STATUTORY RULES OF NORTHERN IRELAND

2015 No. 322

ANIMALS

The Tuberculosis (Examination and Testing) Scheme (Amendment) Order (Northern Ireland) 2015

Made - - - -	*13th August 2015*
Coming into operation	*4th September 2015*

The Department of Agriculture and Rural Development in exercise of the powers conferred by Article 8 of the Diseases of Animals (Northern Ireland) Order 1981(**1**), having consulted with the bodies which appeared to it to be substantially representative of the interests concerned and with the approval of the Department of Finance and Personnel, makes the following Order:

Citation and commencement

1. This Order may be cited as the Tuberculosis (Examination and Testing) Scheme (Amendment) Order (Northern Ireland) 2015 and shall come into operation on 4th September 2015.

Amendment to the Tuberculosis (Examination and Testing) Scheme Order (Northern Ireland) 1999

2.—(1) The Schedule to The Tuberculosis (Examination and Testing) Scheme Order (Northern Ireland) 1999(**2**) shall be amended in accordance with paragraphs (2) to (7).

(2) In paragraph 1 (Citation and interpretation)—

(a) after the definition of "animal" insert—

> ""approved veterinary surgeon" means a veterinary surgeon who is approved in accordance with paragraph 1A(1);"

(b) for the definition of "authorised officer" substitute—

> ""authorised officer" means an inspector or a veterinary inspector authorised by the Department for the purposes of this Scheme;"

(c) for the definition of "official test" substitute—

> ""official test" means any examination or test which the Department requires to be carried out under paragraph 2(1);"

(**1**) S.I. 1981/1115 (N.I. 22) as amended by S.I 1984/702 (N.I. 2)Art. 17, S.I. 1994/1891 (N.I. 6) Arts. 20 and 23, S.R. 1994 No. 161, S.R. 2004 No. 362 and S.R. 2006 No.41 and the Diseases of Animals Act (Northern Ireland) 2010 (c.1)

(**2**) S.R. 1999 No. 264

(3) After paragraph 1 (Citation and interpretation) insert—

"**Approval of veterinary surgeons**

1A.—(1) The Department may approve a veterinary surgeon where—

(a) the veterinary surgeon has undertaken any training as required by the Department; and

(b) the Department is of the opinion that the veterinary surgeon is suitable to carry out functions conferred on an approved veterinary surgeon by this Order.

(2) The Department may revoke in writing any such approval, giving reasons for the revocation.".

(4) In paragraph 2 (Examination and Official Tests)—

(a) for the heading "Examination and Official Tests" substitute "Official Tests";

(b) in sub-paragraph (1) for "that officer" insert "that authorised officer";

(c) after each occurrence of "authorised officer" insert "or approved veterinary surgeon"; and

(d) in sub-paragraph (1)(c) after "tests and" insert "collect and submit samples for laboratory analysis and".

(5) In paragraph 3(2)—

(a) for "upon request by an authorised officer" substitute "for the purposes of an official test";

(b) in head (a) for "a veterinary inspector" substitute "an authorised officer or approved veterinary surgeon";

(c) in heads (b) to (d) for each reference to "the officer" substitute "the authorised officer or approved veterinary surgeon".

(6) For paragraph 5 (Prohibition on movement during testing) substitute—

"**5.**—(1) A person shall not, except with the prior permission of the Department, move or attempt to move or cause or permit to be moved any animal off any holding while the animals on that holding continue to be officially tested.

(2) The official test shall be regarded as continuing until either—

(a) an authorised officer or approved veterinary surgeon informs the keeper that all animals tested in the herd have provided a negative result; or

(b) the Department notifies the keeper of the disease status of all animals tested in the herd.

(3) Sub-paragraph (1) applies without prejudice to any restriction in place on any animal or any herd under Part II of the Tuberculosis Control Order (Northern Ireland) 1999(**3**)."

(7) In paragraph 6 (Prohibition on testing, vaccination and treatment) after each occurrence of "authorised officer" insert "or approved veterinary surgeon".

(**3**) S.R. 1999 No. 263 as amended by S.R. 2004/363, S.R. 2005/53 and S.R. 2012/314