WELSH STATUTORY INSTRUMENTS

2006 No. 1053 (W.109)

ANIMALS, WALES

The Tuberculosis (Wales) Order 2006

Made - - - -	*4 April 2006*
Coming into force - -	*2 May 2006*

The National Assembly for Wales in exercise of powers conferred on it by sections 1, 7(1), 8(1), 15(4), 25, 32(2), 83(2), 87(2) and 88(2) of the Animal Health Act 1981(**1**) makes the following Order:

Title, commencement and application

1.—(1) The title of this Order is the Tuberculosis (Wales) Order 2006 and this Order comes into force on 2 May 2006.

(2) This Order applies in relation to Wales.

Revocation

2. The Tuberculosis (England and Wales) Order 1984(**2**) and the Tuberculosis (England and Wales) (Amendment) Order 1990(**3**) are hereby revoked in so far as they apply in relation to Wales.

Interpretation

3.—(1) In this Order:—

"the Act" ("*Y Ddeddf*") means the Animal Health Act 1981;

"affected animal" ("*anifail yr effeithiwyd arno*") means a cow which is affected with tuberculosis of the udder or is giving tuberculous milk, or a bovine animal which is affected with tuberculous emaciation, or is excreting or discharging tuberculous material, or is affected with a chronic cough, or shows any other clinical sign of tuberculosis;

"bovine animal" ("*anifail buchol*") means domestic cattle of the genus *Bos*, buffalo and bison;

"the Divisional Veterinary Manager" ("*Y Rheolwr Milfeddygol Rhanbarthol*") means the veterinary inspector appointed by the National Assembly to receive information about animals

(**1**) 1981 c. 22. Functions conferred on "the Ministers" were transferred, so far as exercisable by the Secretary of State for Wales in relation to Wales, were transferred to the National Assembly for Wales by the National Assembly for Wales (transfer of Functions) Order 1999 (S.I.1999/672).
(**2**) S.I. 1984/1943.
(**3**) S.I. 1990/1869.

or carcases affected or suspected of being affected with specified diseases, for the area in which the animal or carcase is;

"finishing unit" ("*uned besgi*") means premises where bovine animals are fattened and from where they are sent to slaughter;

"reactor" ("*adweithydd*") means a bovine animal which produces a reaction to a relevant test which is consistent with its being affected with tuberculosis;

"relevant test" ("*prawf perthnasol*") means a skin test or other diagnostic test for tuberculosis;

"skin test" ("*prawf croen*") means a single intradermal comparative cervical tuberculin test for tuberculosis;

"suspected animal" ("*anifail a amheuir*") means a bovine animal that is suspected of being affected with tuberculosis, and includes a reactor;

Extension of definition of "disease" and power to slaughter on account of tuberculosis

4. For the purposes of the Act, the definition of "disease" in section 88(1) of the Act is extended so as to include tuberculosis, and section 32 of the Act (power to slaughter animals) applies to that disease.

Notification of disease in bovine animals

5.—(1) Any person who suspects that a bovine animal in his or her possession or under his or her charge on any premises is or may be an affected animal, must forthwith—

(a) notify the Divisional Veterinary Manager

(b) pending conclusion of the veterinary inquiry under article 7 and the service of any notice under that article—

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

(ii) isolate it as far as practicable from other bovine animals; and

(iii) adopt precautions with respect to milk produced by that animal as if a notice under article 7 had already been served.

(2) A veterinary surgeon who suspects that an animal examined by him or her in the course of his or her practice is or may be an affected animal, must forthwith notify the Divisional Veterinary Manager.

Notification of disease in carcases

6.—(1) Any person who—

(a) has in his or her possession or under his or her charge on any premises any carcase which is affected with or suspected of being affected with tuberculosis;

(b) in the course of his or her practice as a veterinary surgeon, examines any such carcase; or

(c) in the course of his or her duties, inspects any such carcase for any purpose;

must, immediately he or she suspects the carcase may be affected with tuberculosis, notify the Divisional Veterinary Manager.

(2) A person who has in his or her possession or under his or her charge a carcase to which paragraph (1) applies must detain it on the premises where it then is until it has been examined by a veterinary inspector.

(3) For the purpose of paragraphs (1) and (2) above, "carcase" means the carcase of any bovine animal or other farmed or pet mammal.

Veterinary enquiry as to the existence of disease

7.—(1) Where a veterinary inspector has reason to believe an affected animal or a suspected animal (other than a reactor) or a carcase of a bovine animal which is affected with or suspected of being affected with tuberculosis is present on any premises, he or she 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 carcase.

(2) For the purpose of carrying out his or her duties under this article a veterinary inspector may examine any bovine animal or carcase of a bovine animal on the premises and take such samples from any such animal or carcase or carry out such tests as may be required for the purpose of diagnosis.

(3) A veterinary inspector must serve a notice on the keeper of any bovine animal examined by him or her which in his or her opinion is an affected or suspected 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 and is boiled or otherwise sterilized and that any utensil with which such milk has been in contact before it is so treated must be 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.

Tuberculosis testing

8.—(1) The National Assembly may by notice served on the keeper of a bovine animal, require any such animal to be tested for tuberculosis by a specified date.

