order 2014

Title, commencement, application and expiry

1.—(1) This Order may be cited as the Tuberculosis (England) Order 2014 and comes into force on 1st October 2014.

(2) This Order applies in England only.

(3) This Order ceases to have effect at the end of the period of seven years beginning with the day on which this Order comes into force.

Interpretation

2. 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;

“approved disinfectant” means a disinfectant that is approved for use against bovine tuberculosis in accordance with the Diseases of Animals (Approved Disinfectants) (England) Order 2007(1);

“approved finishing unit” has the meaning given by article 12;

“approved veterinary surgeon” has the meaning given in accordance with article 3;

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

“camelid” means a llama, alpaca, vicuna or guanaco;

“carcase” means the carcase of any bovine animal or other farmed or pet mammal;

“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;

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

“keeper” means any person who owns or is responsible for a bovine animal whether on a permanent or temporary basis;

“premises” includes any land, building or other place;

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

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

“relevant test” means a skin test or any other diagnostic test for tuberculosis approved by the Secretary of State;

“restricted herd” means a herd that is under a movement restriction imposed under this Order;

“skin test” means a single intradermal comparative cervical tuberculin test for tuberculosis using bovine and avian tuberculin;

“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*);

“tuberculosis-free status” means a bovine herd that satisfies the conditions laid down in Annex A.I, points 1 and 2 of Council Directive 64/432/EEC(2) on animal health problems affecting intra-Community trade in bovine animals and swine.

Approval of veterinary surgeons

3. The Secretary of State may approve a veterinary surgeon where—
 - (a) the veterinary surgeon has undertaken any training as required by the Secretary of State, and
 - (b) the Secretary of State is of the opinion that the veterinary surgeon is suitable to carry out functions conferred on an approved veterinary surgeon by this Order.

Extension of definition of “disease”

4. For the purposes of the Act, the definition of “disease” in section 88 of the Act is extended so as to include tuberculosis.

Notification of suspected disease in a bovine animal

- 5.—(1) Any person who—
 - (a) is the keeper of a bovine animal which the keeper suspects of having tuberculosis or suspects may be an affected animal,
 - (b) in the course of practice as a veterinary surgeon, examines or inspects a bovine animal which the veterinary surgeon suspects of having tuberculosis, or may be an affected animal,
 - (c) in the course of that person’s duty, inspects, for any purpose, a bovine animal which that person suspects of having tuberculosis or suspects may be an affected animal,

must give immediate notice of such suspicion to the Secretary of State.

(2) Pending conclusion of the veterinary inquiry in accordance with article 7 and the service of any notice under that article, a keeper must immediately after notification—

- (a) detain and not move that notified animal from the premises on which it is located,
- (b) isolate it as far as practicable from other bovine animals, and
- (c) adopt precautions with respect to milk produced by that animal as if a notice under article 7(3)(b) had already been served.

(2) OJ No L 121, 29.7.1964, p 1977, last amended by Council Directive 2013/20/EU (OJ No L 158, 10.6.2013, p 234).

Notification of suspected disease in a carcass

6.—(1) Any of the following who suspects that a carcass may be affected with tuberculosis must give immediate notice of such suspicion to the Secretary of State—

- (a) a person in possession or charge of the carcass;
- (b) a veterinary surgeon who examines the carcass; or
- (c) a person who in the course of that person's duty carries out an inspection of the carcass for any purpose.

(2) A person must not move the carcass from the location where it has been found, and must isolate it as far as practicable from bovine animals or other farmed or pet mammals until it has been examined by a veterinary inspector.

(3) Following such notification the carcass must be detained by the keeper on the premises on which it was located at the time when notification was given.

(4) This article does not apply to the carcass of a deer or camelid(3).

Veterinary inquiry

7.—(1) Where a veterinary inspector has reason to believe that there is present on any premises—

- (a) an affected animal or a suspected animal (other than a reactor), or
- (b) a carcass of a bovine animal that is affected with or suspected of being affected with tuberculosis,

the veterinary inspector must, with all practicable speed, carry out a veterinary inquiry as to the existence of tuberculosis.

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

- (a) examine any bovine animal or carcass;
- (b) carry out such tests and take such samples from any bovine animal or carcass as considered necessary for the purpose of diagnosis; and
- (c) paint, stamp, clip, tag or otherwise mark any bovine animal or carcass.

(3) Where tuberculosis cannot be discounted following the veterinary inquiry, the veterinary inspector must serve a notice requiring the keeper—

- (a) detain the 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—
 - (i) not mixed with other milk;
 - (ii) not fed untreated to calves or to other mammals; and
 - (iii) treated by being boiled, pasteurised or sterilized if not otherwise discarded;
- (c) thoroughly cleanse and scald with steam or boiling water any utensil with which untreated milk has been in contact before the utensil is used again; and
- (d) ensure that no bovine animal is moved on to or off such part of the specified premises 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 animal tested for tuberculosis with a relevant test by a specified date.

(3) Requirements relating to carcasses of deer and camelids are contained in [S.I. 2014/2337](#).

