

WELSH STATUTORY INSTRUMENTS

2010 No. 1379 (W.122)

ANIMALS, WALES

ANIMAL HEALTH

The Tuberculosis (Wales) Order 2010

<i>Made</i>	- - - -	<i>30 April 2010</i>
<i>Laid before the National Assembly for Wales</i>	- -	<i>4 May 2010</i>
<i>Coming into force</i>	- -	<i>25 May 2010</i>

The Welsh Ministers make the following Order in exercise of powers conferred by sections 1, 7(1), 8(1), 15(4), 25, 32(2), 34(7), 83(2) and 88(2) of the Animal Health Act 1981(1).

PART 1

General

Title, commencement and application

1. The title of this Order is the Tuberculosis (Wales) Order 2010; it applies in relation to Wales and comes into force on 25 May 2010.

Commencement Information

II Art. 1 in force at 25.5.2010, see [art. 1](#)

Interpretation

2. In this Order—

“the Act” (“*y Ddeddf*”) means the Animal Health Act 1981;

“affected animal” (“*anifail yr effeithiwyd arno*”) means a bovine animal which is affected with tuberculosis of the udder or is giving tuberculous milk, or which is affected with tuberculosis

(1) 1981 c. 22. The meaning of “the Minister” is given by section 86(1). Functions under the Act are exercisable by the Welsh Ministers (in relation to Wales), by virtue of the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672); the National Assembly for Wales (Transfer of Functions) Order 2004 (S.I. 2004/3044) and section 162 of, and paragraph 30 of Schedule 11 to, the Government of Wales Act 2006 (c. 32).

emaciation, or is excreting or discharging tuberculous material, or is affected with a chronic cough, or shows any other clinical signs of tuberculosis;

“approved disinfectant” (“*diheintydd cymeradwy*”) means a disinfectant that is approved for use against bovine tuberculosis in accordance with the Diseases of Animals (Approved Disinfectants) (Wales) Order 2007(2);

[^{F1}“approved veterinary surgeon” (“*milfeddyg cymeradwy*”) means a veterinary surgeon who is approved in accordance with article 2A;]

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

[^{F2}“collection centre” (“*canolfan gasglu*”) means premises used for the intermediate reception of animals intended to be moved elsewhere (but does not include a market or other place used for the sale or trading of animals unless all the animals there are intended for immediate slaughter);]

[^{F2}“deposited map” (“*map a adnewydd*”) means the map entitled “Wales Regional TB areas” signed on behalf of the Welsh Ministers and dated 23 June 2017;]

[^{F2}“high TB area” (“*ardal TB uchel*”) means all the land shaded and identified as “High TB” on the deposited map;]

[^{F2}“intermediate TB area” (“*ardal TB ganolradd*”) means all the land shaded and identified as “Intermediate TB” on the deposited map;]

“keeper” (“*ceidwad*”) 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 the person is transporting it;

[^{F2}“licensed finishing unit” (“*uned besgi drwyddedig*”) means a discrete self-contained holding—

- (a) where all the bovine animals are permanently housed on the unit until they can be moved to slaughter; and
- (b) which is licensed by an inspector for the fattening and finishing of bovine animals that do not come from restricted herds;]

[^{F2}“low TB area” (“*ardal TB isel*”) means all the land shaded and identified as “Low TB” on the deposited map;]

[^{F2}“post-movement test” (“*prawf ar ôl symud*”) means a skin test carried out in accordance with article 13A;]

“premises” (“*mangre*”) includes—

- (a) land or buildings; and
- (b) any other place including, in particular, a vehicle, a vessel, an aircraft, or a tent or other moveable structure;

[^{F3}“pre-movement test” (“*prawf cyn symud*”) means a skin test carried out in accordance with article 13;]

“reactor” (“*adweithydd*”) means a bovine animal that gives rise to a reaction to a relevant test which is consistent with its being affected with tuberculosis;

[^{F4}“relevant test” (“*prawf perthnasol*”) means—

- (a) a skin test; or
- (b) any other diagnostic test for tuberculosis approved by the Welsh Ministers;]

[^{F3}“restricted herd” (“*buches dan gyfyngiadau*”) means a herd that is under a movement restriction imposed under this Order;]

[^{F3}“salvage value” (“*gwerth achub*”) means the price paid to the Welsh Ministers for the carcase of a bovine animal that is affected with or suspected of being affected with tuberculosis;]

“skin test” (“*prawf croen*”) means a single intradermal comparative cervical tuberculin test for tuberculosis [^{F5}using bovine and avian tuberculin];

“suspected animal” (“*anifail a amheuir*”) means a bovine animal which is suspected of being affected with tuberculosis and includes [^{F6}a reactor]; and

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

^{F7} ...

- F1** Words in [art. 2](#) inserted (6.4.2014) by [The Tuberculosis \(Miscellaneous Amendments\) \(Wales\) Order 2014](#) (S.I. 2014/632), arts. 1(3), **2(2)(a)**
- F2** Words in [art. 2](#) inserted (1.10.2017) by [The Tuberculosis \(Wales\) \(Amendment\) Order 2017](#) (S.I. 2017/711), art. 1(3), **Sch. para. 1** (with art. 3)
- F3** Words in [art. 2](#) inserted (1.4.2016) by [The Tuberculosis \(Wales\) \(Amendment\) Order 2016](#) (S.I. 2016/328), art. 1(3), **Sch. para. 1(a)** (with art. 3)
- F4** Words in [art. 2](#) substituted (6.4.2014) by [The Tuberculosis \(Miscellaneous Amendments\) \(Wales\) Order 2014](#) (S.I. 2014/632), arts. 1(3), **2(2)(b)**
- F5** Words in [art. 2](#) inserted (1.4.2016) by [The Tuberculosis \(Wales\) \(Amendment\) Order 2016](#) (S.I. 2016/328), art. 1(3), **Sch. para. 1(b)** (with art. 3)
- F6** Words in [art. 2](#) substituted (1.4.2016) by [The Tuberculosis \(Wales\) \(Amendment\) Order 2016](#) (S.I. 2016/328), art. 1(3), **Sch. para. 1(c)** (with art. 3)
- F7** Words in [art. 2](#) omitted (31.12.2020) by virtue of [The Zoonotic Disease Eradication and Control \(Miscellaneous Amendments\) \(Wales\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/372), regs. 1(2), **3(2)**; 2020 c. 1, Sch. 5 para. 1(1)

Commencement Information

- I2** Art. 2 in force at 25.5.2010, see [art. 1](#)

[^{F8} Approval of veterinary surgeons

2A.—(1) The Welsh Ministers may approve a veterinary surgeon where—

- (a) the veterinary surgeon has undertaken any training as required by the Welsh Ministers, and
- (b) the Welsh Ministers are of the opinion that the veterinary surgeon is suitable to carry out functions conferred on an approved veterinary surgeon by this Order.

(2) The Welsh Ministers may by notice revoke any such approval, giving reasons for the revocation.]

