



STATUTORY INSTRUMENTS.

S.I. No. 58 of 2015



ANIMAL HEALTH AND WELFARE (BOVINE TUBERCULOSIS)
REGULATIONS 2015

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S.I. No. 58 of 2015

ANIMAL HEALTH AND WELFARE (BOVINE TUBERCULOSIS) REGULATIONS 2015

I, SIMON COVENEY, Minister for Agriculture, Food and the Marine, in exercise of the powers conferred on me by sections 32, 34 and 36 of the Animal Health and Welfare Act 2013 (No. 15 of 2013), hereby make the following regulations:

Part 1

PRELIMINARY

Citation and commencement

1. (1) These Regulations may be cited as the Animal Health and Welfare (Bovine Tuberculosis) Regulations 2015.

(2) These Regulations come into operation on 1 April 2015.

Interpretation

2. (1) In these Regulations-

“Act” means the Animal Health and Welfare Act 2013;

“animal identification regulations” means the European Communities (Identification of Bovines) Regulations 2009 (S.I. No.77 of 2009) and Regulation (EC) No 1760/2000 of the European Parliament and of the Council of 17 July 2000¹ and Commission Regulation (EC) 911/2004 of 29 April 2004²;

“bovine” means a bovine animal (including the species *Bison bison* and *Bubalus bubalus*);

“Council Directive 64/432/EEC” means Council Directive 64/432/EEC of 26 June 1964³ as amended by Council Directive 97/12/EC of 17 March 1997⁴ (as amended by Council Directive 98/99/EC of 14 December 1998⁵), Council Directive 98/46/EC of 24 June 1998⁶, Directive 2000/15/EC of the European Parliament and the Council of 10 April 2000⁷, Directive 2000/20/EC of the European Parliament and of the Council of 16 May 2000⁸, Commission Decision

¹OJ No. L 204, 11.8.2000, p.1

²OJ No. L 163, 30.4.2004, p.65

³OJ No. L 121, 29.7.1964, p. 1977

⁴OJ No. L 109, 25.4.1997, p. 1

⁵OJ No. L 358, 31.12.1998, p. 107

⁶OJ No. L 198, 15.7.1998, p. 22

⁷OJ No. L 105, 3.5.2000, p. 34

⁸OJ No. L 163, 4.7.2000, p. 35

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 20th February, 2015.*

2001/298/EC of 30 March 2001⁹, Commission Regulation (EC) No 535/2002 of 21 March 2002¹⁰, Commission Regulation (EC) No 1226/2002 of 8 July 2002¹¹, Council Regulation (EC) No 21/2004 of 17 December 2003¹², Council Regulation (EC) No 1/2005 of 22 December 2004¹³, Council Directive 2006/104/EC of 20 November 2006¹⁴, Council Directive 2008/73/EC of 15 July 2008¹⁵, Commission Decision 2008/984/EC of 10 December 2008¹⁶, Commission Decision 2009/976/EU of 15 December 2009¹⁷, and Council Directive 2013/20/EU of 13 May 2013¹⁸;

“eligible bovine” means a bovine other than a bovine under 6 weeks of age that was born in the herd;

“epidemiological unit” means a number of animals (whether owned by the one person or otherwise) that are held, kept or handled in such a manner that they share the same likelihood of exposure to bovine tuberculosis and the control of the spread of infectious disease from the unit can be facilitated;

“free bovine” means a bovine whose test validity period in accordance with Regulation 5 has not expired, is not subject to any restriction and is in a herd that is not subject to any restriction;

“herdnumber” means the number assigned to a herd under Regulation 3;

“herdowner” means a person who has a beneficial interest in a herd and has registered that interest in accordance with Regulation 3(3) (a);

“herd test” means a test for tuberculosis conducted, as directed by the Minister;

“holding” means any establishment, construction or, in the case of an open air farm, any place in which bovines are held, kept or handled;

“inconclusive reactor” means a bovine which has given a result referred to in Regulation 12 (1) (c);

“keeper” means a natural person who is registered as the keeper of a herd and who is, irrespective of ownership, responsible for the day to day care and welfare of the herd;

“movement permit” means a permission issued by the Minister under Regulation 28;

“passport” means a record issued by the Minister in accordance with Article 6.1 of Regulation (EC) No 1760/2000 of the European Parliament and of the

