1995 No. 369

ANIMALS

Bovine Leucosis Order (Northern Ireland) 1995

Made . . . . . 20th September 1995

Coming into operation . . 30th October 1995

The Department of Agriculture, in exercise of the powers conferred on it by Articles 5(1), 10(6), 12(1), 14(*b*), (*c*), (*d*), (*f*) and (*h*), 19(*e*), (*h*), (*i*) and (*k*), 44(*b*) and 60(1) of the Diseases of Animals (Northern Ireland) Order 1981(**a**) and of every other power enabling it in that behalf, hereby makes the following Order:

Citation and commencement

1. This Order may be cited as the Bovine Leucosis Order (Northern Ireland) 1995 and shall come into operation on 30th October 1995.

Interpretation

2.—(1) In this Order—

"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(**b**);

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

"identification number" in relation to any animal or carcase means the number allocated thereto by the Department under the provisions of the Tuberculosis Control Order (Northern Ireland) 1964(**c**);

"infected place" means a holding declared by the Department to be an infected place in accordance with Article 8; and

"the Scheme" means the Bovine Leucosis Scheme (Northern Ireland) 1995(**d**).

(2) Other expressions used in this Order which are also used in the Scheme shall have the same meaning as in the Scheme.

(**a**) S.I. 1981/1115 (N.I. 22) as amended by S.I. 1984/702 (N.I. 2) Art. 17 and S.I. 1994/1891 (N.I. 6) Arts. 20 and 23

(**b**) S.R. & O. (N.I.) 1972 No. 16 as amended by S.R. 1975 No. 69

(**c**) S.R. & O. (N.I.) 1964 No. 31; the relevant amending orders are S.R. & O. (N.I.) 1968 No. 236, S.R. 1986 No. 48 and S.R. 1994 No. 216

(**d**) S.R. 1995 No. 370

Movement of animals for slaughter by Department

3. Nothing in Articles 5, 6 or 7 shall prevent an animal from being moved from any holding directly for slaughter in accordance with paragraph 10B of Part I of Schedule 2 to the 1981 Order(**a**).

Notification of disease

4.—(1) Every person having in his possession or under his charge, an animal or carcase which he knows or suspects is diseased shall, as soon as is reasonably practicable, give notice thereof to a Divisional Veterinary Officer.

(2) Subject to paragraph (4) any person who examines or handles any animal or carcase and knows or suspects that it is diseased shall, with all practicable speed, give notice thereof to a Divisional Veterinary Officer.

(3) A notice required to be given under paragraph (1) or (2) shall include the identification number of the animal or carcase to which it relates, a description of that animal or carcase and the name and address of the owner or person in charge thereof.

(4) The requirements of paragraph (2) shall not apply in relation to an authorised officer carrying out functions under paragraph 5 of the Scheme.

Movement of affected or suspected animals and removal of carcases or other things

5.—(1) Where the Department knows or suspects that an animal or carcase is diseased it shall serve on the owner or person in charge thereof, or of the holding on which it is kept, a notice informing him of that fact.

(2) The person on whom a notice is served under paragraph (1) shall—

(*a*) detain the animal or carcase to which it relates on the holding, or such part thereof as may be specified in the notice, unless it is moved from that holding or part under the authority of and in accordance with the conditions of a licence granted by the Department;

(*b*) not move any litter or dung which has or may have been in contact with the diseased or suspected animal or carcase and any other animal which has or may have been in contact either with that litter or dung or the diseased or suspected animal, from the holding except under the authority of and in accordance with the conditions of a licence granted by the Department; and

(*c*) not move any vehicle, machinery or equipment which has or may have been in contact with any animal or carcase, litter or dung described in sub-paragraphs (*a*) or (*b*), from the holding until such vehicle, machinery or equipment has been thoroughly washed, cleansed and disinfected with an approved disinfectant.

(3) A person on whom a notice is served under paragraph (1) shall ensure that such requirements regarding isolation and segregation of animals kept on the holding as may, in the opinion of an inspector, be necessary to prevent the spread of disease are complied with.

(**a**) As inserted by S.R. 1995 No. 368

(4) The restrictions imposed pursuant to a notice served under paragraph (1) shall remain in force until the notice is revoked or until the holding concerned is declared to be an infected place.

Restrictions on the movement of other animals

6.—(1) Without prejudice to the provisions of Article 5, the Department may serve a notice on the owner or person in charge of any animal, or of the holding on which it is kept, which is part of or which has been in contact with an animal from—

(*a*) a herd which is not an enzootic bovine leucosis free herd or which has had its enzootic bovine leucosis free status suspended in accordance with paragraph 4 of the Scheme; or

(*b*) a herd linked epidemiologically with a herd which has had its enzootic bovine leucosis free status suspended in accordance with paragraph 4 of the Scheme.

(2) Where the Department has served a notice under paragraph (1), a person shall not move the animal to which it relates away from the holding on which it is kept except under the authority of and in accordance with the conditions of a licence granted by the Department.

7. Without prejudice to the provisions of Articles 5 or 6 if a person refuses to permit the official sampling of any animal, the carrying out of tests on carcases or the examination of any animal or carcase under the Scheme or refuses or neglects to comply with a request by an authorised officer under paragraph 6(2) of the Scheme in relation to any animal or carcase the Department may, by notice in writing served on the owner or person in charge of the animal or carcase, or of the holding on which it is kept, prohibit the movement of that animal or carcase from the holding on which it is kept, except under the authority of and in accordance with the conditions of a licence granted by the Department.

Infected places

8.—(1) Where as a result of laboratory tests carried out on any official sample or any other sample taken under the Scheme, it appears to the Department that any animal is diseased it may serve a notice on the owner or occupier of any holding on which the animal is or has been kept, declaring that holding to be an infected place.

(2) The Department may, by the same notice as is referred to in paragraph (1) or by a further notice served in the like manner prohibit the movement into or out of the infected place of any animal, carcase, litter, dung, equipment, utensil, appliance, vehicle or other thing except under the authority of and in accordance with the conditions of a licence granted by the Department.

(3) A person on whom a notice is served under paragraph (1) shall ensure that such requirements regarding isolation and segregation of animals kept on the infected place as may, in the opinion of an inspector, be necessary to prevent the spread of disease are complied with.