- F8** [Art. 2A](#) inserted (6.4.2014) by [The Tuberculosis \(Miscellaneous Amendments\) \(Wales\) Order 2014](#) (S.I. 2014/632), arts. 1(3), **2(3)**

Revocation

3. The Tuberculosis (Wales) Order 2006(3) is revoked.

Commencement Information

I3 Art. 3 in force at 25.5.2010, see [art. 1](#)

Amendment of the Brucellosis and Tuberculosis (England and Wales) Compensation Order 1978

4.—(1) The Brucellosis and Tuberculosis (England and Wales) Compensation Order 1978⁽⁴⁾ is amended as follows.

(2) In article 2(1) (interpretation)—

(a) in the definition of “affected animal”—

(i) in sub-paragraph (a)—

(aa) omit “in relation to brucellosis,”; and

(bb) omit “and”; and

(ii) omit sub-paragraph (b); and

(b) in the definition of “reactor”, omit “or tuberculosis”.

(3) In article 3 (compensation for, and ascertainment of value of, bovine animals slaughtered for brucellosis or tuberculosis)—

(a) in the title, omit “or tuberculosis”;

(b) in paragraph (1), omit “or tuberculosis”; and

(c) omit paragraph (2A).

(4) In article 4(1) (compensation for “control animals”) omit “or tuberculosis”.

Commencement Information

I4 Art. 4 in force at 25.5.2010, see [art. 1](#)

Savings and transition

5.—(1) Any notice or licence issued, or approval or consent granted, under the Tuberculosis (England and Wales) Order 1984⁽⁵⁾ or the Tuberculosis (Wales) 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.

(2) This Order applies in relation to a notice served under the Tuberculosis (England and Wales) Order 1984 or the Tuberculosis (Wales) Order 2006 as it applies to a notice served under this Order.

(3) The Brucellosis and Tuberculosis (England and Wales) Compensation Order relating to tuberculosis is not amended by article 4 and continues to apply to any bovine animal that is slaughtered for tuberculosis—

(a) following a notice served before 25 May 2010 under article 8 of the Tuberculosis (Wales) Order 2006;

(b) as a result of a positive or inconclusive skin test read before 25 May 2010; or

⁽⁴⁾ [S.I.1978/1483](#). Paragraph (2A) of article 3 was inserted by S.I. [1998/2073](#), article 2. The Order is revoked in relation to England, by S.I. [2006/168](#).

⁽⁵⁾ [S.I. 1984/1943](#).

- (c) as a result of any other relevant test for tuberculosis, the clinical sample for which was taken before 25 May 2010.

Commencement Information

I5 Art. 5 in force at 25.5.2010, see [art. 1](#)

PART 2

Testing and Movement

Definition of “disease”

6.—(1) For the purposes of the Act, the definition of “disease” in section 88(1) of the Act (meaning of “disease”) is extended so as to include tuberculosis.

(2) Section 32 of the Act (slaughter in other diseases) applies to tuberculosis.

Commencement Information

I6 Art. 6 in force at 25.5.2010, see [art. 1](#)

Tests and samples: warrants

7. For the purposes of section 62E(4)(b) of the Act (tests and samples: warrants)—

- (a) the inspector may request permission to enter the premises in advance of the day for which permission is requested; and
- (b) the condition mentioned in that provision is satisfied if the occupier does not indicate, by a date specified in the request, that the occupier gives permission in respect of that request.

Commencement Information

I7 Art. 7 in force at 25.5.2010, see [art. 1](#)

Notification of disease in bovine animals

8.—(1) Any person who—

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

must notify the Welsh Ministers immediately.

(2) Any person who has possession or charge of any bovine animal which the person suspects is or may be an affected animal must, pending conclusion of the veterinary inquiry under article 10 and the service of any notice under that article, immediately—

- (a) detain that animal on the premises where it then is;

- (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 10 had already been served.

Commencement Information

I8 Art. 8 in force at 25.5.2010, see [art. 1](#)

Notification of disease in carcasses

9.—(1) Any person who—

- (a) has possession or charge of any carcass that is affected with or suspected of being affected with tuberculosis;
- (b) in the course of the person's 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 the person's duties inspects, for any purpose, a carcass that is affected with or suspected of being affected with tuberculosis,

must notify the Welsh Ministers immediately.

(2) A person who has possession or charge of a carcass mentioned in paragraph (1) must detain it on the premises where it then is [^{F9}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.

F9 Words in [art. 9\(2\)](#) inserted (1.4.2016) by [The Tuberculosis \(Wales\) \(Amendment\) Order 2016 \(S.I. 2016/328\)](#), [art. 1\(3\)](#), [Sch. para. 2](#) (with [art. 3](#))

Commencement Information

I9 Art. 9 in force at 25.5.2010, see [art. 1](#)

Veterinary inquiry as to the existence of disease

10.—(1) Where a veterinary inspector reasonably believes 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, the veterinary inspector 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) A veterinary inspector may, for the purposes of this article, 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 [^{F10}and paint, stamp, clip, tag or otherwise mark any bovine animal or carcass of a bovine animal].

(3) Where a veterinary inspector has examined a bovine animal and is of the opinion that it is an affected animal or suspected animal, the veterinary inspector must serve a notice on the keeper of that bovine 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 [^{F11}and is not fed untreated to calves or to other mammals] and is boiled [^{F12}or pasteurised] or otherwise sterilised [^{F13}if not otherwise discarded,] 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.

- F10** Words in [art. 10\(2\)](#) inserted (1.4.2016) by [The Tuberculosis \(Wales\) \(Amendment\) Order 2016](#) (S.I. 2016/328), [art. 1\(3\)](#), [Sch. para. 3\(a\)](#) (with [art. 3](#))
- F11** Words in [art. 10\(3\)\(b\)](#) inserted (1.4.2016) by [The Tuberculosis \(Wales\) \(Amendment\) Order 2016](#) (S.I. 2016/328), [art. 1\(3\)](#), [Sch. para. 3\(b\)](#) (with [art. 3](#))
- F12** Words in [art. 10\(3\)\(b\)](#) inserted (1.10.2017) by [The Tuberculosis \(Wales\) \(Amendment\) Order 2017](#) (S.I. 2017/711), [art. 1\(3\)](#), [Sch. para. 2\(a\)](#) (with [art. 3](#))
- F13** Words in [art. 10\(3\)\(b\)](#) inserted (1.10.2017) by [The Tuberculosis \(Wales\) \(Amendment\) Order 2017](#) (S.I. 2017/711), [art. 1\(3\)](#), [Sch. para. 2\(b\)](#) (with [art. 3](#))

Commencement Information

- I10** Art. 10 in force at 25.5.2010, see [art. 1](#)

Veterinary improvement notice

11.—(1) A veterinary inspector may serve a notice [^{F14}(a “veterinary requirements notice”) (“*hysbysiad gofynion milfeddygol*”)] on the keeper of a bovine animal requiring the keeper, by a date specified in the notice, to do things or to refrain from doing things for the purpose of preventing the spread of disease and, in particular, may impose the requirements mentioned in paragraph (2).

