STATUTORY RULES OF NORTHERN IRELAND

2004 No. 361

ANIMALS

Brucellosis Control Order (Northern Ireland) 2004

Made - - - - 26th August 2004
Coming into operation in accordance with Article 1(2) and (3)

The Department of Agriculture and Rural Development(**1**), in exercise of the powers conferred on it by Articles 5(1), 10(6), 18(7), 19, 44, 46(7A) and 60(1) of, and paragraph 5(1) of Part I and paragraph 5(1) of Part II of Schedule 2 to, the Diseases of Animals (Northern Ireland) Order 1981(**2**) and of every other power enabling it in that behalf, hereby makes the following Order:

PART I

PRELIMINARY

Citation and commencement

1.—(1) This Order may be cited as the Brucellosis Control Order (Northern Ireland) 2004.

(2) This Order shall come into operation for all purposes other than Article 5 on 1st October 2004.

(3) For the purposes of Article 5 this Order shall come into operation on 1st December 2004.

Interpretation

2. In this Order –

"abortion" means any bovine foetus or calf born dead or which dies within 24 hours of birth;

"affected" in relation to any animal means affected with disease and includes a reactor;

"animal" means a bovine animal;

"approved disinfectant" means a disinfectant for the time being approved by the Department under the Diseases of Animals (Approval of Disinfectants) Order (Northern Ireland) 1972(**3**);

"carcase" means the carcase of an animal;

(**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) as amended by S.I. 1984/702 (N.I. 2) Article 17, S.I. 1994/1891 (N.I. 6) Articles 20 and 23, S.R. 1994 No. 11 and S.R. 2004 No. 362

(**3**) S.R. & O. (N.I.) 1972 No. 16 as amended by S.R. 1975 No. 69 and S.R. 1995 No. 467

"the Directive" means Council Directive 64/432/EEC on animal health problems affecting intra-Community trade in bovine animals and swine(**4**);

"disease" means brucellosis;

"Divisional Veterinary Office" means a Divisional Veterinary Office of the Department;

"herd" means –

(a) an animal kept, or

(b) a group of animals kept, managed or housed together,

on a holding in such manner and under such conditions as will in the opinion of a veterinary inspector minimise the possibility of infection to any other animals whether kept on the same holding or another holding;

"holding" means any establishment, construction or, in the case of an open-air farm, place in which animals are held, kept or handled and includes land with or without buildings;

"keeper" means any natural or legal person responsible for animals whether on a permanent or temporary basis including during transportation or at a market and "herd keeper" shall be construed accordingly;

"livestock" means any creature kept for the production of food, wool, skin or fur or (excluding a dog) for use in the farming of land;

"market" means a market place, sale yard or other premises or place in or upon which animals are exhibited for the purpose of public sale;

"official test" has the meaning assigned to it by paragraph 1(2) of the Scheme;

"pedigree" means a pedigree animal registered in the herd book of the appropriate Breed Society;

"reactor" means an animal which has undergone an official test the result of which shall give the Department reason to believe that the animal is probably affected;

"the Scheme" means the Brucellosis (Examination and Testing) Scheme Order (Northern Ireland) 2004(**5**);

"steer" means a male animal which has been castrated;

"suspected" in relation to any animal means an animal suspected of being affected.

PART II

NOTIFICATION

Notification of the presence of disease

3.—(1) A keeper of an affected or suspected animal or a herd keeper who knows or suspects that any animal in his herd –

(a) has been exposed to the possibility of infection by being in contact with an affected animal (other than an animal in his own herd), or

(b) has been in any other way exposed to the disease

shall, with all practicable speed, give notice of the fact to a Divisional Veterinary Office.

(2) Where the Department knows or suspects that any animal is affected with disease, it may, for the purpose of preventing the spread of disease notify –

(**4**) O.J. No. L121, 29.7.64, p. 1977, as last amended by Council Regulation (EC) No. 21/2004 (O.J. No. L005, 19.1.2004, p. 0008)
(**5**) S.R. 2004 No. 364

(a) any veterinary surgeon;

(b) the keeper of any herd to which the disease may spread; or

(c) any person who, within the last 56 days has visited, or, in the future is likely to visit or arrange to visit, any holding on which the animal is or has been kept.

Notification of abortion

4.—(1) The keeper of a herd shall, with all practicable speed, notify a Divisional Veterinary Office if he knows or has reason to suspect that any animal in his herd has had an abortion.

(2) A veterinary surgeon shall, with all practicable speed, notify a Divisional Veterinary Office if in his opinion an animal has had an abortion.

(3) In the event of an animal having an abortion, the keeper shall immediately house the animal in isolation from other animals and shall, with all practicable speed, liberally spray the immediate area where the abortion took place with an approved disinfectant.

(4) An animal which has had an abortion shall be retained in isolation until the Department has tested it and has informed the keeper that it may rejoin the herd.

(5) Manure containing discharges or fluids from an animal which has had an abortion shall be stored away from access by livestock for at least 6 months and shall not be spread on grazing fields for a period of at least 12 months.

PART III

MOVEMENT CONTROL

Pre-movement tests

5.—(1) In this Article –

(a) "animal" means any animal over 12 months old with the exception of steers;

(b) "controlled movement" means the movement of an animal into or out of any herd other than –

(i) directly to premises at which it is to be slaughtered; or

(ii) from a market, show or exhibition;

(c) "pre-movement test" means in the case of any animal an official test carried out in accordance with Annex C of the Directive by a laboratory approved by the Department for those purposes on a sample taken from it in accordance with paragraph (5).

