

STATUTORY INSTRUMENTS

2021 No. 1001

The Tuberculosis in Animals (England) Order 2021

PART 2

Measures applicable to animals specified in article 1(4)

Notification of suspected disease

5.—(1) Any of the following who suspects that an animal has or may have tuberculosis must give immediate notice of that suspicion to the Secretary of State—

- (a) the keeper of an animal;
- (b) a person who, in the course of practice as a veterinary surgeon, examines or inspects an animal; or
- (c) a person who, in the course of their duty, inspects an animal for any purpose.

[^{F1}(1A) A person, other than the keeper, who is making a notification under paragraph (1) must also notify the keeper of their suspicion.]

(2) Pending the conclusion of the veterinary inquiry in accordance with article 7, including the service of a notice under that article, a keeper who has [^{F2}either] made a notification under paragraph (1) [^{F3}or received a notification under paragraph (1A)] must not move the animal to which the notification relates, or allow it to be moved, from the premises on which it is located, and must immediately after that notification—

- (a) isolate it as far as practicable from other animals; and
- (b) adopt precautions with respect to milk produced by that animal as if a notice under article 7(3) had already been served.

Textual Amendments

- F1** Art. 5(1A) inserted (1.8.2023) by [The Tuberculosis in Animals \(England\) \(Amendment\) Order 2023 \(S.I. 2023/867\)](#), arts. 1(1), **2(3)(a)**
- F2** Word in art. 5(2) inserted (1.8.2023) by [The Tuberculosis in Animals \(England\) \(Amendment\) Order 2023 \(S.I. 2023/867\)](#), arts. 1(1), **2(3)(b)(i)**
- F3** Words in art. 5(2) inserted (1.8.2023) by [The Tuberculosis in Animals \(England\) \(Amendment\) Order 2023 \(S.I. 2023/867\)](#), arts. 1(1), **2(3)(b)(ii)**

Commencement Information

- I1** Art. 5 in force at 1.10.2021, see [art. 1\(1\)](#)

Notification of suspected disease in a carcass

6.—(1) Any of the following who suspects that a carcass is or may be infected 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;
 - (c) a person who inspects the carcass for any purpose, whilst acting in the course of their duty.
- (2) Following the giving of a notice under paragraph (1), the carcass must be detained on the premises on which it was located at the time when the notification was given by—
- (a) the person who gave the notification; or, where it is not practicable for that person to do so,
 - (b) the person in occupation of the premises on which the carcass was located at the time when the notification was given,
- unless a veterinary inspector otherwise directs⁽¹⁾.
- (3) A person who suspects that a carcass is or may be infected with tuberculosis must not move it from the location where it was found, examined or inspected, and—
- (a) that person; or, where it is not practicable for that person to do so,
 - (b) the person in occupation of the premises on which the carcass was found, examined or inspected,
- must isolate it as far as practicable from any animal or other farmed or pet mammal, until it has been examined by a veterinary inspector.

Commencement Information

I2 Art. 6 in force at 1.10.2021, see [art. 1\(1\)](#)

Veterinary inquiry

- 7.—(1) Where a veterinary inspector has reason to believe that there is present on any premises—
- (a) an animal which is, or might have been, exposed to infection by tuberculosis, infected with tuberculosis or a suspected animal (other than a reactor), or
 - (b) the carcass of an animal that is infected with or suspected of being infected with tuberculosis or has been exposed to infection by tuberculosis,
- the veterinary inspector must, with all practicable speed, carry out a veterinary inquiry as to the existence of tuberculosis.
- (2) For the purpose of such an inquiry a veterinary inspector may—
- (a) examine any animal or carcass;
 - (b) carry out such tests and take such samples from any animal or carcass as the veterinary inspector considers necessary for the purpose of diagnosis; and
 - (c) paint, stamp, clip, tag or otherwise mark any animal or carcass.
- (3) Where tuberculosis cannot be discounted following the veterinary inquiry, the veterinary inspector must serve a notice requiring the keeper—
- (a) to detain the animal in accordance with the requirements of the notice and keep it isolated from other animals;
 - (b) where appropriate, to take steps to ensure that any milk produced by the animal is not mixed with other milk or fed untreated to any mammal, and—
 - (i) is discarded; or
 - (ii) is treated by being boiled, pasteurised or sterilized;

(1) For the definitions of “veterinary inspector” and “inspector”, see section 89 of the Animal Health Act 1981.

- (c) thoroughly to 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) to ensure that no animal is moved onto or off such part of the premises as the notice may specify except under the authority of a licence issued by a veterinary inspector.
- (4) A notice served under paragraph (3) must also specify what use may be made of milk which has been treated by being boiled, pasteurised or sterilized.