(2) The requirements that may be imposed by means of a veterinary [^{F15}requirements] notice include—

- (a) erecting fences (including gates and stiles);
- (b) adopting effective methods of excluding groups of animals from specified parts of the premises;
- (c) protecting silage, feed storage and feeding areas from wildlife including birds;
- (d) taking reasonable steps to ensure that people who enter the keeper’s land take reasonable precautions against the spread of disease[^{F16}];
- [^{F17}(e) any other requirement that a veterinary inspector reasonably believes necessary for the purpose of preventing the spread of disease.]

[^{F18}(3) A veterinary inspector may specify that the requirements that may be imposed by means of a veterinary requirements notice be imposed on any bovine animal as specified in the notice, whether or not the herd that includes that animal [^{F19}is a restricted herd].

(4) Any requirement imposed by a veterinary requirements notice may be revoked or amended by a veterinary inspector serving—

- (a) a veterinary requirements notice on the keeper of a bovine animal specifying those requirements that are revoked or amended; or
- (b) a notice (a “veterinary requirements revocation notice”) (“*hysbysiad dirymu gofynion milfeddygol*”) revoking a veterinary requirements notice before the date specified in that veterinary requirements notice.]

- F14** Words in [art. 11\(1\)](#) substituted (1.4.2016) by [The Tuberculosis \(Wales\) \(Amendment\) Order 2016](#) (S.I. 2016/328), [art. 1\(3\)](#), [Sch. para. 4\(b\)](#) (with [art. 3](#))
- F15** Word in [art. 11\(2\)](#) substituted (1.4.2016) by [The Tuberculosis \(Wales\) \(Amendment\) Order 2016](#) (S.I. 2016/328), [art. 1\(3\)](#), [Sch. para. 4\(a\)](#) (with [art. 3](#))

- F16** Art. 11(2)(d): semicolon substituted for word (1.4.2016) by *The Tuberculosis (Wales) (Amendment) Order 2016* (S.I. 2016/328), art. 1(3), **Sch. para. 4(c)** (with art. 3)
- F17** Art. 11(2)(e) inserted (1.4.2016) by *The Tuberculosis (Wales) (Amendment) Order 2016* (S.I. 2016/328), art. 1(3), **Sch. para. 4(d)** (with art. 3)
- F18** Art. 11(3)(4) inserted (1.4.2016) by *The Tuberculosis (Wales) (Amendment) Order 2016* (S.I. 2016/328), art. 1(3), **Sch. para. 4(e)** (with art. 3)
- F19** Words in art. 11(3) substituted (31.12.2020) by *The Zoonotic Disease Eradication and Control (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2019* (S.I. 2019/372), regs. 1(2), **3(3)**; 2020 c. 1, Sch. 5 para. 1(1)

Commencement Information

- I11** Art. 11 in force at 25.5.2010, see **art. 1**

[^{F20}Biosecurity [^{F21}requirements] notice

11A.—(1) A keeper of a bovine animal must take such steps as are reasonable in all the circumstances to ensure that biosecurity measures in relation to those premises where the animal is kept are in place to the extent required by good practice.

(2) A veterinary inspector may serve a notice [^{F22}(a “biosecurity requirements notice”) (“*hysbysiad gofynion bioddiogelwch*”)] on the keeper of a bovine animal which—

- (a) states that the veterinary inspector is of the opinion that biosecurity measures in relation to those premises where the animal is kept are failing to comply with good practice;
- (b) specifies the respects in which the veterinary inspector considers the keeper is failing to comply with good practice;
- (c) specifies the steps the veterinary inspector considers need to be taken in order to comply with good practice; and
- (d) specifies a period for the taking of those steps.

(3) The Welsh Ministers may issue guidance on good practice in biosecurity to assist keepers of bovine animals.]

- F20** Art. 11A inserted (1.4.2016) by *The Tuberculosis (Wales) (Amendment) Order 2016* (S.I. 2016/328), art. 1(3), **Sch. para. 5** (with art. 3)
- F21** Word in art. 11A heading substituted (1.10.2017) by *The Tuberculosis (Wales) (Amendment) Order 2017* (S.I. 2017/711), art. 1(3), **Sch. para. 3(a)** (with art. 3)
- F22** Words in art. 11A(2) substituted (1.10.2017) by *The Tuberculosis (Wales) (Amendment) Order 2017* (S.I. 2017/711), art. 1(3), **Sch. para. 3(b)** (with art. 3)

Tuberculosis testing

12.—(1) The Welsh Ministers may serve on the keeper of a bovine animal a notice (a “test notice”) requiring the keeper to have any such animal tested for tuberculosis with a relevant test [^{F23}before] a date specified in the notice.

(2) The keeper of any bovine animal must comply with all reasonable requirements of an inspector [^{F24}or an approved veterinary surgeon] with a view to facilitating—

- (a) the identification and examination of that animal by that inspector [^{F25}or an approved veterinary surgeon];
- (b) the application to it, or the reading, of any relevant test;

(c) the valuation of it in a case where the Welsh Ministers intend to cause it to be slaughtered under section 32 of the Act in its application to tuberculosis; or

(d) the removal of that animal for slaughter,

[^{F26}(e) the on-farm slaughter and subsequent removal of that animal,]

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

[^{F27}(3) The requirements on the keeper in paragraph (3A) 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 that result 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 either a reactor, or an inconclusive reactor.

(3A) 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 Welsh Ministers;

(d) not to place any milk from a reactor dairy cow in a 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 [^{F28}that it is a restricted herd].

(3B) An inspector may by notice amend or disapply the requirement referred to in paragraph (3A) (a) or (b) at any time.]

(4) Without prejudice to article 16, where the keeper has failed to have an animal tested as required by a test notice, the Welsh Ministers may, in relation to the premises where the animal is kept, by notice served on the keeper, 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 those premises, as are specified in the notice, subject to movement that is allowed under the authority of a licence issued by an inspector.

(5) Without prejudice to any proceedings for an offence under section 73 of the Act by virtue of this Order, [^{F29}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,] where the keeper has failed to have an animal tested as required by a test notice, [^{F30}or failed to comply with a reasonable requirement of an inspector or an approved veterinary surgeon in paragraph (2),] the Welsh Ministers may take or cause to be taken all the steps that may be necessary to facilitate the examination, testing, valuation and removal of that animal and the Welsh Ministers may recover the amount of any expenses that are reasonably incurred by them from the keeper.

[^{F31}(6) The Welsh Ministers 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).

(7) The Welsh Ministers 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—

(a) the animal's wild or aggressive propensity, or

(b) the lack of adequate testing facilities.]

[^{F32}(8) 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 Welsh Ministers.

(9) In this article—

“inconclusive reactor” (“*adweithydd amhendant*”) means a bovine animal that reveals a non-negative reading when tested for tuberculosis, but is not regarded as a reactor; and

^{F33} ...]