(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 a bovine animal must comply with all reasonable requirements of an inspector or approved veterinary surgeon with a view to facilitating—

- (a) the examination of that animal by that inspector or approved veterinary surgeon,
- (b) the application to that animal of any relevant test or the reading of any skin test, or
- (c) the valuation of that animal (if appropriate),

and in particular must arrange at the keeper's own expense for the collection, penning and securing of any such animal if so required by the inspector or approved veterinary surgeon.

(4) Without prejudice to any proceedings for an offence under this Order, or any administrative penalty imposed on EU direct payment entitlements under Regulation (EU) No 1306/2013 of the European Parliament and of the Council on the financing, management and monitoring of the common agricultural policy⁽⁴⁾ where there has been a failure to test an animal in accordance with a notice issued under paragraph (1), the Secretary of State may—

- (a) 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 the animal from the premises on which it is kept), and
- (b) the amount of any expenses reasonably incurred by the Secretary of State for the purpose of making good the default is recoverable by the Secretary of State from the person in default.

(5) The requirements on the keeper in paragraph (6) apply where—

- (a) a relevant test has been applied to a bovine animal;
- (b) the result of that test has been read by an inspector or an approved veterinary surgeon and communicated to the keeper; and
- (c) the inspector or the approved veterinary surgeon is satisfied that the test reading reveals the bovine animal to be a reactor or an inconclusive reactor.

(6) The requirements are—

- (a) that no bovine animal be moved on or off the premises on which the reactor or inconclusive reactor is kept except under the authority of a licence issued by an inspector;
- (b) to ensure that every reactor and inconclusive reactor is isolated from other animals;
- (c) to permit every reactor to be marked by the person who read the relevant test or by an officer of the Secretary of State;
- (d) not to place any milk from a reactor dairy cow in the bulk milk tank; and
- (e) where the reactor resides on premises with a milking herd, to inform every commercial buyer which buys milk from that herd of the loss of tuberculosis-free status.

(7) An inspector may by notice amend or disapply the requirement referred to in paragraph (6) (a) or (b) at any time.

(8) The Secretary of State may consider a bovine animal to be a suspected animal where the keeper has failed to have the animal tested as required by a notice served under paragraph (1).

⁽⁴⁾ OJ L No 347, 20.12.2013, p 549, as last amended by Regulation (EU) No 1310/2013 of the European Parliament and of the Council (OJ No 347, 20.12.2013, p 865).

(9) The Secretary of State may consider a bovine animal (other than bison or buffalo) to be a suspected animal where for reasons of practicability the person allocated to carry out the test does not consider it safe to test the animal due to—

- (i) the animal's wild or aggressive propensity, or
- (ii) the lack of adequate testing facilities.

(10) The inspector or approved veterinary surgeon reading the result of a relevant test which reveals a reactor or inconclusive reactor must report such test result as soon as reasonably practicable to the Secretary of State.

(11) In this article “inconclusive reactor” means a bovine animal that reveals a non-negative reading when tested for tuberculosis but is not regarded as a reactor.

Pre-movement testing

9.—(1) A person must not 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 or approved veterinary surgeon and are negative.

(2) Where a reading of the test in paragraph (1)(b) does not reveal a negative result for tuberculosis, the requirements in article 8(6) apply.

(3) The following animals do not require a skin test prior to movement—

- (a) bovine animals in a herd that is in an area that is subject to routine testing for tuberculosis less frequently than biennially;
- (b) bovine animals that are under 42 days old at the date of the movement;
- (c) bovine animals that are from an area that would normally only require testing less frequently than biennially, but are subject to routine annual testing for the following public health reasons only—
 - (i) they are on a farm considered by the Secretary of State to be a farm that is open for visits by the public;
 - (ii) they are part of a herd from which the Secretary of State 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; or
 - (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; and
- (d) bovine animals at an approved semen collection centre.

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

- (a) movements specified in the Schedule; or
- (b) any movement under the authority of a licence.

(5) For the purposes of paragraph (1)(a), a skin test is applied on the date bovine and avian tuberculin is injected into the bovine animal.

Tuberculosis test records and publication of information

10.—(1) Where a skin test has been applied to a bovine animal, as soon as practicable after the results of the test have been read by an inspector or approved veterinary surgeon, the Secretary of State must 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 three years and 60 days following the date bovine and avian tuberculin is injected; and
- (b) produce such record when requested to do so by an inspector.

(4) Where a bovine herd loses its tuberculosis-free status the Secretary of State may publish information regarding that herd in any form that the Secretary of State sees fit for the purpose of helping other persons to protect against the further spread of tuberculosis.

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 (“an exempt market”).

(2) The approval must specify—

- (a) the operator of the market;
- (b) the premises on 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) A person must not purport to hold an exempt market unless it is approved under paragraph (1).

(5) A person must not move a bovine animal from an exempt market except direct to a permitted destination.

(6) A person must not 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 Welsh Ministers respectively 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(4)(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) 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) The approval referred to in paragraph (1) must specify—
- (a) the operator;
 - (b) the premises or the part of the premises on 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.

