STATUTORY RULES OF NORTHERN IRELAND

2004 No. 364

ANIMALS

Brucellosis (Examination and Testing) Scheme Order (Northern Ireland) 2004

Made - - - -	*26th August 2004*
Coming into operation	*1st October 2004*

The Department of Agriculture and Rural Development(**1**), in exercise of the powers conferred on it by Article 8 of the Diseases of Animals (Northern Ireland) Order 1981(**2**) and of every other power enabling it in that behalf, 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, hereby makes the following Order:

Citation and commencement

1. This Order may be cited as the Brucellosis (Examination and Testing) Scheme Order (Northern Ireland) 2004 and shall come into operation on 1st October 2004.

Brucellosis (Examination and Testing) Scheme (Northern Ireland) 2004

2. For the purposes of keeping bovine animals, so far as practicable, free from bovine brucellosis, and controlling and, so far as practicable, reducing the incidence of that disease, the Department hereby makes the Scheme set out in the Schedule.

(**1**) The Department of Agriculture for Northern Ireland was renamed the Department of Agriculture and Rural Development by Article 3(4) of the Departments Order 1999 (S.I.1999/283 (N.I. 1))

(**2**) S.I. 1981/1115 (N.I. 22) to which there are amendments not relevant to the subject matter of this Order

Sealed with the Official Seal of the Department of Agriculture and Rural Development on 26th August 2004.

L.S.

D. Small
A senior officer of the
Department of Agriculture and Rural
Development

The Department of Finance and Personnel hereby approves the foregoing Order.
Sealed with the Official Seal of the Department of Finance and Personnel on 26th August 2004.

L.S.

Jack Layberry
A senior officer of the
Department of Finance and Personnel

SCHEDULE Article 2

BRUCELLOSIS (EXAMINATION AND TESTING) SCHEME (NORTHERN IRELAND) 2004

Citation and interpretation

1.—(1) This Scheme may be cited as the Brucellosis (Examination and Testing) Scheme (Northern Ireland) 2004.

(2) In this Scheme –

"approved laboratory" means a laboratory approved by the Department to carry out tests on samples submitted to it under this Scheme;

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

"official test" means a test to determine whether or not an animal is diseased and includes –

(a) a test carried out in an approved laboratory on a sample of blood or milk from an animal in accordance with Annex C of the Directive;

(b) such other test carried out on an animal or sample therefrom, as the Department may require.

(3) Any other expression used in this Scheme that is also used in the Brucellosis (Control) Order (Northern Ireland) 2004(**3**) shall have the same meaning as in that Order.

Examination and official tests

2.—(1) The Department may, for the purposes of this Scheme, require an authorised officer to carry out such examination or official test as it may determine in relation to an animal kept on a holding and upon being so required that officer –

(a) shall carry out that examination or official test; and

(b) may carry out such further examinations or official tests and may take such further steps as he thinks fit to establish whether any animal on the holding is affected with disease.

(2) Where an authorised officer has taken a sample from an animal during the course of an official test under paragraph (1) he shall submit the sample to an approved laboratory in accordance with the instructions of the Department.

(3) Where a sample has been submitted to an approved laboratory in accordance with paragraph (2) the person in charge of that laboratory shall –

(a) subject the sample or cause it to be subjected to such tests as the Department shall specify for the presence of disease; and

(b) notify the Department and the keeper of the animal, without delay, of the results of such tests.

Powers of entry

3.—(1) For the purpose of carrying out his functions under paragraph 2, an authorised officer may at any time, and on production if so required of his authority, enter onto any land, building, shed, place or pen where an animal or carcase is kept or suspected, on reasonable grounds, to be kept.

(2) The keeper of any animal or carcase and the owner or occupier of, and any person employed on or in, any land, building, shed, pen or place where it is kept shall, upon request by an authorised officer –

(**3**) S.R. 2004 No. 361