⁹OJ No. L 102, 12.4.2001, p. 63

¹⁰OJ No. L 80, 23.3.2002, p. 22

¹¹OJ No. L 179, 9.7.2002, p. 13

¹²OJ No. L 5, 9.1.2004, p. 8

¹³OJ No. L 3, 5.1.2005, p. 1

¹⁴OJ No. L 363, 20.12.2006, p. 352

¹⁵OJ No. L 219, 14.8.2008, p. 40

¹⁶OJ No. L 352, 31.12.2008, p. 38

¹⁷OJ No. L 336, 18.12.2009, p. 36

¹⁸OJ No. L 158, 10.6.2013, p. 234

Council of 17 July 2000 and includes a cattle identity card referred to in Regulation 32;

“reactor” means a bovine which the Minister, by reason of a test or otherwise, has reasonable grounds to suspect is tuberculosis infected or is capable of spreading tuberculosis;

“reactor tag” means an eartag issued by the Minister for the purpose of attaching to a bovine that has, in the opinion of a veterinary practitioner, reacted positively to a test under Regulation 6(a) or which in the opinion of an authorised officer is a reactor;

“Regional Veterinary Office” means an office of the Minister with responsibility for administering disease controls in a particular area;

“restricted herd or holding” means a herd or holding restricted under Regulation 4, 10, 13, 17, 18 or 20;

“test” means a test of a bovine for tuberculosis as set out in Regulation 6 and related activities;

“veterinary practitioner” means a person registered under Part 4 of the Veterinary Practice Act 2005 (No. 22 of 2005).

(2) A word or expression which is used in these Regulations and is also used in Council Directive 64/432/EEC in so far as the Directive relates to bovines, has, unless the context otherwise requires, the same meaning in these Regulations, as it has in that Directive.

Part 2

REGISTRATION OF A HERD

Herdnumber

3. (1) A person shall not own or keep a bovine, unless the bovine—
 - (a) is part of a bovine herd that has been registered with the Minister and the Minister has assigned a herdnumber to that herd, and
 - (b) is identified in accordance with the animal identification regulations.
- (2) (a) Subject to subparagraph (b), a person shall not keep an animal susceptible to tuberculosis on a holding that is used primarily for farming purposes unless all such animals on the holding are contained in the same epidemiological unit and have the one herdnumber.
- (b) An animal susceptible to tuberculosis in subparagraph (a) does not include porcine animals.
- (3) (a) A person who intends to establish a new herd shall apply to the Minister for registration of the herd and herdnumber and supply such

information as the Minister may reasonably require, including nominating a keeper for the herd.

(b) The Minister may refuse an application for registration of a herd where—

- (i) a person is disqualified under section 58 of the Act,
- (ii) the Minister is of the view that the person is unsuitable to be a herdowner or keeper due to age, infirmity or ability to ensure the health or welfare of the animal, or
- (iii) the Minister is of the view that the herd does not constitute a separate epidemiological unit.

(4) (a) A person who has a beneficial interest in a herd but who is not the keeper may register an interest in the herd in the manner set out by the Minister and shall provide documentary evidence to support the registration of interest when requested.

(b) The Minister may refuse to register an interest under subparagraph (a).

(5) The Minister may register and assign a herdnumber to a herd which forms an epidemiological unit and attach such conditions as the Minister considers appropriate.

(6) The Minister may alter, vary or cancel a condition of registration or cancel the registration or assignment of keeper or herdowner.

(7) Where it appears to the Minister that the identity of the herdowner or keeper cannot reasonably be ascertained or the herdowner or keeper is not suitable, the Minister may nominate a natural person to act as keeper of that bovine and the person so nominated shall fulfil the function of a keeper.

(8) A herdowner, who is not the keeper, shall be considered responsible with the keeper for the herd and the holding for the purposes of these Regulations.

(9) Where the Minister proposes to exercise any of the powers conferred on him or her under paragraph 3(b), 4(b) or 6, he or she shall—

- (a) notify the applicant in writing of the proposal and of the reasons for the proposal, and that he or she may make representations to the Minister in relation to the proposal within twenty one days of the notification,
- (b) consider a representation duly made before deciding whether to proceed with, modify or annul the proposal, and
- (c) notify the applicant of the decision and the reasons for the decision.

Part 3

TESTING OF BOVINES FOR BOVINE TUBERCULOSIS

Requirement to test and costs

4. (1) A keeper or herdowner shall present all bovines on the holding for inspection, examination and testing for tuberculosis as directed by the Minister and all the eligible bovines kept on the same holding shall be tested as a single herd.

(2) The keeper or herdowner shall be liable for all costs related to testing, unless otherwise determined by the Minister.

