1972. No. 94 **[C]**

DISEASES OF ANIMALS

Brucellosis

ORDER, DATED 29TH DAY OF MARCH 1972, MADE BY THE MINISTRY OF AGRICULTURE UNDER THE DISEASES OF ANIMALS ACT (NORTHERN IRELAND) 1958.

The Ministry of Agriculture in exercise of the powers conferred on it by Sections 3, 4, 5, 10, 12, 13, 18 and 53 of the Diseases of Animals Act (Northern Ireland) 1958(**a**) and of every other power enabling it in that behalf hereby makes the following Order:—

Short title and commencement

1. This Order which may be cited as the Brucellosis Control Order (Northern Ireland) 1972 shall come into operation on 29th day of March 1972.

Interpretation

2. In this Order:—

"Act" means the Diseases of Animals Act (Northern Ireland) 1958;

"a holding" means all land on which the owner of a herd is entitled to keep the herd whether as owner, tenant, licensee or under a letting in conacre or otherwise howsoever;

"an official test" for the presence of brucella infection shall consist of a test carried out by the Ministry on all or any animals in a herd, in respect of female animals, on samples of blood and/or milk and/or vaginal mucus or, in respect of male animals on samples of blood and/or semen taken from each animal by an authorised officer of the Ministry;

"animal" means a bovine animal;

"approved disinfectant" means a disinfectant for the time being approved by the Ministry under the Diseases of Animals (Approval of Disinfectants) Order (Northern Ireland) 1972(**b**) for the purposes of general Orders;

"authorised officer" means a person authorised by the Ministry and includes a veterinary inspector;

"Brucellosis (Certified) Herd", except for the purposes of Article 26 where the context otherwise requires, means a herd in respect of which a Brucellosis Certificate has been issued by the Ministry and which is on the Brucellosis Register;

"Brucellosis (Eradication) Herd" means a herd in which a test for the presence of brucella infection has been carried out under this Order, under the Brucellosis Order (Northern Ireland) 1964(**c**) or under the Brucellosis Order (Northern Ireland) 1966(**d**);

"carcase value" means the price realised by the dressed carcase including hide and offal less expenses incurred by the Ministry in having the animal collected from the farm of origin, transported to the abattoir and slaughtered;

(a) 1958. c. 13.
(b) S.R. & O. (N.I.) 1972, No. 16.
(c) S.R. & O. (N.I.) 1964, No. 40.
(d) S.R. & O. (N.I.) 1966, No. 227.

"certified animal" means an animal from a herd which has been registered as a Brucellosis (Certified) Herd under the Brucellosis (Certified) Herds Scheme of the Department or from a certified herd;

"certified herd" means a herd in an area designated by the Department to be a disease free area by Order under the Diseases of Animals Act 1966 passed by the legislature of the Republic of Ireland (hereinafter in this Order referred to as the Diseases of Animals Act 1966) in respect of which certified cards have been issued by the Minister for the Department and in relation to which there is not for the time being in force a restriction on movement under such Order;

"Department" means the Department of Agriculture and Fisheries of the Republic of Ireland;

"eligible animal" means an uncastrated male animal aged six months or over, or any female animal;

"herd" means one or more animals in the same ownership;

"import" means import from the Republic of Ireland to Northern Ireland;

"maiden heifer" means an animal which is not and has not been pregnant;

"Ministry" means the Ministry of Agriculture for Northern Ireland;

"pedigree animal" means a pedigree animal registered in the Herd Book of the appropriate Breed Society;

"reactor" means an animal which has given such reaction to an official test as shall give the Ministry reason to believe that the animal is infected with brucellosis.

PART 1

PRELIMINARY

Declaration of Brucellosis attested area

3. It is hereby declared that Northern Ireland, being an area as respects which the Ministry is satisfied that brucellosis of cattle is for practical purposes non-existent therein, is an attested area for purposes connected with the control of brucellosis.

Brucellosis Register

4. The Ministry shall maintain a Register, herein described as the Brucellosis Register, of all herds in respect of which a brucellosis certificate has been issued in accordance with this Order.