(2) Subject to paragraphs (3) and (4), an animal shall not make any controlled movement unless –

(a) it has reacted negatively to a pre-movement test on a sample taken from it during the 30 days prior to the date of the movement; or

(b) it is moved under and in accordance with the conditions of a licence issued by the Department.

(3) If, during the period of 30 days following the taking of a sample for a pre-movement test, an animal makes a controlled movement, that animal shall not make a second or further such movement during the remainder of the 30 day period unless, before the second or further movement, it has reacted negatively to a second or further pre-movement test, as the case may be.

(4) The requirements of paragraph (3) for a second or further pre-movement test shall not apply in any case where an animal is moved to a market, show or exhibition from a herd where the animal has reacted negatively to a pre-movement test carried out in that herd on a sample taken at any time

during the 30 days prior to the date of the movement and during that period the animal has not formed part of any other herd.

(5) A sample for the purposes of a pre-movement test shall be arranged by the keeper at his own expense and shall be taken by a person approved, for this purpose, by the Department.

PART IV

CONTROL OF DISEASE

Power to take samples

6. The Department may examine any animal, take such samples and apply such tests as it considers necessary for the purpose of controlling disease.

Detention and movement of animals

7. Where the Department knows or suspects that an animal on any holding has been moved or dealt with otherwise than in accordance with this Order or the Scheme, as the case may be, it may by notice –

(a) require the keeper to –

(i) detain the animal on a specified area of the holding and isolate it from other animals;

(ii) have a sample from the animal, and if required any other animal on the holding, subjected to an official test, at his own expense and within such time limit as shall be specified in the notice;

(b) prohibit the movement of any animal to or from the holding except under and in accordance with the conditions of a licence issued by the Department.

Restrictions

8.—(1) The Department may serve a notice on a herd keeper where –

(a) it suspects that disease may exist or may within 56 days have existed on the holding on which the herd is normally kept;

(b) a reactor has been found in the herd as a result of an official test;

(c) a reactor in another herd had access to the herd;

(d) a reactor in another herd was moved from the herd;

(e) an animal in the herd has been exposed to the possibility of infection with disease by contact with a reactor;

(f) a sample of milk from the herd when tested for the presence of brucella infection by the Department has given such result as to cause the Department to suspect that an animal in the herd is infected with disease;

(g) an animal in the herd has had an abortion and has not been cleared by an official test;

(h) an animal in the herd has given an inconclusive result to an official test; or

(i) animals in the herd have been compulsorily slaughtered under Article 15 as animals which have been exposed to a significant risk of infection with disease.

(2) A notice under paragraph (1) may –

(a) prohibit the movement to or from the holding on which the herd is kept of any animal except under and in accordance with the conditions of a licence issued by the Department;

(b) require the herd keeper to isolate any animal from other animals;

(c) require the herd keeper to isolate in a house or building or otherwise under cover, any in-calf animal in the herd immediately before it calves and to keep such animal and any calf it produces in isolation from other animals until it has given a negative reaction to an official test after calving and he has been informed by the Department in writing that it and the calf can join the herd;

(d) require the herd keeper to detain any animal in his herd on a specified area of the holding on which the herd is kept;

(e) require the herd keeper, when any animal in his herd calves, to notify a Divisional Veterinary Office within 24 hours;

(f) require the herd keeper to treat, store, dispose of or use slurry or manure in accordance with such conditions and in such manner as may be specified in the notice;

(g) require the herd keeper, in the case of a holding on which there is a reactor, to ensure that notices, in a form approved by an inspector, are displayed prominently at all entrances to and exits from the holding drawing attention to the existence of disease;

(h) require the herd keeper, if he acquires a holding after the date of the notice, to inform a Divisional Veterinary Office in writing within 7 days of the date of such acquisition and to give such details in relation to the acquisition as may be specified in the notice;

(i) prohibit the movement of any animal on to a holding to which sub-paragraph (h) applies except under and in accordance with the conditions of a licence issued by the Department;

(j) require the herd keeper, prior to the disposal of his holding or any part thereof by way of sale, grant, lease, exchange, surrender, licence, letting in conacre, or otherwise, to inform the Department in writing of such disposal and the area and location of the holding disposed of and, unless the holding disposed of was held by him as a licensee in conacre or under a lease which has terminated, to inform the Department, within 7 days, of such disposal and the name and address of the person to whom he has disposed of his holding or any part thereof;

(k) prohibit the feeding of milk from affected animals to livestock on the same holding unless such milk is treated in accordance with the terms of the notice.

Temporary control area

9.—(1) Where the Department knows or suspects that there is a serious risk of the spread of disease it may, by notice, declare the establishment of an area to be known as a "temporary control area".

(2) The location and size of the temporary control area shall be such as the Department considers necessary to prevent the spread of disease.

(3) Where a temporary control area has been established, a person –

(a) shall not move any animal onto or off a holding in the area or move any animal into or out of the area except under and in accordance with the conditions of a licence issued by the Department; and

(b) shall, if required to do so by an inspector, detain any animal, located on a holding within the area, on a specified part of the holding.

(4) Any holding which is partly inside and partly outside a temporary control area shall be deemed to be wholly inside that area.