(3) Notwithstanding paragraph (1), the Minister may—

- (a) require or,
- (b) otherwise authorise,

a keeper or herdowner to have all bovines or a particular bovine in a herd tested within a period and in a manner directed by the Minister.

(4) If a keeper or herdowner fails to comply with the test requirement under this Regulation, the Minister may—

- (a) declare the holding to be a restricted holding,
- (b) test or arrange to have tested a bovine in the herd at the cost to the keeper or herdowner.

Validity of test

5. The result of a test which is interpreted by the Minister, in accordance with Regulation 12 (1), as negative shall be valid for a period not exceeding twelve months from the date on which the test is conducted or for such shorter period as may be determined by the Minister.

Test for tuberculosis

6. The following are tests for the presence of tuberculosis—

- (a) in the case of a live bovine—
 - (i) the single intradermal comparative tuberculin test,
 - (ii) the Interferon-Gamma Assay, or
 - (iii) any other test approved by the Minister, and
- (b) in the case of a dead bovine, suspect lesion of tuberculosis or other tissue taken post mortem—
 - (i) histopathology,

(ii) culture, or

(iii) any other test approved by the Minister,

performed in a laboratory nominated by the Minister for this purpose.

Permission to test

7. (1) A person shall not conduct a test on a bovine for tuberculosis unless he or she has been authorised under section 37(1) of the Act for the purposes of section 38(1) of the Act in relation to the testing for bovine tuberculosis in ruminants.

(2) A person authorised under section 37(1) of the Act for the purposes of section 38(1) in relation to the testing for bovine tuberculosis in ruminants shall conduct a test in accordance with these Regulations and any terms and conditions determined by the Minister.

Conduct of test in live bovines

8. (1) Subject to Regulation 4(1), a keeper or herdowner may, with the permission of the Minister, complete a test in parts and, where the test is completed in parts, the keeper shall have all parts completed within fourteen days of commencement of the first part of the test.

(2) The keeper or herdowner shall—

- (a) provide assistance as required to enable inspection, examination and testing to be conducted,
- (b) assemble, pen, restrain or otherwise secure a bovine, in a manner that facilitates the inspection, examination and testing,
- (c) if requested, make a declaration in writing in the form determined by the Minister setting out the number and location of the bovines on the holding and confirming that all bovines have been presented,
- (d) prior to the commencement of a test, inform the person conducting the inspection, examination and test of any circumstances, including the previous use or application of any substance, which may affect the accuracy of the test on a bovine in the herd,
- (e) prior to the commencement of a test, inform the person conducting the inspection, examination and test of any substance administered to the animal in the previous seven days or any substance administered, for which the date of withdrawal has not expired, and
- (f) surrender the passport of each bovine on the holding to the person conducting the test.

(3) Without prejudice to section 10(2) of the Act, from the time a keeper or herdowner is notified by the Minister to undertake a test and until the test is completed, he or she shall not—

(a) administer or cause or permit to be administered to a bovine subject to a test any prophylactic or therapeutic treatment for which a withdrawal period is applicable, other than water or non-medicated feed-stuffs taken orally by a bovine in the normal course of animal husbandry, unless—

(i) such withdrawal period shall have expired before the test commences, or

(ii) the prescribing person has certified that the treatment is urgent and the person conducting the test has given written permission to do so,

or

(b) carry out any process or operation on a bovine that may interfere with a test or the interpretation of a test.

(4) From the commencement of a test until the results have been determined in accordance with these Regulations, a person shall—

(a) not move a bovine from the holding other than in accordance with a movement permit, and

(b) keep the bovine at the same location on the holding.

(5) Where a person discovers that a bovine present on the holding and required to be presented for testing was not presented or that a bovine injected with tuberculin at the commencement of the test was not subsequently presented for reading, that person shall immediately notify the Minister.

(6) A person shall not interfere with any evidence of tuberculosis or any test.

(7) A person shall not have in his or her possession without lawful reason—

(a) a bovine whose test has been interfered with, or

(b) material infected with tuberculosis.

(8) A person—

(a) who receives a passport under paragraph (2) shall forward, where directed by the Minister, that passport to the Regional Veterinary Office, and

(b) who conducts a test, at which the test is conducted in parts, shall record and report in writing in a manner determined by the Minister, including by electronic means, the location where each part of the test was conducted.