PART 2

OFFICIAL TESTS

5.—(1) The Ministry may at any time cause an official test to be made on any herd.

(2) A herd owner shall, when required to do so by notice in writing from the Ministry, present for official test all animals in his possession in the categories specified in the said notice. Any owner who withdraws or withholds any such animal from an official test shall be guilty of an offence against the Act.

(3) The owner of a herd shall comply with all reasonable requirements of an authorised officer as to the collection, penning and securing of his animals for the purpose of taking samples for an official test or for any examination for the purposes of this Order.

(4) If any person fails to comply with any reasonable requirement of an authorised officer made in accordance with the provisions of the preceding paragraph, the Ministry may, without prejudice to any proceedings for an offence arising out of such default, take or cause to be taken all such steps as may be necessary to facilitate the examination of such animals or the taking of samples for an official test and the amount of any expenses reasonably incurred by the Ministry for the purpose of making good the default shall (without prejudice to any proceedings which may be taken for the default) be recoverable by the Ministry as a civil debt from the person in default or may be deducted from any sum due to the owner by the Ministry.

(5) Any person who, whether before, during or after the carrying out of an official test does any act or any thing or attempts or causes or permits any act or thing to be done whereby the result of an official test is intended to be affected shall be guilty of an offence against the Act.

(6) Where a sample has been taken from an animal in a herd the animal shall not for seven days from the taking of the sample be moved out of the herd or off the premises on which the sample was taken except to an abattoir in Northern Ireland for immediate slaughter.

PART 3

CERTIFICATES

6. The Ministry may issue a brucellosis certificate—

(*a*) to the owner of any herd in which 2 or more successive negative official tests have been obtained; or

(*b*) to the owner of a new herd wholly constituted by the transfer of animals from a Brucellosis (Certified) Herd or which have been imported from the Republic of Ireland under Article 26(1)(*a*)(*b*) of this Order provided that before so issuing a certificate to such a herd the Ministry may require one negative official test of the herd;

and may, at its discretion, attach to the issue of such certificate such conditions as the Ministry may deem necessary.

PART 4

SLAUGHTER AND COMPENSATION

Power to slaughter

7.—(1) The Ministry shall slaughter or cause to be slaughtered any reactor and may slaughter or cause to be slaughtered any other animal which has been exposed to the possibility of infection with brucellosis by being in contact with any such reactor.

(2) Where a notice has been issued in respect of any animal in accordance with Article 8 and, where applicable, its market value has been determined in accordance with Article 9, the Ministry shall have power to cause the said animal to be removed for slaughter, and the owner shall provide all reasonable facilities for the collection and removal of the said animal. Where the owner refuses to do so the Ministry may seize the said animal or cause it to be seized.

(3) Where an animal has been seized under Article 7(2) or Article 9(6) the Ministry may require the owner to pay any expenses incurred in connection with the seizure and may deduct such expenses from any sum due to the owner by the Ministry.

Issue of notice to owners

8.—(1) Where the Ministry is satisfied that an animal should be slaughtered in accordance with this Order, the Ministry shall issue a notice in writing to the owner or person in charge of the animal that the Ministry proposes to slaughter the animal and requiring him, pending such slaughter, to detain the animal on the premises specified in the notice and to isolate it from other animals.

(2) The owner of an animal to be slaughtered in accordance with this Order shall, when required to do so by the Ministry, immediately isolate such animal and detain it in isolation until collected on behalf of the Ministry or until informed otherwise in writing by the Ministry. No person shall move or permit to be moved from his premises any animal in respect of which a notice has been served by the Ministry in accordance with paragraph (1) except under the authority of a permit issued by the Ministry allowing the removal of the said animal for immediate slaughter in Northern Ireland at an abattoir specified by the Ministry in the permit.