- F23** Word in art. 12(1) substituted (31.3.2011) by [The Tuberculosis \(Wales\) Order 2011 \(S.I. 2011/692\)](#), arts. 1, **3(2)(a)**
- F24** Words in art. 12(2) inserted (6.4.2014) by [The Tuberculosis \(Miscellaneous Amendments\) \(Wales\) Order 2014 \(S.I. 2014/632\)](#), arts. 1(3), **2(4)(a)**
- F25** Words in art. 12(2)(a) inserted (6.4.2014) by [The Tuberculosis \(Miscellaneous Amendments\) \(Wales\) Order 2014 \(S.I. 2014/632\)](#), arts. 1(3), **2(4)(b)**
- F26** Art. 12(2)(e) inserted (1.10.2017) by [The Tuberculosis \(Wales\) \(Amendment\) Order 2017 \(S.I. 2017/711\)](#), art. 1(3), **Sch. para. 4** (with art. 3)
- F27** Art. 12(3)-(3B) substituted for art. 12(3) (6.4.2014) by [The Tuberculosis \(Miscellaneous Amendments\) \(Wales\) Order 2014 \(S.I. 2014/632\)](#), arts. 1(3), **2(4)(c)**
- F28** Words in art. 12(3A)(e) substituted (31.12.2020) by [The Zoonotic Disease Eradication and Control \(Miscellaneous Amendments\) \(Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/372\)](#), regs. 1(2), **3(4)**; 2020 c. 1, Sch. 5 para. 1(1)
- F29** Words in art. 12(5) inserted (1.4.2016) by [The Tuberculosis \(Wales\) \(Amendment\) Order 2016 \(S.I. 2016/328\)](#), art. 1(3), **Sch. para. 6(a)(i)** (with art. 3)
- F30** Words in art. 12(5) inserted (1.4.2016) by [The Tuberculosis \(Wales\) \(Amendment\) Order 2016 \(S.I. 2016/328\)](#), art. 1(3), **Sch. para. 6(a)(ii)** (with art. 3)
- F31** Art. 12(6)(7) substituted (1.4.2016) by [The Tuberculosis \(Wales\) \(Amendment\) Order 2016 \(S.I. 2016/328\)](#), art. 1(3), **Sch. para. 6(b)** (with art. 3)
- F32** Art. 12(8)(9) inserted (6.4.2014) by [The Tuberculosis \(Miscellaneous Amendments\) \(Wales\) Order 2014 \(S.I. 2014/632\)](#), arts. 1(3), **2(4)(d)**
- F33** Words in art. 12(9) omitted (2.11.2015) by virtue of [The Tuberculosis \(Wales\) \(Amendment\) Order 2015 \(S.I. 2015/1773\)](#), arts. 1(3), **2(3)**

Commencement Information

I12 Art. 12 in force at 25.5.2010, see [art. 1](#)

Pre-Movement Testing

13.—(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 [^{F34}or an approved veterinary surgeon] and are negative.

[^{F35}(1A) Where a reading of the test in paragraph (1)(b) does not reveal a negative result for tuberculosis the requirements in article 12(3A) apply.]

(2) Paragraph (1) does not apply to—

- (a) bovine animals that are less than 6 weeks old at the date of the movement;
- (b) the movement of a bovine animal to a place for veterinary treatment provided that it is returned direct to its premises of origin after the treatment, or is killed or goes direct to slaughter;

[^{F36}(c) any movements specified in Schedule 2; and]

(d) any movement that is approved by the Welsh Ministers.

[^{F37}(3) For the purposes of paragraph (1)(a)—

(a) the 60 day period begins on the day after tuberculin is injected into the animal; and

(b) the skin test cannot be one applied to an animal subject to a notice served under article 16 (isolation and prohibition on movement of animals) unless approved by the Welsh Ministers.]

[^{F38}(4) The pre-movement test must be arranged with an approved veterinary surgeon at the expense of the keeper of the bovine animal unless a test for tuberculosis has been instructed by the Welsh Ministers in accordance with article 12(1) to take place within the period mentioned in paragraph (1)(a).]

F34 Words in [art. 13\(1\)\(b\)](#) inserted (6.4.2014) by [The Tuberculosis \(Miscellaneous Amendments\) \(Wales\) Order 2014 \(S.I. 2014/632\)](#), [arts. 1\(3\), 2\(5\)\(a\)](#)

F35 [Art. 13\(1A\)](#) inserted (6.4.2014) by [The Tuberculosis \(Miscellaneous Amendments\) \(Wales\) Order 2014 \(S.I. 2014/632\)](#), [arts. 1\(3\), 2\(5\)\(b\)](#)

F36 [Art. 13\(2\)\(c\)](#) substituted (1.10.2017) by [The Tuberculosis \(Wales\) \(Amendment\) Order 2017 \(S.I. 2017/711\)](#), [art. 1\(3\), Sch. para. 5\(a\)](#) (with [art. 3](#))

F37 [Art. 13\(3\)](#) substituted (1.10.2017) by [The Tuberculosis \(Wales\) \(Amendment\) Order 2017 \(S.I. 2017/711\)](#), [art. 1\(3\), Sch. para. 5\(b\)](#) (with [art. 3](#))

F38 [Art. 13\(4\)](#) inserted (1.4.2016) by [The Tuberculosis \(Wales\) \(Amendment\) Order 2016 \(S.I. 2016/328\)](#), [art. 1\(3\), Sch. para. 7](#) (with [art. 3](#))

Commencement Information

I13 [Art. 13](#) in force at 25.5.2010, see [art. 1](#)

[^{F39}Post-movement testing

13A.—(1) There are three tuberculosis areas in Wales, which are the—

- (a) low TB area;
- (b) intermediate TB area;
- (c) high TB area.

(2) When a bovine animal is moved into the low TB area from a herd located in—

- (a) the intermediate TB area;
- (b) the high TB area;
- (c) England; or
- (d) Northern Ireland,

the keeper who receives the animal must arrange for a post-movement test to be undertaken on it by an approved veterinary surgeon no fewer than 60 days, but no more than 120 days, after the date of arrival at the receiving premises.

(3) Paragraph (2) does not apply to—

- (a) bovine animals that are slaughtered within 120 days of arrival at the receiving premises;
- (b) the movement of a bovine animal to a place for veterinary treatment provided that it is returned direct to its premises of origin after the treatment, or is killed or goes direct to slaughter;

- (c) any movements specified in Schedule 3; and
 - (d) any movement that is approved by the Welsh Ministers.
- (4) Where a bovine animal is required to have a post-movement test under paragraph (2), no person may move that animal from the receiving premises until the skin test has been completed with a negative result unless the move is—
- (a) directly (or via a slaughter gathering) to slaughter;
 - (b) to an approved finishing unit; or
 - (c) made under the authority of a movement licence issued by an inspector.
- (5) Where a bovine animal is required to have a post-movement test, but remains untested after 120 days since arrival at the receiving premises—
- (a) the test will be treated by the Welsh Ministers as overdue; and
 - (b) an inspector must impose movement restrictions on all bovine animals on the premises until the overdue post-movement test has been completed with negative results.
- (6) The post-movement test must be arranged with an approved veterinary surgeon at the expense of the keeper of the bovine animal unless a test for tuberculosis has been instructed by the Welsh Ministers in accordance with article 12(1) to take place within the period mentioned in paragraph (2).]