Identification of bovines to be tested

9. (1) If a bovine being tested or inspected is not identified in accordance with the animal identification regulations—

- (a) the person conducting the test shall, at the commencement of the test or inspection, attach a tag approved and supplied by the Minister for temporary identification purposes to the left ear of the bovine concerned, and
- (b) a person shall not interfere with the tag attached for temporary identification purposes until the test is complete and the bovine is correctly identified and the temporary tag has been correlated with the correct identification in a manner set out by the Minister.

(2) The keeper or herdowner of a bovine identified under paragraph (1) shall arrange to fulfil the requirements of the animal identification regulations without delay.

(3) A person shall not move a bovine identified under paragraph (1) off a holding—

- (a) other than in accordance with the directions of the Minister, or
- (b) until the requirement of the animal identification regulations are fulfilled.

Reading of test

10. (1) If, in the opinion of the person who carried out the test, no bovine tested has given a positive or inconclusive reactor result to that test, that person shall report the result of the test within 7 working days of the completion of the test in the manner directed by the Minister.

(2) If, in the opinion of the person who carried out the test, a bovine has given a positive result, that person shall—

- (a) apply a reactor tag to that bovine,
- (b) inform the keeper or herdowner—
 - (i) that a bovine has given a positive reaction to the test, and
 - (ii) that, pending the interpretation of the test under Regulation 12, the tuberculosis free status of the holding is suspended and the holding is a restricted holding, and
 - (iii) of the provisions applicable to a restricted holding, a reactor animal, an inconclusive reactor,

and

- (c) within three working days of the completion of the test, report the result of the test in the manner directed by the Minister.

(3) If, in the opinion of the person who carried out the test, a bovine has given an inconclusive reactor result and no other bovine on the holding has given a positive result, that person shall—

(a) inform the keeper or herdowner that a bovine has given an inconclusive reactor result to the test and advise the keeper or herdowner, pending the determination of the test under Regulation 12—

(i) that the tuberculosis free status of the holding is suspended and the holding is a restricted holding, and

(ii) of the provisions applicable to a restricted holding and inconclusive reactor which apply, and

(b) within 3 working days of the completion of the test, report the result of the test in the manner directed by the Minister.

(4) If a person who carried out the test forms the opinion that the reaction observed and purported to be as a result of the test is not the normal intradermal reaction to such a test, he or she shall immediately report his or her opinion to the Minister.

(5) The date of the test as certified by the person who carried out the test and held on the Minister's electronic records is the legal date of test.

(6) A person shall not interfere with a reactor tag without lawful reason.

(7) A herdowner, keeper or any other person concerned with a bovine that is subject to the provisions of paragraph (2) or (3) shall comply with the applicable provisions mentioned in paragraph (2)(b)(iii) or 3(a)(ii) as the case may be.

Record of tests

11. A person who carries out a test shall retain his or her records of a test or sampling for not less than 6 years and these records shall be made available to the Minister on request.

Part 4

RESULTS OF BOVINE TUBERCULOSIS TESTS

Interpretation of test

12. (1) The Minister may interpret the result of a test as—

(a) positive,

(b) negative,

(c) inconclusive, or

(d) not determined.

(2) Where the Minister interprets a test result as positive, he or she shall determine the bovine a reactor.

(3) Where the Minister interprets a test result as inconclusive or not determined, he or she may declare the bovine a reactor.

(4) Notwithstanding the result of a test, the Minister may, where he or she has reasonable grounds to suspect that a bovine is infected with bovine tuberculosis or is capable of spreading tuberculosis, declare the bovine a reactor.

Action on foot of determination of test result

13. (1) Where the Minister determines that a bovine is a reactor, he or she shall—

- (a) declare the holding to be a restricted holding, and
- (b) notify the herdowner or keeper as soon as practicable that the holding is restricted and the conditions applicable to,
 - (i) the restricted holding, and
 - (ii) the reactor.

(2) Where the Minister interprets that a bovine has given an inconclusive reactor result, he or she may—

- (a) declare the holding to be a restricted holding, and
- (b) notify the herdowner or keeper as soon as practicable that the holding is restricted and the conditions applicable to,
 - (i) the restricted holding, and
 - (ii) the reactor or bovine giving an inconclusive reactor test result.

(3) Where the Minister declares a test result as not determined, he or she shall restrict the herd and subject the bovine and herd to additional tests, including tests to be conducted post-mortem, as appropriate, to determine the status of the bovine.