Compensation

9.—(1) Without prejudice to Section 12(6) of the Act where the Ministry causes an animal to be slaughtered in accordance with this Order the compensation payable by the Ministry shall be:—

(*a*) in the case of a reactor in a herd which on 1st September 1970 was a Brucellosis (Eradication) Herd and which has not at any time since that date become a Brucellosis (Certified) Herd—

(i) an amount equal to 85% of the animal's market value or £340, whichever is the less, if the animal is a pedigree animal;

(ii) an amount equal to 85% of the animal's market value or £170, whichever is the less, if the animal is not a pedigree animal;

(*b*) in the case of a reactor in a herd which on 1st September 1970 was a Brucellosis (Certified) Herd or which subsequent to that date became either a Brucellosis (Certified) Herd or a Brucellosis (Eradication) Herd the carcase value of the animal;

(*c*) in the case of an animal which is not a reactor but which has been exposed to the possibility of infection with brucellosis by being in contact with a reactor an amount equal to its market value.

(2) For the purposes of this Order the market value of an animal means the price which might reasonably have been obtained for it from a purchaser in the market if it had been free from brucellosis.

(3) The market value of an animal which the Ministry proposes to cause to be slaughtered shall, for the purposes of compensation under sub-paragraphs (*a*) and (*c*) of paragraph (1) be determined before slaughter—

(*a*) by agreement between an authorised officer and the owner of the animal or his agent; or

(*b*) if they fail to so agree, by an independent valuer paid by the Ministry and selected by the owner from a list of at least 3 such valuers submitted by the Ministry to the owner; or

(*c*) where an owner refuses to select a valuer in accordance with sub-paragraph (*b*) by a valuer selected by the Ministry;

provided that any sum to which the owner of the animal might have become entitled under the Fatstock Guarantee Scheme shall not be taken into account

in determining the market value but such sum (if any) shall be assessed by the Ministry after slaughter and added to the market value before calculation of the amount of compensation payable.

(4) A valuer appointed in accordance with paragraph (3)(*b*) or (3)(*c*) shall give to the Ministry and to the owner a certificate in writing of his valuation and such valuation shall be final and binding.

(5) Where the Ministry has selected a valuer in accordance with sub-paragraph (3)(*c*)—

(*a*) the herdowner shall maintain at his own expense any animal so valued until it is collected on behalf of the Ministry; and

(*b*) the herdowner shall, when required to do so, present or have presented to such valuer for determination of market value any animal in respect of which a notice has been issued by the Ministry in accordance with Article 8.

(6) Where a herdowner contrary to paragraph (5)(*b*) fails to present or have presented any animal for determination of market value the Ministry may seize or cause to be seized such animal and have it valued in accordance with paragraph (3)(*c*) of this Article prior to slaughter.

PART 5

GENERAL

10. The owner of a Brucellosis (Certified) Herd or a Brucellosis (Eradication) Herd shall comply with the following requirements:—

Keeping of records

(1) The owner of a Brucellosis (Certified) Herd or Brucellosis (Eradication) Herd shall, in addition to maintaining the record of every animal in his herd as required by the Movements of Animals (Records) Order (Northern Ireland) 1962(**e**), keep a record of the date on which any animal was vaccinated.

Contact with animals on adjoining land

(2)(*a*) The owner of a Brucellosis (Certified) Herd or Brucellosis (Eradication) Herd shall maintain the fences dividing his premises from adjoining land in such condition as to prevent—

(i) contact of his herd with cattle on adjoining land; and

(ii) his herd from straying from his premises.

(*b*) Where a reactor is found in any herd as the result of an official test, the owner of the premises shall take all practical precautions to prevent the infection of any animals kept on the adjoining land by contact with animals on his premises.

Use of milk for feeding to animals

(3)(*a*) Milk or dairy by-products shall not be brought for feeding to bovine or other animals, on to a farm where a Brucellosis (Certified) Herd or a Brucellosis (Eradication) Herd is maintained except when the milk or dairy by-product—

(i) comes direct from a farm where a Brucellosis (Certified) Herd is maintained; or

(**e**) S.R. & O. (N.I.) 1962, No. 100.