(4) 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.

(5) A person must not purport to operate an exempt finishing unit, approved finishing unit or approved collecting centre unless it is approved under paragraph (1).

(6) A person must not 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.

(7) A person must not 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 (4) except—

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

(8) A finishing unit in Scotland or Wales that is approved by the Scottish Ministers or the Welsh Ministers respectively 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.

(9) A finishing unit in Scotland or Wales that is approved by the Scottish Ministers or the Welsh Ministers 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.

(10) A collecting centre in Scotland or Wales that is approved by the Scottish Ministers or the Welsh Ministers 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) A person must not vaccinate a bovine animal against tuberculosis without the written consent of the Secretary of State.

(2) A person must not treat a bovine animal for tuberculosis without the written consent of the Secretary of State other than for ensuring the basic welfare requirements of the animal.

(3) A person must not 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 that person knows the result of the test, report it immediately to the Secretary of State.

(4) A person must not interfere with or obstruct the application or the reading of a relevant test.

Isolation and prohibition of 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—

- (a) require such bovine animals as are specified in the notice to be isolated from other animals; and

- (b) prohibit the movement of some or all bovine animals on to or off such premises, except under the authority of a licence issued by an inspector.

Notification of intended slaughter of bovine animals

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

(2) Where a notice has been served under paragraph (1), a person must not 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, or where tuberculosis has been identified on any premises, the veterinary inspector may by notice require the keeper of that animal or the person in occupation of the premises (as appropriate)—

- (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 of the premises;
- (f) to ensure that any part 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) to cleanse and disinfect with an approved disinfectant such part of the premises as may be specified in the notice within such time and in such manner 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;
- (i) to adopt precautions with respect to the risk of spreading tuberculosis through—
 - (i) the feeding of unpasteurised milk from a restricted herd to any calves or other mammal;
 - (ii) keeping milk from herds that are subject to restrictions under this Order separate from milk from cows not so restricted.

(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—

- (a) delay the lifting of movement restrictions (imposed under article 14) until the notice requirements have been completed to the satisfaction of a veterinary inspector;
- (b) 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 is recoverable by the Secretary of State 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; and
- (b) by notice served on the person in charge of the premises—
 - (i) require that person to ensure that any part of the premises specified in the notice is not used by any other bovine animal for such period as may be specified in the notice; and
 - (ii) require that person 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 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 the affected or suspected animal or any animal exposed to infection by tuberculosis.

(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 is recoverable by the Secretary of State 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, the veterinary inspector may by notice served on the occupier of such premises—

- (a) require that occupier 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 farmed mammal except a bovine animal, deer or camelid.

Marking of bovine animals

19.—(1) If directed to do so by an inspector or approved veterinary surgeon, the keeper of bovine animals must mark such animals in the manner required by the inspector or approved veterinary surgeon.

(2) An inspector or approved veterinary surgeon may paint, stamp, clip, tag or otherwise mark a bovine animal for the purpose of identification of tested animals.

(3) A person must not change or interfere with any action taken 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 Secretary of State.

(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.

(3) Any licence, notice or approval issued or 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.

(6) The Secretary of State may by notice revoke any approval of a veterinary surgeon approved under article 3, giving reasons for the revocation.

Production of licences

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

Enforcement

23.—(1) A person who does anything in contravention of this Order commits an offence under section 73 of the Act.

(2) This Order is enforced by the local authority.

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

(4) Where the Secretary of State makes a direction under paragraph (3), the Secretary of State may delegate to the Director of Public Prosecutions functions in relation to the prosecution of an offence under this Order.

Revocations

24. The following Orders are revoked—

- (a) the Tuberculosis (England) Order 2007⁽⁵⁾;
- (b) the Tuberculosis (Amendment) (England) Order 2012⁽⁶⁾; and
- (c) the Tuberculosis (Amendment) (England) Order 2014⁽⁷⁾.

Transitional provisions

25. Any notice or licence issued, or approval or consent granted, under the Tuberculosis (England) Order 2007 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.

Review

26.—(1) The Secretary of State must from time to time—

- (a) carry out a review of this Order;
- (b) set out the conclusions of the review in a report; and
- (c) publish the report.

(2) The report must, in particular—

- (a) set out the objectives intended to be achieved by this Order;
- (b) assess the extent to which those objectives are achieved; and
- (c) assess whether those objectives remain appropriate and, if so, the extent to which they could be achieved with a system that imposes less regulation.

(3) The first report under this article must be published before the end of the period of five years beginning with the day on which the Order comes into force.

(4) Reports under this article are afterwards to be published at intervals not exceeding five years.

George Eustice
Parliamentary Under Secretary of State
Department for Environment, Food and Rural
Affairs

2nd September 2014

⁽⁵⁾ S.I. 2007/740, amended by S.I. 2009/2713, 2012/1391, 2897 and 2014/714.

⁽⁶⁾ S.I. 2012/1391.

⁽⁷⁾ S.I. 2014/714.