(4) Where the Minister forms an opinion, at the time of interpretation or subsequently, that the reaction observed and purported to be as a result of a test under Regulation 6(a) is not a normal intradermal response to tuberculin PPD (Purified Protein Derivatives), he or she may—

- (a) declare the test on that bovine to be null and void or declare that the bovine is a reactor,
- (b) restrict the holding,

- (c) subject the herd or bovines within the herd to test under Regulation 6(a) at an interval of not less than 42 days from the previous injection of tuberculin or substance,
 - (d) seize the bovine,
 - (e) slaughter or destroy the bovine, or cause it to be so slaughtered or destroyed without compensation to the herdowner, or
 - (f) seize other material considered to be of an evidential nature.
- (5) A keeper or herdowner shall, immediately on notification that a bovine is a reactor, isolate the reactor from the remainder of the herd and from any animal of a species susceptible to tuberculosis until—
- (a) the reactor has been removed from the herd in accordance with the conditions set down by the Minister,
 - (b) the reactor has otherwise been determined by the Minister not to be a reactor, or
 - (c) the tuberculosis free status of the herd is restored and the herd is derestricted by the Minister.
- (6) Subject to paragraph (1), (2) and (3), a keeper or herdowner shall, on notification that a bovine has given an inconclusive reactor result, isolate that bovine from the remainder of the herd and from any animal of a species susceptible to tuberculosis, until—
- (a) that bovine has reacted negatively to a test,
 - (b) that bovine has been removed from the herd in accordance with conditions set down by the Minister,
 - (c) that bovine has been determined by the Minister not to be an inconclusive reactor, or
 - (d) the tuberculosis free status of the herd is restored and the herd is derestricted by the Minister.
- (7) The Minister may require that a bovine referred to in paragraph (6) be re-tested and, notwithstanding that if it gives a negative result, it may not be moved from the herd in which it was last tested and in which it gave an inconclusive reactor result, other than direct to slaughter, except with the permission of the Minister.

Retesting

14. (1) A person shall not test, or cause or permit a reactor to be tested with tuberculin unless such a test is authorised by the Minister.
- (2) A person shall not, without the approval of the Minister, cause or permit a bovine to be tested with tuberculin within 42 days of a previous injection of

tuberculin beginning on the day on which the test was commenced unless the bovine is part of a herd the subject of a herd test.

Part 5

PREVENTION OF SPREAD OF BOVINE TUBERCULOSIS

Prevention of spread of tuberculosis

15. (1) A veterinary practitioner, on suspecting the presence or finding evidence of tuberculosis in a bovine or a species susceptible to tuberculosis, shall—

- (a) immediately and in any event before the expiry of the same working day inform the Regional Veterinary Office in the area in which the holding is located, and
- (b) inform the keeper or person in charge of the bovine or in the case of an animal susceptible to tuberculosis any person whom the veterinary practitioner believes to be the keeper, person in charge or owner of the land on which the animal is present and advise such person of the provisions applicable to a restricted holding.

(2) A veterinary practitioner on suspecting the presence or finding evidence of tuberculosis in a carcass shall—

- (a) immediately inform the Regional Veterinary Office in the area in which the carcass is located and take representative samples from the carcass including the evidence found of tuberculosis, and
- (b) submit the samples to a laboratory nominated by the Minister in accordance with the directions of the Minister.

(3) A person, other than a veterinary practitioner, who has grounds to believe that tuberculosis is present or upon finding evidence of tuberculosis in—

- (a) a bovine, or
- (b) a species susceptible to tuberculosis, or
- (c) any carcass

shall, as soon as possible and in any case before the end of the next working day, inform the Regional Veterinary Office in the area that the bovine, susceptible animal or carcass is situated.

Action of keeper or herdowner to prevent spread of tuberculosis

16. Where there is a reactor or the presence of tuberculosis is suspected in an animal of a species susceptible to tuberculosis, the keeper, person in charge or owner of the animal shall—

- (a) take all reasonable steps to prevent the infection of animals susceptible to bovine tuberculosis, including preventing the reactor or an

animal suspected of being infected with tuberculosis from being in contact with other susceptible animals, and

- (b) ensure that, from the time the reactor is identified or the presence of tuberculosis is suspected, no bovine is moved or permitted to be moved on to or off the holding except in accordance with conditions set down by the Minister.

Post mortem and laboratory results

17. (1) Where suspect tuberculosis lesions are found post-mortem in a bovine, the Minister shall restrict the herd from which the bovine was delivered or any other herd that the Minister considers at risk of having been exposed to infection.

(2) Where tuberculosis is diagnosed following laboratory examination of a sample from a bovine, the Minister shall restrict the herd where the bovine was kept or any other herd that the Minister considers at risk of having been exposed to infection.