F39 Art. 13A inserted (1.10.2017) by [The Tuberculosis \(Wales\) \(Amendment\) Order 2017 \(S.I. 2017/711\)](#), art. 1(3), [Sch. para. 6](#) (with art. 3)

Tuberculosis test records

14.—(1) Where a skin test has been applied to a bovine animal, the Welsh Ministers must, as soon as practicable after the results of the test have been read by an inspector [^{F40}or an approved veterinary surgeon], 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 must—

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

[^{F41}(4) Where a bovine herd [^{F42}becomes or ceases to be a restricted herd] the Welsh Ministers may publish information regarding that herd in any form that the Welsh Ministers see fit for the purpose of helping other persons to protect against the further spread of tuberculosis.]

F40 Words in art. 14(1) inserted (6.4.2014) by [The Tuberculosis \(Miscellaneous Amendments\) \(Wales\) Order 2014 \(S.I. 2014/632\)](#), arts. 1(3), [2\(6\)](#)

F41 Art. 14(4) inserted (2.11.2015) by [The Tuberculosis \(Wales\) \(Amendment\) Order 2015 \(S.I. 2015/1773\)](#), arts. 1(3), [2\(4\)](#)

F42 Words in art. 14(4) substituted (31.12.2020) by [The Zoonotic Disease Eradication and Control \(Miscellaneous Amendments\) \(Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/372\)](#), regs. 1(2), [3\(5\)](#); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

Commencement Information

I14 Art. 14 in force at 25.5.2010, see [art. 1](#)

[^{F43}Exempt finishing units and approved finishing units

14A.—(1) The Welsh Ministers may approve—

- (a) a finishing unit to take bovine animals that have been moved without a pre-movement test in accordance with article 13 (“an exempt finishing unit”) (“*uned besgi eithriedig*”); or
- (b) a finishing unit to take bovine animals that come from a restricted herd (“an approved finishing unit”) (“*uned besgi gymeradwy*”).

(2) 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 or approved finishing unit may be situated; and
- (c) the conditions with which the operator of that finishing unit must comply.

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

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

(5) A person must not move a bovine animal from an exempt finishing unit or an approved finishing unit except—

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

(6) A person must not move a bovine animal that is not separated from animals in or entering an exempt finishing unit or an approved finishing unit as required by paragraph (3) except—

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

(7) A finishing unit in England or Scotland that is approved by the Secretary of State or the Scottish 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.

(8) A finishing unit in England or Scotland that is approved by the Secretary of State or the Scottish 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.]

F43 Art. 14A inserted (1.4.2016) by [The Tuberculosis \(Wales\) \(Amendment\) Order 2016 \(S.I. 2016/328\)](#), art. 1(3), [Sch. para. 8](#) (with art. 3)

Prohibitions

15.—(1) No person may vaccinate a bovine animal against tuberculosis without the written consent of the Welsh Ministers.

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

(3) No person may perform a test for tuberculosis on a bovine animal [^{F44}or on any sample taken from any such animal] except with the written consent of the Welsh Ministers and a person to whom any such consent is given must report the results immediately to the Welsh Ministers.

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

[^{F45}(5) No person may interfere with or obstruct an epidemiological investigation.]

- F44** Words in [art. 15\(3\)](#) inserted (1.4.2016) by [The Tuberculosis \(Wales\) \(Amendment\) Order 2016 \(S.I. 2016/328\)](#), [art. 1\(3\)](#), [Sch. para. 9\(1\)](#) (with [art. 3](#))
- F45** [Art. 15\(5\)](#) inserted (1.4.2016) by [The Tuberculosis \(Wales\) \(Amendment\) Order 2016 \(S.I. 2016/328\)](#), [art. 1\(3\)](#), [Sch. para. 9\(2\)](#) (with [art. 3](#))

Commencement Information

- I15** Art. 15 in force at 25.5.2010, see [art. 1](#)

Isolation and prohibition on movement of animals

16. An inspector may, for the purpose of controlling or preventing the spread of tuberculosis, by notice served on the keeper of bovine animals ^{F46}...—

- (a) require such bovine animals as are specified in the notice to be isolated from other animals to the extent specified in the notice; and
- (b) prohibit the movement of bovine animals, or of such bovine animals as are specified in the notice, ^{F47}... except under the authority of a licence issued by an inspector.

- F46** Words in [art. 16](#) omitted (1.4.2016) by virtue of [The Tuberculosis \(Wales\) \(Amendment\) Order 2016 \(S.I. 2016/328\)](#), [art. 1\(3\)](#), [Sch. para. 10\(a\)](#) (with [art. 3](#))
- F47** Words in [art. 16\(b\)](#) omitted (1.4.2016) by virtue of [The Tuberculosis \(Wales\) \(Amendment\) Order 2016 \(S.I. 2016/328\)](#), [art. 1\(3\)](#), [Sch. para. 10\(b\)](#) (with [art. 3](#))

Commencement Information

- I16** Art. 16 in force at 25.5.2010, see [art. 1](#)

Notification of intended slaughter of animals

17.—(1) Where the Welsh Ministers intend to cause a bovine animal to be slaughtered under section 32 of the Act in its application to tuberculosis, 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 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.

Commencement Information

- I17** Art. 17 in force at 25.5.2010, see [art. 1](#)

Precautions against spread of infection

18.—(1) Where a veterinary inspector is satisfied that any bovine animal kept on any premises is an affected animal or a suspected animal, [^{F48}or where tuberculosis has been identified on any premises,] the veterinary inspector may, by notice served on the keeper of any such animal, require the keeper [^{F49}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 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 other animal or animals as may be specified;
- (g) to cleanse and disinfect with an approved disinfectant such part or parts of the premises, within such time and in such manner, as may be specified in the notice;
- (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; ^{F50}...
- (i) to take such other action as the veterinary inspector considers appropriate^{F51}; and]
- ^{F52}(j) 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) Where the keeper fails to comply with the requirements of the notice, the Welsh Ministers 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 them is recoverable from the keeper.

^{F53}(3) Where the keeper fails to comply with the requirements of the notice, the Welsh Ministers may delay the lifting of movement restrictions (imposed under article 16) until the notice requirements have been completed to the satisfaction of a veterinary inspector.]

