
WELSH STATUTORY INSTRUMENTS

2023 No. 1423 (W. 251)

ANIMALS, WALES

ANIMAL HEALTH

The Tuberculosis (Wales) (Amendment) Order 2023

Made - - - - *19 December 2023*

Coming into force - - *1 February 2024*

The Welsh Ministers make the following Order in exercise of the powers conferred by sections 1, 8(1)(b) and 15(4) of the Animal Health Act 1981(1).

Title and coming into force

- 1.—(1) The title of this Order is the Tuberculosis (Wales) (Amendment) Order 2023.
- (2) This Order comes into force on 1 February 2024.

Amendment of the Tuberculosis (Wales) Order 2010

2. The Tuberculosis (Wales) Order 2010(2) is amended in accordance with the Schedule.

Savings and transition

3. Any notice or licence issued, or approval or consent granted, under the Tuberculosis (Wales) Order 2010 and which has effect at the coming into force of this Order, remains in force.

19 December 2023

Lesley Griffiths
Minister for Rural Affairs and North Wales, and
Trefnydd, one of the Welsh Ministers

(1) 1981 c. 22. Functions of “the Ministers” under the Animal Health Act 1981 (c. 22) (as defined in section 86(1) of that 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).

(2) S.I. 2010/1379 (W. 122), amended by S.I. 2011/692 (W. 104), 2014/632 (W. 72), 2015/1773 (W. 245), 2016/328 (W. 104), 2017/711 (W. 168) and 2019/372 (W. 93).

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SCHEDULE

Article 2

Amendment of the Tuberculosis (Wales) Order 2010

1. In article 2 (interpretation)—
 - (a) in the definition of “deposited map”, for “the map entitled “Wales Regional TB areas” signed on behalf of the Welsh Ministers and dated 23 June 2017” substitute “the map entitled “England and Wales Regional TB areas” signed on behalf of the Welsh Ministers and dated 15 December 2023⁽³⁾”;
 - (b) in the appropriate place insert ““high-risk area in England” (“*ardal risg uchel yn Lloegr*”) means all the land shaded and identified as “High Risk Area” on the deposited map;”;
 - (c) in the definition of “licensed finishing unit”, before “inspector” insert “veterinary”;
 - (d) in the appropriate place insert ““officially tuberculosis-free status” (“*statws rhydd rhag twbercwlosis swyddogol*”) means the status derived from satisfying the conditions laid down by the Welsh Ministers to enable the trade of cattle without restrictions on movement relating to tuberculosis;”.
2. In article 8 (notification of disease in bovine animals), after paragraph (1) insert—

“(1A) A person, other than the keeper, who is making a notification under paragraph (1) must also notify the keeper of their suspicion.”
3. In article 13A (post-movement testing)—
 - (a) after paragraph (2) insert—

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

 - (a) the high TB area,
 - (b) the high-risk area in England, or
 - (c) 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.”;
 - (b) in paragraph (3), for “Paragraph (2) does” substitute “Paragraphs (2) and (2A) do”.
4. In article 14 (tuberculosis test records), after paragraph (4) insert—

“(5) The Welsh Ministers may publish information regarding how long a bovine herd has had officially tuberculosis-free status in any form that the Welsh Ministers see fit for the purpose of helping other persons to protect against the further spread of tuberculosis.”
5. In article 14A (exempt finishing units and approved finishing units)—
 - (a) in the heading omit “Exempt finishing units and”;
 - (b) in paragraph (1), omit sub-paragraph (a);
 - (c) in paragraph (2), in sub-paragraph (b) omit “exempt finishing unit or”;
 - (d) in paragraph (3) omit “an exempt finishing unit or”;
 - (e) in paragraph (4) omit “an exempt finishing unit or”;
 - (f) in paragraph (5) omit “an exempt finishing unit or”;
 - (g) in paragraph (6) omit “an exempt finishing unit or”;

(3) The map is deposited and available for inspection at the Office of the Chief Veterinary Officer for Wales, Welsh Government, Cathays Park, Cardiff, CF10 3NQ. A copy of the map can be accessed at www.gov.wales/bovinetb.