Tracing of suspect or infected bovines

18. (1) Where an authorised officer has reasonable grounds to believe a bovine has been exposed to tuberculosis, the Minister may require the herdowner or keeper of a herd in which the bovine is or has been held to test each bovine in the herd or to have such bovines in the herd tested as the Minister considers reasonable.

(2) If an authorised officer has reasonable grounds to believe that—

- (a) tuberculosis is present on a holding,
- (b) there is an epidemiological risk that tuberculosis is present, or
- (c) there has been a failure to comply with the Act or these Regulations,

he or she may declare the holding to be a restricted holding by serving, or causing to be served, on the herdowner or keeper a notice to that effect and the herd shall remain restricted until the removal of the restriction under Regulation 27.

(3) If—

- (a) a holding is declared to be a restricted holding, or
- (b) an authorised officer has reasonable grounds to believe that tuberculosis is present on an adjoining holding,

an authorised officer may, in a manner considered appropriate by the authorised officer, cause the existence of tuberculosis to be brought to the notice of the occupiers of an adjoining holding that the authorised officer considers appropriate.

Part 6

CONSEQUENCES OF RESTRICTION

Removal of reactors

19. (1) The herdowner or keeper of a reactor shall facilitate the removal of a reactor to slaughter within 30 days, following the determination by the Minister under Regulation 12(2).

(2) The herdowner or keeper of a reactor shall facilitate the removal to slaughter of such other animals as the Minister may direct within a period as determined by the Minister.

(3) A person shall not move a reactor other than in accordance with a movement permit issued by the Minister.

(4) The herdowner or keeper shall move the reactor in accordance with the terms of that permit within seven days of the date of issue of the permit.

(5) If a herdowner or keeper fails to comply with this Regulation, the Minister may, by notice, require the reactor to be disposed of in the manner set out in the notice within a period which shall not be less than three days and, if the herdowner or keeper fails to comply with the notice, the Minister may seize and dispose of the reactor and the herdowner or keeper shall be liable for any costs incurred by the Minister.

Transportation of reactors

20. (1) A person shall not transport a bovine which is not a reactor with a reactor except with the approval of the Minister.

(2) Subject to paragraph (1), a person shall not transport a reactor with another bovine unless both bovines are from the same holding and are going directly to the same premises for slaughter.

(3) A person shall not, in the course of transport, unload a reactor or a bovine being transported with the reactor, save in an emergency and any premises used for such emergency shall immediately become a restricted holding.

(4) The person in charge of a vehicle used to transport a reactor shall—

- (a) clean and disinfect the vehicle and any machinery or equipment used in connection with the reactor immediately following the delivery of the reactor in accordance with the directions of the Minister, and
- (b) not use a vehicle to transport a bovine or other animal susceptible to bovine tuberculosis, hay, straw, fodder, or other feedingstuffs until the vehicle has been cleaned and disinfected in accordance with subparagraph (a).

Slaughter of bovines

21. (1) A person shall—

- (a) not slaughter or present for slaughter a reactor other than at a premises approved by the Minister for the slaughter of reactors,
- (b) not slaughter or present for slaughter a reactor except in accordance with a movement permit,
- (c) when presenting a reactor for slaughter, inform the owner or person in charge of a premises approved that the animal is a reactor and present the relevant movement permit.

(2) The Minister may impose such conditions and requirements as he or she considers appropriate in relation to an approval to slaughter bovines.

(3) A person who breaches an approval or a condition of approval commits an offence.

Compensation

22. (1) Subject to paragraph (2), the Minister may pay, following a direction under section 30 of the Act for the purposes of bovine tuberculosis, an amount not exceeding—

- (a) €2,800 in respect of a bovine, and
- (b) €3,500 in respect of one pedigree stock bull,

on foot of a declaration made under Regulation 13(1) (a) or (2)(a).

(2) The compensation payable in accordance with paragraph (1) shall be subject to the provisions set out in sections 30 to 35 of the Act.

(3) Compensation is not payable in respect of a bovine product, feed or other thing that is destroyed on foot of a declaration made under Regulation 13(1) (a) or (2)(a).

Valuers and arbitrators

23. (1) The Minister may appoint, for a specified period, one or more persons to act as a valuer (which may be in the form of a panel of valuers) for the purposes of section 32 of the Act.

(2) The Minister may appoint, for a specified period, one or more persons to act as an arbitrator (which may be in the form of a panel of arbitrators) for the purposes of section 33 of the Act.

(3) In making an appointment under paragraph (1) or (2), the Minister will have regard to any agreements entered into from time to time with bodies representative of farmer interests.