- F48** Words in art. 18(1) inserted (1.4.2016) by [The Tuberculosis \(Wales\) \(Amendment\) Order 2016](#) (S.I. 2016/328), art. 1(3), **Sch. para. 11(1)(a)** (with art. 3)
- F49** Words in art. 18(1) inserted (1.4.2016) by [The Tuberculosis \(Wales\) \(Amendment\) Order 2016](#) (S.I. 2016/328), art. 1(3), **Sch. para. 11(1)(b)** (with art. 3)
- F50** Word in art. 18(1)(h) omitted (1.4.2016) by virtue of [The Tuberculosis \(Wales\) \(Amendment\) Order 2016](#) (S.I. 2016/328), art. 1(3), **Sch. para. 11(1)(c)** (with art. 3)
- F51** Word in art. 18(1)(i) substituted (1.4.2016) by [The Tuberculosis \(Wales\) \(Amendment\) Order 2016](#) (S.I. 2016/328), art. 1(3), **Sch. para. 11(1)(d)** (with art. 3)
- F52** Art. 18(1)(j) inserted (1.4.2016) by [The Tuberculosis \(Wales\) \(Amendment\) Order 2016](#) (S.I. 2016/328), art. 1(3), **Sch. para. 11(1)(e)** (with art. 3)
- F53** Art. 18(3) inserted (1.4.2016) by [The Tuberculosis \(Wales\) \(Amendment\) Order 2016](#) (S.I. 2016/328), art. 1(3), **Sch. para. 11(2)** (with art. 3)

Commencement Information

- I18** Art. 18 in force at 25.5.2010, see [art. 1](#)

Suspected animals in markets, shows etc

19.—(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, the 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; or
 - (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 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; 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 or parts 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 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 Welsh Ministers 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 them is recoverable by them from the person in default.

Commencement Information

I19 Art. 19 in force at 25.5.2010, see [art. 1](#)

Control of infection from other animals

20.—(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 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 on to or off such premises, except under the authority of a licence issued by an inspector.

(2) In paragraph (1), “animal” (“*anifail*”) means any kind of [^{F54}farmed mammal except a bovine animal, deer, camelid or goat].

F54 Words in [art. 20\(2\)](#) substituted (1.4.2016) by [The Tuberculosis \(Wales\) \(Amendment\) Order 2016 \(S.I. 2016/328\)](#), [art. 1\(3\)](#), [Sch. para. 12](#) (with [art. 3](#))

Commencement Information

I20 Art. 20 in force at 25.5.2010, see [art. 1](#)

Marking of bovine animals

21.—^{F55}(1) If directed to so by an inspector or an approved veterinary surgeon, the keeper must mark any bovine animal in the manner required by the inspector or the approved veterinary surgeon.]

(2) The inspector ^{F56}[or, the approved veterinary surgeon] may ^{F57}[paint, stamp, clip, tag or otherwise] mark bovine animals ^{F58}[for the purpose of identification of tested animals].

(3) No person may change or interfere with any mark that has been applied under this article.

F55 Art. 21(1) substituted (6.4.2014) by [The Tuberculosis \(Miscellaneous Amendments\) \(Wales\) Order 2014](#) (S.I. 2014/632), arts. 1(3), [2\(7\)\(a\)](#)

F56 Words in art. 21(2) inserted (6.4.2014) by [The Tuberculosis \(Miscellaneous Amendments\) \(Wales\) Order 2014](#) (S.I. 2014/632), arts. 1(3), [2\(7\)\(b\)](#)

F57 Words in art. 21(2) inserted (1.4.2016) by [The Tuberculosis \(Wales\) \(Amendment\) Order 2016](#) (S.I. 2016/328), art. 1(3), [Sch. para. 13\(a\)](#) (with art. 3)

F58 Words in art. 21(2) inserted (1.4.2016) by [The Tuberculosis \(Wales\) \(Amendment\) Order 2016](#) (S.I. 2016/328), art. 1(3), [Sch. para. 13\(b\)](#) (with art. 3)

Commencement Information

I21 Art. 21 in force at 25.5.2010, see [art. 1](#)

Isolation of *M. bovis* in a laboratory

22.—(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 carcase, products or surroundings of any such mammal, the person in charge of that laboratory must immediately notify the ^{F59}[Welsh Ministers].

(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.

F59 Words in art. 22(1) substituted (31.3.2011) by [The Tuberculosis \(Wales\) Order 2011](#) (S.I. 2011/692), arts. 1, [3\(2\)\(b\)](#)

Commencement Information

I22 Art. 22 in force at 25.5.2010, see [art. 1](#)

General provisions as to notices, licences and approvals

23.—(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 ^{F60}[notice or] 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.

F60 Words in [art. 23\(3\)](#) inserted (1.4.2016) by [The Tuberculosis \(Wales\) \(Amendment\) Order 2016 \(S.I. 2016/328\)](#), [art. 1\(3\)](#), [Sch. para. 14](#) (with [art. 3](#))

Commencement Information

I23 Art. 23 in force at 25.5.2010, see [art. 1](#)

Production of licences

24. 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 the person's name and address and must produce the licence and allow a copy of it to be taken.

Commencement Information

I24 Art. 24 in force at 25.5.2010, see [art. 1](#)

Enforcement

25.—(1) This Order must be enforced by the local authority.

(2) The Welsh Ministers may direct, in relation to any particular case or class of case, that they will enforce this Order instead of the local authority.

Commencement Information

I25 Art. 25 in force at 25.5.2010, see [art. 1](#)

PART 3

Compensation

Compensation for bovine animals slaughtered for tuberculosis

26.—(1) Where—

- (a) the Welsh Ministers cause a bovine animal to be slaughtered under the powers conferred by section 32(1) of the Act (slaughter in other diseases) in its application to tuberculosis; and
- (b) that animal is identified by means of eartags and a cattle passport in accordance with the requirements of the Cattle Identification (Wales) Regulations 2007(6),

the compensation payable under section 32(3) in respect of that animal is to be its value as calculated in accordance with ^{F61}Schedule 1].

(6) S.I. 2007/842 (W. 74).

(2) Regulation 3 of the Agricultural Subsidies and Grants Schemes (Appeals) (Wales) Regulations 2006(7) (provision of appeals procedure) applies to the determination of the appropriate figure as if it was a relevant determination.

(3) In paragraph (2) the “appropriate figure” (“*ffigur priodol*”) is the figure provided in respect of [F62“M” by one of paragraphs 3 to 9 of [F63Schedule 1]].

[F64(4) Where the Welsh Ministers consider it reasonable—

- (a) payment of compensation may be delayed, in whole or part, to the extent necessary for determining any question as to the amount of compensation payable; and
- (b) any amounts owed to the Welsh Ministers by the keeper of the bovine animal slaughtered may be offset against the compensation payable.]

