1964. No. 40 **[C]**

DISEASES OF ANIMALS

Brucellosis

ORDER, DATED 24TH MARCH, 1964, 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 five, ten, twelve, thirteen and fifty-three of the Diseases of Animals Act (Northern Ireland) 1958 and of every other power enabling it in that behalf hereby makes the following Order:—

PART 1

Citation and Commencement

1. This Order which may be cited as the Brucellosis Order (Northern Ireland) 1964 shall come into operation on the 15th day of April, 1964.

Interpretation

2. In this Order—

"animal" means a bovine animal;

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

"approved disinfectant" means a five 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);

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

"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;

"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;

"series of tests" means, in relation to a herd, a sequence of official tests carried out by the Ministry under this Order and consisting of such number of tests as are necessary until, at the discretion of the Ministry one or more clear tests have been obtained;

"first test" means the first test in a series of tests;

"Brucellosis (Certified) Herd" 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 Control Order (Northern Ireland) 1962(c) but does not include a herd in respect of which a Notice of Intention to Retain Reactors has been served under either of the said Orders;

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

"Ministry" means the Ministry of Agriculture.

(a) 1958. c. 13.
(b) S.R. & O. (N.I.) 1931, No. 15.
(c) S.R. & O. (N.I.) 1962, No. 222.

Brucellosis Register

3. 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.

PART 2

VOLUNTARY APPLICATION FOR ADMISSION TO THE REGISTER

Application for registration of a herd in the Brucellosis Register

4.—(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 the official tests hereinafter described.

(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.

Official Tests

5. The Ministry may, in respect of any application for the registration of a herd in the Brucellosis Register carry out official tests and may discontinue testing under this Part if the owner of the herd has elected to serve on the Ministry the Notice of Intention to Retain Reactors in accordance with Article 14.

Issue of Brucellosis Certificates

6.—(1) The Ministry shall issue a certificate of registration to the owner of each herd in which two successive negative official tests have been obtained.

(2) Such certificate, herein described as a Brucellosis Certificate, shall be valid for so long as the herd is registered in the Brucellosis Register.

7. 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

8. 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

9. 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

10.—(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 Certificate

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

PART 4

SLAUGHTER AND COMPENSATION

Power to Slaughter

12. Subject to the provisions of Article 14 the Ministry may slaughter or cause to be slaughtered any reactor whether arising out of a first test or out of any subsequent test 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

13.—(1) Where the Ministry is satisfied that an animal should, subject to the provisions of Article 14, 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) Where a notice under Paragraph (1) is issued by the Ministry as a result of a first test, the Ministry shall further inform the owner of the herd of which such animal forms part that he may serve on the Ministry a Notice of Intention to Retain Reactors in accordance with Article 14.

14.—(1) Where a notice under Article 13 has been issued by the Ministry as a result of a first test the Ministry shall, as soon as may be thereafter, cause a provisional valuation of the animal to be made by an authorised officer.

(2) The authorised officer shall forthwith inform the owner of the herd of which such animal forms part of the provisional valuation so made.

(3) The owner of the herd may not later than the date on which such provisional valuation is notified to him, serve on the Ministry a Notice of Intention to Retain Reactors.

(4) A Notice of Intention to Retain Reactors shall, if served before the date of the provisional valuation referred to in paragraph (1) be served by recorded delivery, and if served on the date of such valuation shall be served on the authorised officer who carries out the valuation and at the time of such valuation.

(5) Where a Notice of Intention to Retain Reactors is duly served, the following provisions shall have effect:—

(*a*) so long as such Notice remains in force, Article 12 shall not apply to the herd;

(*b*) the owner shall not move or cause or allow to be moved off his premises any animal in calf, any female animal aged 18 months or over, or any uncastrated male animal aged 9 months or over, except under and in accordance with the conditions of a licence issued by the Ministry:—

(i) allowing any such animal to be moved direct to an abattoir in Northern Ireland for immediate slaughter;

(ii) allowing any maiden heifer aged 18 months or over to be moved to a certification centre under the Fatstock Guarantee Scheme;

(*c*) the owner shall not move or cause or allow to be moved on to his premises any animal not being his own property, for service;

(*d*) where the Ministry is satisfied that the owner has failed to comply with the requirements of sub-paragraph (*b*) or (*c*) the Notice of Intention to Retain Reactors shall cease to have effect;

(*e*) the owner may at any time by notice in writing to the Ministry withdraw the Notice of Intention to Retain Reactors;

(*f*) where a Notice of Intention to Retain Reactors ceases to have effect by virtue of sub-paragraph (*d*) or is withdrawn under sub-paragraph (*e*), Article 12 shall thenceforth apply to the herd.

(6) Where the owner of a herd does not serve a Notice of Intention to Retain Reactors, he may at his option accept for the purposes of compensation under Article 16, the provisional valuation referred to in paragraph (1) or require the market value of the animal to be determined in accordance with Article 16(3).

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 13 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 the First Schedule.

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.—(1) 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 12.

(2) If the owner of the herd elects to serve on the Ministry the Notice of Intention to Retain Reactors in accordance with Article 14 the Ministry shall cancel the herd owner's entry in the Register.

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