Control of product from restricted holding or holding where tuberculosis is suspected

24. (1) A person shall not deliver milk produced by a reactor or a bovine giving an inconclusive reactor result to a test for onward sale or processing.

(2) A person shall not feed milk produced by a reactor or an inconclusive reactor to an animal of a species susceptible to tuberculosis.

(3) The herdowner or keeper shall ensure the safe and lawful disposal of milk from a reactor or a bovine that has given an inconclusive reactor test result.

(4) A person shall not use milk from a bovine on a restricted holding for direct consumption or for manufacturing unless the milk has been subjected to the appropriate heat treatment at an establishment approved by the Minister.

(5) The herdowner or keeper shall—

(a) immediately following notification that the holding is restricted, inform any person to whom milk has been sold or supplied from the restricted holding,

(b) on request of the Minister, furnish the name and address of any person who received milk from a restricted holding.

(6) A person shall not sell or supply milk from a restricted holding other than in accordance with directions of the Minister.

(7) A person shall not sell, supply or use an animal product from a reactor or a bovine that has given an inconclusive reactor result other than in accordance with directions of the Minister.

(8) The Minister may inform third parties of the presence of tuberculosis on a holding if the Minister is of the view that it is necessary for the protection of human health, animal health or the environment.

Identification of possible sources of tuberculosis infection

25. (1) A person shall furnish to the Minister, within a period laid down by the Minister, such information as is required by the Minister relating to any holding, establishment, premises or land as is within the person's power or procurement in regard to—

(a) whether or not the holding, establishment, premises or land is—

(i) used, either partly or wholly, for or in connection with bovines, or

(ii) frequented by bovines,

(b) the name and address of any person who is or was (during any period determined by the Minister) in occupation of the holding, establishment, premises or land, and

- (c) whether or not the holding, establishment, premises or land is or was (during any period determined by the Minister) let, leased or otherwise used and the name and address of the person to whom, and the period of time for which it is or was let, leased or otherwise used.

(2) A person shall furnish to the Minister such information relating to the movement of or contact with animals susceptible to tuberculosis, as is required by the Minister, within the period laid down by the Minister.

Disinfection

26. A person shall disinfect his or her holding or premises, equipment, vehicle, utensil or other thing used in connection with a bovine in accordance with the directions of the Minister.

Removal of restriction

27. The Minister may remove a restriction which has been imposed under these Regulations when he or she is satisfied that—

- (a) all measures prescribed under these Regulations have been complied with,
- (b) the herd is a tuberculosis-free bovine herd within the meaning of Council Directive 64/432/EEC and,
- (c) the herd no longer constitutes a risk of spreading bovine tuberculosis.

Part 7

MOVEMENT AND INSPECTION GENERALLY

Movement

28. (1) The Minister may issue a movement permit in respect of a bovine electronically or otherwise and may attach such conditions as the Minister considers necessary to prevent the spread of tuberculosis.

(2) A person shall not move a bovine other than a free bovine into any holding except in accordance with a movement permit.

(3) A person shall not move a bovine into a restricted holding except in accordance with a movement permit.

(4) A person shall not move a bovine over six weeks of age into a holding or other land, unless—

- (a) during the twelve months immediately preceding the date of movement, the bovine has given a negative result to a test, or
- (b) the bovine is moved in accordance with a movement permit.

(5) A person shall not move a bovine over six weeks of age out of a holding or other land, unless—

- (a) during the twelve months immediately preceding the date of movement the bovine has given a negative result to a test, or
 - (b) the bovine is moved in accordance with a movement permit.
- (6) Notwithstanding paragraph (5), if a bovine over six weeks of age—
- (a) that has not been tested in the preceding 12 months, and
 - (b) comes from a herd which has not been tested in the preceding 12 months

moves from a holding, the Minister shall issue a notice with immediate effect prohibiting the movement of any bovine on or off the holding except in accordance with a movement permit.

