Changes to legislation: *There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Tuberculosis (England) (Amendment) Order 2016. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

STATUTORY INSTRUMENTS

2016 No. 347

ANIMALS, ENGLAND

ANIMAL HEALTH

The Tuberculosis (England) (Amendment) Order 2016

Made - - - - 10th March 2016

Coming into force - - 6th April 2016

The Secretary of State makes this Order in exercise of the powers conferred by sections 1 and 8(1) of the Animal Health Act 1981(**1**) and now vested in the Secretary of State(**2**).

Citation and commencement

1. This Order may be cited as the Tuberculosis (England) (Amendment) Order 2016 and comes into force on 6th April 2016.

Commencement Information

I1 Art. 1 in force at 6.4.2016, see **art. 1**

Amendment to the Tuberculosis (England) Order 2014

2.—(1) The Tuberculosis (England) Order 2014(**3**) is amended as follows.

(2) In article 2 (interpretation), after the definition of "keeper" insert—

""post-movement test" means a skin test carried out in accordance with article 9A;"

(3) In the following provisions, for "biennially" substitute "annually"—

(a) article 9(3)(a) and (c), and

(b) article 11(7)(a).

(4) After article 9 (pre-movement testing) insert—

(**1**) 1981 c22.

(**2**) Functions conferred under the Act were transferred, so far as exercisable by the Secretaries of State for Scotland and Wales, to the Minister of Agriculture, Fisheries and Food by S.I. 1999/3141. Functions of the Minister of Agriculture, Fisheries and Food were then further transferred to the Secretary of State by the Ministry of Agriculture, Fisheries and Food (Dissolution) Order 2002 (S.I. 2002/794), article 2.

(**3**) S.I. 2014/2383 as amended by S.I. 2015/1838.

"**Post–movement skin tests in the low risk area**

9A.—(1) When a bovine animal is moved into the low risk area from a herd located in another part of England, or in Wales, the keeper who receives the animals must arrange and pay for a post-movement skin 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.

(2) The following animals do not require a post-movement skin test—

(a) bovine animals that are slaughtered within 120 days of arrival at the receiving premises;

(b) bovine animals that are moved solely for veterinary treatment inside the low risk area, or are returning to the low risk area following veterinary treatment elsewhere, provided that they are returned directly to their premises of origin after the treatment, or are killed or go directly to slaughter;

(c) bovine animals that are moved to an agricultural show in the low risk area, or that return to the low risk area from an agricultural show outside the low risk area, provided that—

(i) the move does not involve a stay of more than 24 hours or the housing of those animals at the showground, and

(ii) they are returned directly to their premises of origin after the show, or are killed or go directly to slaughter after the show;

(d) bovine animals that are moved directly to one of the following in the low risk area—

(i) a market from which all animals go direct to slaughter;

(ii) an exempt market;

(iii) an approved collecting centre; or

(iv) a licensed finishing unit;

(e) bovine animals that are moved under the authority of a movement licence issued by an inspector.

(3) Where a bovine animal is required to have a post-movement skin test under paragraph (1), no person may move that animal from the receiving premises until the skin test has been completed with negative results, unless the move is—

(a) directly (or via a slaughter gathering or market) to slaughter,

(b) to a licensed finishing unit or an approved finishing unit, or

(c) made under the authority of a movement licence issued by an inspector.

(4) Where a bovine animal is required to have a post-movement skin test, but remains untested after 120 days since arrival at the receiving premises—

(a) the test will be treated by the Secretary of State 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.

(5) For the purposes of this article—

"the low risk area" means the area in England in which routine surveillance testing of bovine herds for tuberculosis takes place once every four years by default and which is identified by county by the Secretary of State in the document entitled "The Strategy