- F61** Words in art. 26(1) substituted (1.10.2017) by [The Tuberculosis \(Wales\) \(Amendment\) Order 2017](#) (S.I. 2017/711), art. 1(3), **Sch. para. 7(a)** (with art. 3)
- F62** Words in art. 26(3) substituted (1.4.2016) by [The Tuberculosis \(Wales\) \(Amendment\) Order 2016](#) (S.I. 2016/328), art. 1(3), **Sch. para. 15(a)** (with art. 3)
- F63** Words in art. 26(3) substituted (1.10.2017) by [The Tuberculosis \(Wales\) \(Amendment\) Order 2017](#) (S.I. 2017/711), art. 1(3), **Sch. para. 7(b)** (with art. 3)
- F64** Art. 26(4) inserted (1.4.2016) by [The Tuberculosis \(Wales\) \(Amendment\) Order 2016](#) (S.I. 2016/328), art. 1(3), **Sch. para. 15(b)** (with art. 3)

Commencement Information

- I26** Art. 26 in force at 25.5.2010, see [art. 1](#)

Elin Jones
Minister for Rural Affairs, one of the Welsh
Ministers

[^{F65}[^{F66}SCHEDULE 1]

Article 26

Calculation of the value of a bovine animal slaughtered for tuberculosis

- F65** Sch. substituted (1.4.2016) by [The Tuberculosis \(Wales\) \(Amendment\) Order 2016](#) (S.I. 2016/328), art. 1(3), **Sch. para. 16** (with art. 3)
- F66** Sch. renumbered as Sch. 1 (1.10.2017) by virtue of [The Tuberculosis \(Wales\) \(Amendment\) Order 2017](#) (S.I. 2017/711), art. 1(3), **Sch. para. 8** (with art. 3)

Calculation

1.—(1) The value of a bovine animal slaughtered for tuberculosis is to be calculated using the following formula—

If

$$SV \leq (M \times MV)$$

then

$$C = (M \times MV)$$

, otherwise

$$C = SV$$

Where—

SV is the salvage value of the animal;

M is the figure provided by paragraphs 3 to 9;

MV is the market value of the animal established in accordance with paragraph 2; and

C is the value of the animal for the purposes of article 26 and cannot be more than [^{F67}£5,000, unless SV is greater than £5,000,] and cannot be less than £1.

[^{F68}(1A) Where a bovine animal is not identified by means of eartags and a cattle passport in accordance with the requirements of the Cattle Identification (Wales) Regulations 2007, C is £1.]

(2) Paragraphs 3 to 9 will apply where the Welsh Ministers are satisfied on a balance of probabilities that there has been a breach of this Order.

- F67** Words in [Sch. 1 para. 1\(1\)](#) substituted (1.10.2017) by [The Tuberculosis \(Wales\) \(Amendment\) Order 2017](#) (S.I. 2017/711), art. 1(3), **Sch. para. 9(a)** (with art. 3)
- F68** [Sch. 1 para. 1\(1A\)](#) inserted (1.10.2017) by [The Tuberculosis \(Wales\) \(Amendment\) Order 2017](#) (S.I. 2017/711), art. 1(3), **Sch. para. 9(b)** (with art. 3)

Market value

2.—(1) Notwithstanding the provisions of article 3 of the Diseases of Animals (Ascertainment of Compensation) Order 1959, the market value of a bovine animal which the Welsh Ministers cause to be slaughtered must be determined—

- (a) by a valuer appointed by the Welsh Ministers; or
- (b) failing such appointment, by a valuer named on a list maintained by the Welsh Ministers, nominated by the President of the Royal Institution of Chartered Surveyors or the President of the Central Association of Agricultural Valuers as the Welsh Ministers may decide in any particular case or class of case.

(2) A valuer appointed or nominated under sub-paragraph (1)(a) or (1)(b) must be paid by the Welsh Ministers and must inform, in writing, the Welsh Ministers and the owner of the market value.

(3) In this paragraph a reference to a valuer is a reference to an individual and not to a company or firm or to two or more persons jointly.

(4) For the purposes of this paragraph, the market value of an animal is the price that might reasonably be expected would have been obtained for it from a purchaser in the open market at the time of valuation if the animal were not an affected animal or a suspected animal.

Failure to comply with a notice

3.—(1) This paragraph applies where—

- (a) the keeper of a bovine animal has been served with any one or more of the following—
 - (i) a notice under article 10(3) (veterinary inquiry as to the existence of disease);
 - (ii) a veterinary requirements notice under article 11;
 - (iii) a biosecurity [^{F69}requirements] notice under article 11A;
 - (iv) a notice under article 18 (precautions against spread of infection);
- (b) the keeper fails to comply with one or more of the requirements or steps in the notice;
- (c) the animal has been tested under article 12 (tuberculosis testing);
- (d) the animal has been slaughtered following that test; and
- (e) the test was applied to the herd that includes that animal (after the keeper was served with the notice).

(2) Where the keeper fails to comply with one or more of the requirements or steps—

- (a) under article 10(3)(a), “M” is 0.5;
- (b) under article 10(3)(b), “M” is 0.05;
- (c) under article 10(3)(c), “M” is 0.05;
- (d) in a veterinary requirements notice—
 - (i) for the first time, “M” is 0.5; or
 - (ii) subsequently, “M” is 0.05;
- (e) in a biosecurity [^{F70}requirements] notice—
 - (i) for the first time, “M” is 0.5; or
 - (ii) subsequently, “M” is 0.05;
- (f) under article 18(1)(a) to (c), “M” is 0.75;
- (g) under article 18(1)(d) to (h)—
 - (i) for the first time, “M” is 0.5; or
 - (ii) subsequently, “M” is 0.05;
- (h) under article 18(1)(j), “M” is 0.05.

F69 Word in [Sch. 1 para. 3\(1\)\(a\)\(iii\)](#) substituted (1.10.2017) by [The Tuberculosis \(Wales\) \(Amendment\) Order 2017 \(S.I. 2017/711\)](#), art. 1(3), [Sch. para. 10\(a\)](#) (with art. 3)

F70 Word in [Sch. 1 para. 3\(2\)\(e\)](#) substituted (1.10.2017) by [The Tuberculosis \(Wales\) \(Amendment\) Order 2017 \(S.I. 2017/711\)](#), art. 1(3), [Sch. para. 10\(b\)](#) (with art. 3)

Failure to test animals in accordance with article 12(1)

- 4.—(1) Subject to sub-paragraph (4), this paragraph applies where—
- (a) the keeper of a bovine animal has been served with a notice under article 12(1) (tuberculosis testing);
 - (b) the keeper has failed to carry out that test by the date specified in the notice (the “specified date”);
 - (c) the test has been carried out at a later date; and
 - (d) the animal has been slaughtered following the test.
- (2) Where the test was carried out as required by a notice under article 12(1) at a date later than the specified date and the interval between the specified date and the test is—
- (a) more than 60 but not more than 90 days, “M” is 0.5;
 - (b) more than 90 days, “M” is 0.05.
- (3) Where the test was carried out under article 12(5), “M” is 0.05.
- (4) Where the animal was slaughtered by virtue of the provisions of article 12(6) or 12(7), “M” is 0.05.

Exempt finishing units and approved finishing units

- 5.—(1) This paragraph applies where—
- (a) the operator of an exempt finishing unit or an approved finishing unit is also the keeper of a bovine animal at that unit; or
 - (b) a person for the purposes of article 14A(4) to (6) is also the keeper of a bovine animal.
- (2) Where—
- (a) the keeper fails to comply with one or more of the conditions or obligations under article 14A;
 - (b) an animal has been tested under article 12 (tuberculosis testing);
 - (c) the animal has been slaughtered following that test; and
 - (d) the test was applied to the herd that includes that animal;
- “M” is 0.05.