Commencement Information

I3 Art. 7 in force at 1.10.2021, see [art. 1\(1\)](#)

Tuberculosis testing

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

(2) 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 animals, or of such animals as are specified in the notice, onto or off the premises or any part of them, except under the authority of a licence issued by a veterinary inspector.

(3) The keeper of an animal must comply with all reasonable requirements of an inspector or an 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) The keeper of an animal must comply with all reasonable requirements of a person certified by the Secretary of State under article 5(3)(a) of the Veterinary Surgery (Exemptions) Order 2015⁽²⁾ who operates under the direction of an inspector or approved veterinary surgeon.

(5) Without prejudice to any proceedings for an offence under this Order, or any administrative penalty imposed on direct payment entitlements under [Regulation \(EU\) No. 1306/2013](#) of the European Parliament and of the Council on the financing, management and monitoring or the common agricultural policy⁽³⁾, where there has been a failure to test an animal in accordance with a notice issued under paragraph (1)—

- (a) 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 the animal from the premises on which it is being 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.

(6) The keeper of a bovine animal is subject to the requirements specified in paragraph (7) where—

- (a) a relevant test has been administered to the animal;

⁽²⁾ [S.I. 2015/772](#). The Secretary of State is the “relevant Minister” as defined in article 5(8).

⁽³⁾ EUR 2013/1306 amended by [S.I. 2019/748](#), [763](#), [828](#), [831](#) and [1402](#), and [2020/90](#), [576](#) and [1513](#).

- (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 animal to be a reactor, or an inconclusive reactor.
- (7) The requirements are—
- (a) that no bovine animal be moved on or off the premises on which the reactor, or inconclusive reactor, is being kept except under the authority of a licence issued by an inspector;
 - (b) to ensure that every reactor, or 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 in any bulk milk tank; and
 - (e) where the reactor resides on premises with a milking herd, to inform every buyer who buys milk from that herd of the loss of officially tuberculosis-free status.
- (8) An inspector may at any time by notice amend or disapply the requirement referred to in paragraph (7)(a) or (b).
- (9) The Secretary of State may treat a bovine animal as a suspected animal where the keeper has failed to have that animal tested as required by a notice served under paragraph (1).
- (10) The Secretary of State may treat a bovine animal (other than a bison or buffalo) as 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—
- (a) the animal's wild or aggressive propensity; or
 - (b) the lack of adequate testing facilities.
- (11) 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 to the Secretary of State as soon as reasonably practicable.

Commencement Information

I4 Art. 8 in force at 1.10.2021, see [art. 1\(1\)](#)

Tuberculosis test records

- 9.—(1)** Where a skin test has been applied to an animal, the Secretary of State must, as soon as practicable after the results of the test have been read by an inspector or approved veterinary surgeon, give the keeper of that animal a written record of the results.
- (2) Paragraph (1) does not apply in relation to an animal the movement of which is, or remains, prohibited under this Order following the test.
- (3) The keeper of any animal to which paragraph (1) relates must—
- (a) retain the record of the results of the test for a period of three years and 60 days following the date on which bovine and avian tuberculin is injected; and
 - (b) produce such record when requested to do so by an inspector.

Commencement Information

I5 Art. 9 in force at 1.10.2021, see [art. 1\(1\)](#)

Prohibitions

10.—(1) A person must not vaccinate an animal against tuberculosis without the written consent of the Secretary of State.

(2) A person must not treat an animal for tuberculosis without the written consent of the Secretary of State.

(3) A person must not perform a test for tuberculosis on an 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 that result immediately to the Secretary of State.

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

(5) Where a relevant test has been applied to an animal, a person must not, except under the authority of a licence issued by a veterinary inspector, move that animal from the premises at which the test was administered until a negative result has been read by an inspector or approved veterinary surgeon and the keeper has been informed of that result.

Commencement Information

I6 Art. 10 in force at 1.10.2021, see [art. 1\(1\)](#)

Notification of intended slaughter of animals

11.—(1) Where the Secretary of State exercises powers conferred by section 32(1) of the Act to slaughter an animal infected with tuberculosis or a suspected animal, the Secretary of State may—

- (a) by notice require the keeper to detain the animal prior to removal and slaughter;
- (b) arrange for the disposal of the animal's carcass.

(2) Where a notice has been served under paragraph (1), a person must not move the animal, or cause or permit it to be moved, off the part of the premises on which it is required by the notice to be detained, other than to remove it to slaughter, except under the authority of a licence issued by an inspector.