- (h) for paragraph (7) substitute—
- “(7) A finishing unit in England that is approved by the Secretary of State to take bovine animals that have been moved without a pre-movement test is an exempt finishing unit for the purposes of this Order.”
6. In article 15 (prohibitions)—
- (a) after paragraph (2) insert—
- “(2A) No person may take a sample from a bovine animal for the purpose of diagnosis of tuberculosis without the written consent of the Welsh Ministers.”
- (b) after paragraph (5) insert—
- “(6) Where a relevant test has been applied to a bovine animal, a person may 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.”
7. In Schedule 1, in paragraph 5 (exempt finishing units and approved finishing units)—
- (a) in the heading omit “Exempt finishing units and”;
- (b) in sub-paragraph (1)(a) omit “an exempt finishing unit or”.
8. In Schedule 2—
- (a) in paragraph 5 (movement to exempt finishing units) omit “approved by the Welsh Ministers under article 14A”;
- (b) omit paragraph 8 (movement within or from the low TB area).
9. In Schedule 3—
- (a) in paragraph 3 (movement to exempt finishing units) omit “approved by the Welsh Ministers under article 14A”;
- (b) after paragraph 6 (movement to agricultural shows) insert—
- “(6A) The movement of a bovine animal to an agricultural show in the intermediate TB area, or a return to the intermediate TB area from an agricultural show outside the intermediate 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.”;
- (c) for paragraph 7 (movement from the low risk area in England to the low TB area) substitute—

“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” means the area defined in article 2(1) of, and Schedule 1 to, the Tuberculosis in Animals (England) Order 2021(4).”

(4) [S.I. 2021/1001](#) as amended by [S.I. 2023/867](#).

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EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Tuberculosis (Wales) Order 2010 ([S.I. 2010/1379 \(W. 122\)](#)) (“the 2010 Order”).

The amendments are contained in the Schedule to this Order.

Paragraph 1 of the Schedule adds a definition of “high-risk area in England” to the 2010 Order as part of the introduction of post-movement testing in the intermediate TB area in Wales. Paragraph 1 also adds a definition of “officially tuberculosis-free status” and amends the definitions of “deposited map” and “licensed finishing unit”.

Paragraph 2 inserts a new paragraph into article 8 of the 2010 Order to impose an obligation on a person who makes a notification of the suspicion of tuberculosis under article 8(1) to also notify the keeper of their suspicion.

Paragraph 3 inserts a new paragraph (2A) into article 13A of the 2010 Order requiring keepers in the intermediate TB area who receive bovine animals from the high TB area, from the high-risk area in England, or from Northern Ireland, to arrange and pay for a post-movement skin test to be undertaken by an approved veterinary surgeon. Article 13A(3) is amended so that the existing exceptions to the requirement for a post-movement test will also apply to the new paragraph (2A).

Paragraph 4 adds a new paragraph to article 14 of the 2010 Order to provide for the publication of information about bovine herds that have officially tuberculosis-free status.

Paragraph 5 amends article 14A of the 2010 Order to remove references to exempt finishing units (as these no longer exist outside of England).

Paragraph 6 amends article 15 of the 2010 Order. A new paragraph (2A) is inserted to prohibit the taking of a sample from a bovine animal without the written consent of the Welsh Ministers. A new paragraph (6) is also added to prohibit a person from moving an animal from premises between the application and result of a relevant test.

Paragraph 7 amends paragraph 5 of Schedule 1 to the 2010 Order to remove references to exempt finishing units.

Paragraph 8 amends Schedule 2 to the 2010 Order. Paragraph 5 of Schedule 2 is amended to remove the reference to exempt finishing units approved by the Welsh Ministers. Paragraph 8 of Schedule 2 is omitted in order to re-instate pre-movement testing for bovine animal movements within and from the low TB area.

Paragraph 9 amends Schedule 3 to the 2010 Order. Paragraph 3 of Schedule 3 is amended to remove reference to exempt finishing units approved by the Welsh Ministers. A new paragraph 6A is inserted permitting some additional movements to and from agricultural shows without the requirement for post-movement testing. The definition of “the low risk area in England” in paragraph 7 of Schedule 3 is updated to the definition in the Tuberculosis in Animals (England) Order 2021 ([S.I. 2021/1001](#)) following the revocation of the Tuberculosis (England) Order 2014 ([S.I. 2014/2383](#)).

The Welsh Ministers’ Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to this Order. As a result, it was not considered necessary to carry out a regulatory impact assessment as to the likely costs and benefits of complying with this Order.