Slaughter following movement on to premises under licence

- 6.—(1) This paragraph applies where the keeper of a bovine animal has been served with a notice under article 16 (isolation and prohibition on movement of animals) prohibiting the movement of bovine animals on to premises, except under the authority of a licence issued by an inspector.
- (2) Where—
- (a) the keeper brings a bovine animal under licence on to the premises;
 - (b) a relevant test has been applied to that animal; and
 - (c) the animal has been slaughtered following the test or has been slaughtered under section 32 of the Act in its application to tuberculosis;
- “M” is 0.5.

Delay in removal for slaughter

- 7.—(1) This paragraph applies where—

- (a) the keeper of a bovine animal has been served with a notice of intended slaughter under article 17 (notification of intended slaughter of animals);
 - (b) the keeper delays the removal of the animal for slaughter beyond the date specified in the notice (the “specified date”); and
 - (c) the animal has been slaughtered.
- (2) Where the removal for slaughter of the animal was at a date later than the specified date and the interval between the specified date and removal is—
- (a) more than 0 but not more than 10 days, “M” is 0.75;
 - (b) more than 10 but not more than 20 days, “M” is 0.5; and
 - (c) more than 20 days, “M” is 0.25.

Breach of obligations

- 8.—(1) This paragraph applies where the keeper of a bovine animal has—
- (a) failed to comply with one or more reasonable requirements of an inspector or an approved veterinary surgeon under article 12(2) (tuberculosis testing);
 - (b) breached one or more of the prohibitions in article 15 (prohibitions);
 - (c) breached the requirement or prohibition or both in article 16 (isolation and prohibition on movement of animals);
 - (d) breached one or more of the requirements in article 19(2) (suspected animals in markets, shows, etc).
- (2) Where—
- (a) one or more of sub-paragraphs (1)(a) to (d) apply;
 - (b) the relevant test has been applied to an animal; and
 - (c) that animal has been slaughtered;
- “M” is 0.05.

Other cases

9. Where paragraphs 3 to 8 do not apply, “M” is 1.]

[^{F71}SCHEDULE 2

Article 13

Permitted movements without pre-movement testing

F71 Sch. 2, Sch. 3 inserted (1.10.2017) by [The Tuberculosis \(Wales\) \(Amendment\) Order 2017 \(S.I. 2017/711\)](#), art. 1(3), [Sch. para. 11](#) (with art. 3)

Movement to slaughter

1. The movement of a bovine animal direct to slaughter.

Movement to slaughter markets

2. The movement of a bovine animal direct to a market from which all animals go direct to slaughter.

Movement to markets

3. The movement of a bovine animal to market provided that it is returned direct to its premises of origin if not sold, or is a movement to market approved by the Welsh Ministers under article 13.

Movement to collection centres

4. The movement of a bovine animal direct to a collection centre approved by the Welsh Ministers under article 13.

Movement to exempt finishing units

5. The movement of a bovine animal direct to an exempt finishing unit approved by the Welsh Ministers under article 14A.

Movement to approved finishing units

6. The movement of a bovine animal direct to an approved finishing unit approved by the Welsh Ministers under article 14A.

Movement to agricultural shows

7. The movement of a bovine animal to an agricultural show that does not involve a stay of more than 24 hours or housing of that animal at the showground, provided that the animal either goes directly from the show to slaughter or is returned directly to its premises of origin after the show.

Movement within or from the low TB area

8. The movement of a bovine animal within or from the low TB area, unless the bovine animal is in a—

- (a) restricted herd;
- (b) licensed finishing unit;
- ^{F72}(c) herd that has been a restricted herd at any time during the 18 months ending on the date of the movement; or]
- (d) herd on premises that borders other premises where the herd is a restricted herd.

F72 Sch. 2 para. 8(c) substituted (31.12.2020) by [The Zoonotic Disease Eradication and Control \(Miscellaneous Amendments\) \(Wales\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/372), regs. 1(2), **3(6)**; 2020 c. 1, Sch. 5 para. 1(1)

SCHEDULE 3

Article 13A

Permitted movements without post-movement testing

Movement to slaughter

1. The movement of a bovine animal direct to slaughter.

Movement to slaughter markets

2. The movement of a bovine animal direct to a market from which all animals go direct to slaughter.

Movement to exempt finishing units

3. The movement of a bovine animal direct to an exempt finishing unit approved by the Welsh Ministers under article 14A.

Movement to approved finishing units

4. The movement of a bovine animal direct to an approved finishing unit approved by the Welsh Ministers under article 14A.

Movement to licensed finishing units

5. The movement of a bovine animal direct to a licensed finishing unit.

Movement to agricultural shows

6. The movement of a bovine animal to an agricultural show in the low TB area, or a return to the low TB area from an agricultural show outside the low TB area, provided that—
 - (a) the move does not involve a stay of more than 24 hours or the housing of that animal at the showground; and
 - (b) the animal either goes directly from the show to slaughter or is returned directly to its premises of origin after the show.

Movement from the low risk area in England to the low TB area

7. The movement of a bovine animal from the low risk area in England to the low TB area. “The low risk area in England” (“*yr ardal risg isel yn Lloegr*”) means the area defined in article 9A of the Tuberculosis (England) Order 2014.]

EXPLANATORY NOTE

(This note is not part of the Order)

This Order, made under the Animal Health Act 1981 (“the Act”), confers powers on the Welsh Ministers in relation to tuberculosis in Wales.

Part 1 makes general provisions including title, commencement and interpretation. Article 3 provides for revocation of the Tuberculosis (Wales) Order 2006. Article 4 amends the Brucellosis and Tuberculosis (England and Wales) Compensation Order 1978. Article 5 provides for savings and transition.

Part 2 makes provision for testing and movement of animals. Article 6 provides that tuberculosis is prescribed as a disease for the purposes of sections 32 and 88 of the Act. Article 7 makes provision for the purposes of section 62E of the Act. Articles 8 and 9 make provision with respect to the notification of disease. Articles 10 and 11 make provision with respect to veterinary inspectors. Articles 12, 13 and 14 make provision with respect to the testing of animals. Articles 15 to 25 make provision in respect of controls for the purpose of preventing the spread of disease.

Part 3 makes provision in respect of compensation for animals slaughtered for tuberculosis. Article 26 provides for the calculation of the amount of compensation. The article also provides for a panel to review the calculation of the value of an animal.

A regulatory impact assessment has been prepared in relation to this Order and a copy may be obtained from the Office of the Chief Veterinary Officer for Wales, Welsh Assembly Government, Cathays Park, Cardiff CF10 3NQ.

Changes to legislation:

There are currently no known outstanding effects for the The Tuberculosis (Wales) Order 2010.