Commencement Information

I7 Art. 11 in force at 1.10.2021, see [art. 1\(1\)](#)

Precautions against the spread of infection

12.—(1) Where a veterinary inspector is satisfied that any animal kept on any premises is infected with tuberculosis or is 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 animal kept on the premises from infecting any animal being kept on any adjoining premises;

- (e) to arrange for the isolation of any animal specified in the notice on any specified part of the premises;
 - (f) to ensure that any part of the premises specified in the notice is not used by any animal on the premises, or by any such animal as may be specified;
 - (g) to cleanse and disinfect with an approved disinfectant within such time and in such manner as may be specified—
 - (i) such part of the premises as may be specified in the notice; and
 - (ii) all utensils and other articles used for or about an animal to which the notice relates;
 - (h) to adopt precautions with respect to the risk of spreading tuberculosis through—
 - (i) the feeding of unpasteurised milk from a restricted herd to any mammal;
 - (ii) keeping milk from herds that are subject to restrictions under this Order separate from milk from animals 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 7(3), 8(2) or 8(7) until the requirements of the notice have been completed to the satisfaction of a veterinary inspector;
 - (b) without prejudice to any proceedings arising out of such default, carry out the requirements of the notice or cause them to be carried out, 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.

Commencement Information

18 Art. 12 in force at 1.10.2021, see [art. 1\(1\)](#)

Suspected animals in markets, shows etc

13.—(1) Where a veterinary inspector reasonably believes that an animal on any premises at which a show, exhibition, market, sale or fair is being held is infected with tuberculosis, is a suspected animal or has been exposed to infection by tuberculosis, that veterinary inspector 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 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; and

(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 infected or suspected animal or any animal exposed to infection by tuberculosis.

(2) Where an 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 the requirements of the notice or cause them to be carried out, 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.

Commencement Information

I9 Art. 13 in force at 1.10.2021, see [art. 1\(1\)](#)

Control of infection from other animals

14.—(1) Where a veterinary inspector reasonably believes that an animal kept on any premises is or may be infected with tuberculosis, that veterinary inspector may serve a notice on the occupier of such premises.

(2) A notice served under paragraph (1) may—

- (a) require the 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 onto or off such premises, except under the authority of a licence issued by an inspector.

(3) 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 the requirements of the notice or cause them to be carried out, 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.

Commencement Information

I10 Art. 14 in force at 1.10.2021, see [art. 1\(1\)](#)

Marking of animals

15.—(1) Where an inspector or an approved veterinary surgeon so directs, the keeper must mark an animal 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 an animal for the purpose of identification of tested animals.

(3) A person must not change or interfere with any action taken under this article without authorisation by an inspector or an approved veterinary surgeon.

Commencement Information

I11 Art. 15 in force at 1.10.2021, see [art. 1\(1\)](#)

Identification and movement of deer

16.—(1) A person must not move a deer onto or off any premises unless—

- (a) the deer is identified by an ear tag in a manner approved by the Secretary of State;
- (b) the move is made under the authority of a licence granted under the Disease (Control) (England) Order 2003⁽⁴⁾; and
- (c) the move is recorded in accordance with the Movement of Animals (Records) Order 1960⁽⁵⁾.

(2) A person must not move the carcase of a deer onto or off any premises other than in a manner approved by the Secretary of State.

(3) A person must not expose a deer for sale or cause or permit it to be exposed for sale in any market or sale-yard unless—

- (a) the deer has been identified in accordance with the provisions of paragraph (1)(a); and
- (b) such identification is so maintained as to be clearly legible.

Commencement Information

I12 Art. 16 in force at 1.10.2021, see [art. 1\(1\)](#)

Identification of *M. bovis* in a laboratory

17.—(1) Where the presence of the organism *M. bovis* is identified by a laboratory examination of a sample taken from any mammal (except a human being) or from the carcase, products or surroundings of any such mammal, the person in charge of that laboratory must immediately inform 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.

Commencement Information

I13 Art. 17 in force at 1.10.2021, see [art. 1\(1\)](#)

Production of licences

18. Where an animal is moved under the authority of a licence issued under this Order, the person in charge of the animal being moved must, on a demand made by a veterinary inspector—

- (a) give their name and address;
- (b) produce the licence (other than where reliance is on a general licence); and
- (c) allow a copy of that licence to be taken.

Commencement Information

I14 Art. 18 in force at 1.10.2021, see [art. 1\(1\)](#)

(4) S.I. 2003/1729 amended by S.I. 2005/3100, 2006/182 and 2623, 2007/2476, 2008/1066, 2012/2897 and 2016/280.

(5) S.I. 1960/105 amended by S.I. 1961/1493, 1977/944, 1989/879 and 2053, 1990/1868, and 1995/11 and 12.

Changes to legislation: *There are currently no known outstanding effects for the The Tuberculosis in Animals (England) Order 2021, PART 2. (See end of Document for details)*

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