(7) Notwithstanding paragraph (5), if a bovine over six weeks of age is moved from a herd that has been tested in the preceding 12 months and—

- (a) it has not been tested—
 - (i) in the preceding 12 months but has been tested in the preceding 18 months, or
 - (ii) since birth and is over 14 months of age,

the Minister may issue a notice, with immediate effect, prohibiting the movement of any bovine into or out of the holding except in accordance with a movement permit, or

- (b) the bovine has not been tested in more than 18 months the Minister shall issue a notice with immediate effect restricting the movement of a bovine into or out of the holding except in accordance with a movement permit.
- (8) (a) A notice issued under paragraph (6) shall be addressed to the owner or person in charge of the bovine and remains in force until—
- (i) all eligible bovines on the holding give a negative result to a test, or
 - (ii) the notice is varied by the Minister.
- (b) A notice issued under paragraph (7) shall be addressed to the owner or person in charge of the bovine and remain in force until—
- (i) all eligible bovines on the holding give a negative result to a test,
 - (ii) the bovines required by the Minister to be tested give a negative result to the test, or
 - (iii) the notice is varied by the Minister.

Inspection of bovines

29. (1) An authorised officer may examine a bovine—

- (a) on a holding, at an establishment, premises or other land,
- (b) which is being moved into or out of a holding, establishment, premises or other land, or
- (c) at public sale or show,

and may make enquiries in relation to the bovine or perform examinations, sampling, tests or other things as may be reasonably necessary for the administration of these Regulations.

(2) An authorised officer may require a keeper, herdowner or person in charge to collect, pen, restrain or otherwise secure the bovines referred to in paragraph (1) in a manner that will enable the authorised officer to perform an examination, sampling, test or other thing and the keeper, herdowner or person in charge shall provide assistance as required.

Part 8

PASSPORTS

Interference with passports

30. (1) A person shall not—

- (a) alter, deface, obliterate or make a false entry on a passport,
- (b) be in possession of or furnish a passport which is altered, defaced, obliterated or contains false or misleading information purporting that a test had been carried out on a particular date, or
- (c) furnish a passport bearing a false entry.

(2) An authorised officer shall, on forming the opinion that a passport contains unlawfully altered or falsely entered date of test, immediately require a person to surrender that passport.

(3) A person, other than an authorised officer shall not be in possession of a passport containing an altered, defaced, obliterated or a falsely entered date of test.

Part 9

PENALTIES

Penal provisions

31. Regulations 3, 4, 7, 8, 9, 10, 11, 13, 14, 15, 16, 19, 20, 21, 24, 25, 26, 28, 29 and 30 are penal provisions to which paragraph (b) of section 36(4) of the Act applies.

Part 10

REVOCATIONS

Revocations and savers

32. (1) The following Orders are revoked—

- (a) the Bovine Tuberculosis (Attestation of the State and General Provisions) Order 1989 (S.I. No. 308 of 1989),
- (b) the Bovine Tuberculosis (Attestation of the State and General Provisions) (Amendment) Order 1996 (S.I. No. 85 of 1996),
- (c) the Bovine Tuberculosis (Attestation of the State and General Provisions) (Amendment) Order 2000 (S.I. No. 161 of 2000),
- (d) the Bovine Tuberculosis (Attestation of the State and General Provisions) (Amendment) Order 2003 (S.I. No. 32 of 2003),
- (e) the Bovine Tuberculosis (Attestation of the State and General Provisions) (Amendment) Order 2005 (S.I. No. 7 of 2005),
- (f) the Bovine Tuberculosis (Attestation of the State and General Provisions) (Amendment) Order 2010 (S.I. No. 307 of 2010), and
- (g) the Bovine Tuberculosis (Attestation of the State and General Provisions) (Amendment) Order 2012 (S.I. No. 555 of 2012).

(2) A notice, permit or declaration under an instrument revoked by paragraph (1) that is in force immediately before the making of these Regulations continues in force and may be dealt with as if issued under these Regulations.

(3) Where a test has been notified to the keeper as due prior to the making of these Regulations, it shall be taken as if notified under these Regulations.

(4) A cattle identity card issued under an instrument revoked by paragraph (1) shall for the purposes of these Regulations be considered to be a passport as defined in Regulation 2(1).

(5) A reference to an instrument revoked under paragraph (1) shall be construed as a reference to the equivalent provision in these Regulations.



GIVEN under my Official Seal,
17 February 2015.

SIMON COVENEY,
Minister for Agriculture, Food and the Marine.

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation.)

These Regulations replace in codified form a series of Regulations in relation to Bovine Tuberculosis made under the Diseases of Animals Act 1966 which has been replaced by the Animal Health and Welfare Act 2013. The primary purpose of the Regulations is to underpin delivery of the national Bovine Tuberculosis Eradication Programme and to reflect relevant provisions of EU legislation, in particular, Council Directive 64/432/EEC.

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
Le ceannach díreach ó
FOILSEACHÁIN RIALTAIS,
52 FAICHE STIABHNA, BAILE ÁTHA CLIATH 2
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