

Statutory Instruments

S. I. No. 7 of 2005

BOVINE TUBERCULOSIS (ATTESTATION OF THE STATE AND GENERAL  
PROVISIONS) (AMENDMENT) ORDER, 2005

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Bovine Tuberculosis (Attestation of the State and General Provisions) (Amendment) Order, 2005

I, Mary Coughlan, Minister for Agriculture and Food, in exercise of the powers conferred on me by sections 3, 13, 20 and 27 of the Diseases of Animals Act, 1966 (No. 6 of 1966), as amended by the Diseases of Animals (Amendment) Act, 2001 (Number 3 of 2001) (as adapted by the Agriculture, Food and Rural Development (Alteration of Name of Department and Title of Minister) Order 2002 (S. I. No. 306 of 2002), hereby order as follows:

1. (1) This Order may be cited as the Bovine Tuberculosis (Attestation of the State and General Provisions) (Amendment) Order, 2005.

(2) This Order shall come into effect on the 5<sup>th</sup> day of January, 2005.

2. In this Order -

“the Act” means the Diseases of Animals Act, 1966 (Number 6 of 1966), as amended;

“the Principal Order” means the Bovine Tuberculosis (Attestation of the State and General Provisions) Order, 1989 (S.I. No. 308 of 1989);

“the 1996 Order” means the Bovine Tuberculosis (Attestation of the State and General Provisions) (Amendment) Order, 1996 (S.I. No. 85 of 1996);

3. Article 5 (2) of the Principal Order, as inserted by Article 4 of the 1996 Order, is hereby amended by the substitution of the following paragraph for paragraph (2)-

“(2) where a veterinary surgeon enters on any holding with the intention of carrying out a test on any animals thereon,

(a) he shall, if the Minister so directs, require the owner, occupier or person in charge of the holding to make a declaration in writing in the form specified in the First Schedule to this Order, and

(b) the owner, occupier or person in charge of the holding shall append his signature to the declaration.”

4. (1) Article 6 (1) of the Principal Order is hereby amended by the substitution of following subparagraph for subparagraph (j) (ii) –

(ii) prior to the commencement of any such test the owner or person in charge of the animal or animals intended to be tested, shall, if required, make a declaration in writing in the form specified in the First Schedule to this Order.

(2) Article 6 (1) of the Principal Order is hereby amended by the substitution of following subparagraph for subparagraph (k) –

(k) the veterinary surgeon carrying out the test shall report the result thereof to the District Veterinary Office in the area in which the test was carried out, within 7 working days of the completion of the test, in such form as may be directed by or on behalf of the Minister from time to time, and shall submit to the said District Veterinary Office, within 7 working days of

the completion of the test, any declaration required to be made under Article 5 (2) of this Order or under subparagraph (j) (ii) of this paragraph;

(3) Article 6 (1) of the Principal Order is hereby amended by the substitution of the following subparagraph for subparagraph (l) –

(l) where, in the opinion of the veterinary surgeon who carried out the test, an animal tested has given a positive result, the veterinary surgeon shall, within 3 working days of the completion of the test, forward to the District Veterinary Office in the area in which the test was carried out, the test report and all the identity cards surrendered to him in accordance with subparagraph (i) of this paragraph;

(4) Article 6 (1) of the Principal Order is hereby amended by the substitution of the following subparagraph for subparagraph (i) of paragraph (n) –

(i) within 3 working days of the completion of the test, forward to the District Veterinary Office in the area in which the test was carried out, the identity card of each animal as respects which the result of the test was, in his opinion, inconclusive, and

5. Article 11 (2) of the Principal Order is hereby amended by the substitution of the following paragraph for paragraph 2:

“(2) Where, as a result of any test of any animal or otherwise, a reactor is disclosed a veterinary surgeon or an authorised officer shall apply either of the following provisions–

(a) a mark consisting of a punched diamond shaped hole of 1.5 centimetres on each side in the left ear to the reactor and attach a tag bearing a yellow disc to the same ear of the reactor or

(b) any other method of marking or identification as the Minister considers suitable and so directs

and the owner or person in charge of the animal shall permit such marking or identification.”

6. The Bovine Tuberculosis (Attestation of the State and General Provisions) (No. 2) Order, 1990 (S.I. No. 230 of 1990) is hereby revoked.

GIVEN under my Official Seal

L.S.

this \_\_\_\_ day of January 2005

\_\_\_\_\_  
Mary Coughlan  
Minister for Agriculture and Food

## Explanatory Note

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

This Order (i) removes the obligation previously imposed on the owner, occupier or person in charge of a holding requiring that person to make a declaration regarding the animals presented for testing unless specifically so requested; (ii) allows for the electronic reporting of test results by the veterinary surgeon; (iii) provides for the identification of a reactor animal either by ear punching or another permitted method; and (iv) revokes S.I. No. 230 of 1990 as the provisions of this Order, regarding the validity period of the bovine tuberculosis premovement test, had already amended by the 1996 Order.

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