1966. No. 227 **[C]**

DISEASES OF ANIMALS

Brucellosis

ORDER, DATED 27TH SEPTEMBER 1966, MADE BY THE MINISTRY OF AGRICULTURE UNDER THE DISEASES OF ANIMALS ACT (NORTHERN IRELAND) 1958(a).

The Ministry of Agriculture in exercise of the powers conferred on it by Sections 3, 5. 10, 12, 13, 18 and 53 of the Diseases of Animals Act (Northern Ireland) 1958 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 Order (Northern Ireland) 1966 shall come into operation on 1st day of October 1966.

Interpretation

2. In this Order—

"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 5 per cent. solution of standard phenol or any other disinfectant approved by the Ministry for the purposes of the Animals Disinfection (Northern Ireland) Order 1927, Amendment Order, 1931(b);

"approved sale" means a sale of cattle which has been approved for the exposure of animals from Brucellosis (Certified) Herds under the Brucellosis (Certified) Herds Scheme of the Department;

"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 or under the Brucellosis Order (Northern Ireland) 1964(c);

"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;

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

"eligible animal" means an uncastrated male animal aged 9 months or over, a cow or a pregnant heifer;

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

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

(a) 1958. c. 13.
(b) S.R. & O. (N.I.) 1931, No. 15.
(c) S.R. & O. (N.I.) 1964, No. 40.

"maiden heifer" means an animal which is not and has not been pregnant;
"Ministry" means the Ministry of Agriculture for Northern Ireland;
"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 Eradication Area

3. It is hereby declared that Northern Ireland, being an area as respects which the Ministry is satisfied that a substantial majority of the cattle therein are free from brucellosis, is an eradication 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 Part 2 or Part 3 of this Order.

PART 2

VOLUNTARY APPLICATION FOR ADMISSION TO THE REGISTER

Application for registration of a herd in the Brucellosis Register

5.—(1) Where an owner of a herd—

(*a*) applies to the Ministry for the registration of his herd in the Brucellosis Register;

(*b*) produces prima facie evidence of the herd's freedom from brucellosis; and

(*c*) gives a written undertaking to the Ministry that he will observe the obligations imposed on him by this Order,

the Ministry may, if it is satisfied that the management of the herd and the conditions under which the herd is kept are suitable for the maintenance of a Brucellosis (Certified) Herd, carry out official tests.

(2) Prima facie evidence of the herd's freedom from brucellosis shall be a certificate of a veterinary surgeon, to the effect that all animals in calf, all female animals aged 18 months or more, and all uncastrated male animals aged nine months or more were tested for the presence of brucella infection and that no such animal was found to be a reactor, submitted to the Ministry within four weeks of the date on which the test was carried out.

(3) For the purpose of paragraph (2), tests shall be by means of samples taken by the veterinary surgeon from each animal from as many of the following sources as may be required—

Females—blood, milk and vaginal mucus.
Males—blood and semen.

Such samples shall be sent for testing to a Veterinary Laboratory of the Ministry.

6. An applicant for the registration of a herd in the Brucellosis Register 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.

Issue of Brucellosis Certificates

7. The Ministry shall issue a brucellosis certificate to the owner of each herd in which two successive negative official tests have been obtained, and may, at its discretion, attach to the issue of such certificate such conditions as the Ministry may deem necessary.

8. The Ministry shall issue a brucellosis certificate to the owner of any herd which has been wholly constituted by the transfer of animals from herds registered in the Brucellosis Register provided that before so issuing a certificate to such a herd, the Ministry may at its discretion require one negative official test of the herd not sooner than three months after the date on which the herd was so constituted.

Ministry not liable for loss sustained by owner

9. The Ministry shall not be held liable for any loss sustained by the owner or other person as the result of the death, injury or illness of any animal caused or alleged to have been caused through the carrying out of an official test under this Part.

Saving

10. Notwithstanding anything contained in this Part, the Ministry may decline to accept and proceed upon any application received under this Part from an owner of any herd.

PART 3

THE CONTROL SCHEME

Official Tests

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

(2) 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.

Issue of Brucellosis Certificates

12. The Ministry may issue a brucellosis certificate to the owner of any herd in which, at the Ministry's discretion, two or more successive negative official tests have been obtained.

PART 4

SLAUGHTER AND COMPENSATION

Power to Slaughter

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

Issue of Notice to Owners

14. 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.

Isolation

15. 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 Article 14 except under the authority of a permit issued by the Ministry allowing the removal of the said animal for immediate slaughter in Northern Ireland.

Compensation

16.—(1) Where the Ministry causes an animal to be slaughtered in accordance with this Order the compensation payable by the Ministry for the animal shall be:—

(*a*) in the case of a reactor an amount equal to 85% of the animal's market value or £136 whichever is the less;

(*b*) 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 payment of compensation be determined before slaughter by agreement between an authorised officer and the owner of the animal or his agent or, 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 three such valuers submitted by the Ministry to the owner.

(4) Where an owner refuses to select a valuer in accordance with the preceding paragraph the Ministry may select a valuer, and the owner shall maintain at his own expense any animal so valued until it is collected on behalf of the Ministry.

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

PART 5

GENERAL

17. The owner of a Brucellosis (Certified) Herd or a Brucellosis (Eradication) Herd shall comply with the rules specified in Schedule 1.

18. A herd owner shall, when required to do so by notice in writing, 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.

19. The Ministry may carry out official tests in respect of any herd registered in the Brucellosis Register and where any reactor is found in any herd as the result of an official test, the Ministry shall proceed to slaughter or cause to be slaughtered such reactor in accordance with the provisions of Article 13.

Marking

20. An authorised officer may paint, stamp or clip any mark on any animal or may permanently mark any animal. No person shall remove, obliterate, deface or duplicate or attempt to remove, obliterate, deface or duplicate such a mark.

Power of entry, etc.

21. The owner of a Brucellosis (Certified) Herd or Brucellosis (Eradication) Herd shall give all reasonable facilities for the entry of a veterinary inspector or other officer of the Ministry on to his farm and premises for the purpose of examining such farm and premises, the animals thereon, the records required to be kept and permits issued under this Order, and for the official testing of animals. The owner shall furthermore 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. The owner shall furnish to the veterinary inspector or other officer all such information as may reasonably be required for the purposes of the Order.

Isolation

22. The owner of a herd shall immediately isolate any animal when required to do so, in accordance with the conditions of a notice issued by the Ministry in writing, and shall detain such animal in isolation on his premises until informed otherwise by the Ministry in writing.

Disinfection

23. The owner of a herd shall disinfect or cause to be disinfected in the manner prescribed in Schedule 3 any part or parts of any premises, any vehicle and any equipment which the Ministry may require him by notice in writing so to disinfect. Such disinfection shall be carried out within 48 hours after the removal of animals to be slaughtered or the receipt of the said notice and before any animals are permitted to occupy the said part or parts of premises or the said vehicle.

Abortion

24. In the event of any animal in a Brucellosis (Certified) Herd or a Brucellosis (Eradication) Herd aborting, the owner shall immediately isolate the animal and with all practicable speed notify the Ministry of the circumstances. The animals shall be retained in isolation until tested by the Ministry.

PART 6

MOVEMENT CONTROL

Movement of cattle

25.—(1) Except under the authority of a permit issued by an officer of the Ministry and in accordance with the conditions of such permit as specified in Schedule 2 an animal shall not be moved—

(*a*) on to any premises on which a Brucellosis (Certified) Herd or a Brucellosis (Eradication) Herd is maintained; or