1964. No. 31 **[NC]**

DISEASES OF ANIMALS

Eradication of Bovine Tuberculosis

ORDER, DATED 28TH FEBRUARY, 1964, MADE BY THE MINISTRY OF AGRICULTURE UNDER SECTIONS 3, 5, 13, 18 AND 53 AND THE SECOND SCHEDULE OF THE DISEASES OF ANIMALS ACT (NORTHERN IRELAND) 1958(a).

The Ministry of Agriculture in exercise of the powers conferred on it by Sections three, five, thirteen, eighteen and fifty-three and the Second Schedule of the Diseases of Animals Act (Northern Ireland) 1958 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 Tuberculosis Control Order (Northern Ireland) 1964 and shall come into operation on the first day of March, 1964.

Interpretation

2. In the Order—

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

"animal" means bovine animal;

"approved disinfectant" means a five per cent. solution of standard phenol or a disinfectant otherwise approved for the time being by the Ministry for the purposes of the Animals Disinfection (Northern Ireland) Order 1927, Amendment Order 1931(b);

"authorised officer" means an officer authorised by the Ministry for the purposes of this Order and includes Veterinary Inspector;

"ear tag" means a metal tag of a type approved by the Ministry and bearing an identification number for application to an animal's ear;

"ear tattoo" means an identification number tattooed into an animal's ear;

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

"identification number" means an animal's herd number as allocated by the Ministry followed by the individual number of the animal;

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

"official test" means a test with tuberculin carried out by a Veterinary Inspector of the Ministry or any Veterinary Surgeon who may be employed by the Ministry;

"reactor" means an animal which has shown a positive reaction to an official test or such other reaction as shall satisfy the Ministry that the animal is probably infected with tuberculosis.

PART 1

PRELIMINARY

Declaration of Tuberculosis Attested Area

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

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

Application of Order

4. This Order shall apply to the attested area of Northern Ireland.

PART 2

TUBERCULIN TESTING OF ANIMALS

Official Tests

5.—(1) The Ministry may, at any time, cause an official test to be made of all or any animals in a herd.

(2) The occupier of any premises on which bovine animals are kept shall comply with all reasonable requirements of an authorised officer as to the collection, penning and securing of such animals for the purpose of an official test.

(3) The occupier of any such premises shall, unless otherwise authorised by the Ministry, cause all animals in his possession to be presented at any official test. An occupier who, without the due authority of the Ministry, withholds or withdraws any animal from any part of an official test shall be guilty of an offence against the Act.

Establishment of New Herd

6. No person shall establish a new herd, whether by purchase or by the transfer of animals from an existing herd, unless he has previously notified the Ministry.

Testing and Vaccination

7.—(1) No animal shall be tested with tuberculin except with the consent of the Ministry.

(2) No animal shall be vaccinated against tuberculosis.

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

PART 3

SLAUGHTER AND COMPENSATION

Power to slaughter reactors

8. 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 tuberculosis by contact with the said reactor.

Issue of Notice to Owners

9.—(1) In every case where a Veterinary Inspector is satisfied that an animal is a reactor and that it should be slaughtered by the Ministry in accordance with this Order, together with any other animal which has been exposed to the possibility of infection with tuberculosis by contact with the said reactor, a veterinary inspector 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 as far as practicable from other animals.

(2) A person shall not move or permit to be moved from his premises any animal in respect of which a notice has been served 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.

Compensation

10.—(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 three-fourths of the animal's market value or one hundred and twenty pounds, 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 tuberculosis 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 tuberculosis.

(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 inspector of the Ministry and the owner of the animal, or, if they fail so to 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. Provided that the said value shall not take account of any sum to which the owner of the animal might have become entitled under the Fatstock Guarantee Scheme and that such sum (if any) shall be assessed by the Ministry after slaughter and added to the agreed or certified value before calculation of the amount of compensation payable.

(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.

Power to remove for slaughter

11. Where a notice has been served in respect of any animal in accordance with Article 9 and its value for compensation has been determined in accordance with Article 10 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.

PART 4

MOVEMENT CONTROL

Movement on to or off Premises

12. A Veterinary Inspector or other officer of the Ministry may by notice in writing served on the occupier of any premises prohibit the movement of animals on to or off the premises except under the authority of a licence and in