(2) Without prejudice to article 13, where there has been a failure to test an animal in accordance with a notice served under paragraph (1) the National Assembly may, by notice served on the keeper of that animal, prohibit the movement of bovine animals, or of such bovine animals as are specified in the notice, on to or off the premises or any part of them, except under the authority of a licence issued by an inspector.

(3) The keeper of any bovine animal must comply with all reasonable requirements of an inspector with a view to—

(a) facilitating the examination of that animal by that inspector;

(b) the application to it of any relevant test for tuberculosis; or

(c) the valuation of the animal in a case where the National Assembly intends to cause it to be slaughtered under section 32 of the Act in its application to tuberculosis,

and in particular must arrange at his or her own expense for the collection, penning and securing of any such animal if so required.

(4) Without prejudice to any proceedings for an offence under section 73 of the Animal Health Act 1981 by virtue of this Order, where there has been a failure to test an animal in accordance with a notice issued under paragraph (1), the National Assembly 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 that animal from the premises on which it is kept) and the amount of any expenses reasonably incurred by the National Assembly for the purpose of making good the default is recoverable by the National Assembly from the person in default.

(5) Where a relevant test has been applied to a bovine animal, a person must not move that animal from the premises on which it is kept unless—

(a) the movement is under the authority of a licence issued by a veterinary inspector; or

(b) the results of the test have been read by an inspector with a negative result.

(6) A person must not interfere with the administration or the reading of a relevant test.

Pre-Movement Testing

9.—(1) Subject to paragraph (2) and to articles 11 and 23, and without prejudice to the requirements of the Artificial Insemination of Cattle (Animal Health) (England and Wales) Regulations 1985(**4**), a person must not move a bovine animal from any premises unless a skin test has been applied to it no more than 60 days before the date of movement.

(2) Paragraph (1) does not apply to the following animals—

(a) bovine animals in herds that are subject to routine testing for tuberculosis less frequently than once every two years;

(b) bovine animals that are under 6 weeks of age at the date of the movement;

(c) bovine animals that have been present on the premises for no more than 30 days at the date of the movement;

(d) bovine animals that are subject to routine annual testing for the following public health reasons only—

(i) they are on a farm considered by the Divisional Veterinary Manager to be an open farm;

(ii) they are part of a herd from which the Dairy Hygiene Inspectorate has approved the sale of raw cow's milk for drinking direct to the end consumer, either by retail sale of bottled milk or as part of an on-farm catering business;

(iii) they are part of a herd from which raw cow's milk is regularly used for the manufacture of unpasteurised cheese or other unpasteurised dairy products;

(e) bovine animals at an approved semen collection centre.

(3) For the purposes of paragraph (1) the date of a test is the date of injection of tuberculin.

(4) For the purposes of paragraph (2) (d) (i) of this article, "open farm" ("*fferm agored*") means a farm which is open for visits by the public or by sections of the public.

Tuberculosis test records

10.—(1) Where a skin test has been applied to a bovine animal, the National Assembly must, as soon as practicable after the results of the test have been read by an inspector, give the keeper of that animal a record in writing of the results of the test.

(2) Paragraph (1) does not apply to animals in respect of which movement is, or remains prohibited under this Order following the test.

(3) The keeper of any animal to which paragraph (1) applies must—

(a) retain the record of the results of the test for a period of 3 years and 60 days following the date of injection of tuberculin; and

(b) produce such record when requested to do so by an inspector.

Permitted Movements

11. Notwithstanding article 9, the following movements are permitted—

(a) movements specified in the Schedule; and

(**4**) S.I. 1985/1861.

(b) any movement under the authority of a licence issued by a veterinary inspector.

Prohibitions

12.—(1) A person must not vaccinate a bovine animal against tuberculosis without the consent in writing of the National Assembly.

(2) A person must not treat a bovine animal for tuberculosis without the consent in writing of the National Assembly.

(3) A person must not test a bovine animal for tuberculosis except with the consent in writing of the National Assembly and a person to whom any such consent is given must, as soon as he or she knows the result of the test, report it immediately to the National Assembly.

Prohibition on movement of animals

13. Without prejudice to articles 7(3)(c) and 8(2), an inspector may, for the purpose of controlling or preventing the spread of tuberculosis, by notice served on the keeper of bovine animals kept on such premises as are specified in the notice, prohibit the movement of bovine animals, or of such bovine animals as are specified in the notice, on to or off such premises, except under the authority of a licence issued by an inspector.

Notification of intended slaughter of animals

14.—(1) Where the National Assembly intends 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 pending its surrender and 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), a person must not move the animal, other than to slaughter, except under the authority of a licence issued by an inspector.

Precautions against spread of infection

15.—(1) Where a veterinary inspector is satisfied that any bovine animal kept on any premises is an affected animal or a reactor, the veterinary inspector may, by notice served on the keeper of any such animal, require the keeper—

(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 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 animal or 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 must not be used by any bovine animal on the premises, or by such animal or animals as may be specified;

(g) at his or her own expense, and within such time and in such manner as may be specified in the notice, to cleanse and disinfect such part or parts of the premises as may be specified;