



STATUTORY INSTRUMENTS.

S.I. No. 555 of 2012



BOVINE TUBERCULOSIS (ATTESTATION OF THE STATE AND
GENERAL PROVISIONS) (AMENDMENT) ORDER 2012

BOVINE TUBERCULOSIS (ATTESTATION OF THE STATE AND
GENERAL PROVISIONS) (AMENDMENT) ORDER 2012

I, SIMON COVENEY, Minister for Agriculture, Food and the Marine 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 adapted by the Agriculture, Fisheries and Food (Alteration of Name of Department and Title of Minister) Order 2011 (S.I. No. 455 of 2011), hereby make the following order:

1. This Order may be cited as the Bovine Tuberculosis (Attestation of the State and General Provisions) (Amendment) Order 2012.

2. The Bovine Tuberculosis (Attestation of the State and General Provisions) Order 1989 (S.I. No. 308 of 1989) is amended by—

(a) in Article 2 after the definition of “movement permit” inserting the following—

“ ‘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 Council of 17 July 2000¹;”,

(b) in Article 5 inserting the following—

“(3) Bovine animals kept on the same holding shall be tested as a single herd and, where a test is conducted in parts, the owner or keeper is obliged to have all parts completed within fourteen days of commencement of the first part of the test.”,

(c) substituting Article 6 (1)(e) for the following—

“(e) (i) A keeper or herdowner shall present all bovines on the holding for examination and testing for tuberculosis, as directed by the Minister,

(ii) The keeper or herdowner shall—

(I) provide assistance as required to enable examination and testing to be conducted,

(II) collect, pen, restrain or otherwise secure a bovine, in a manner that facilitates the examination or testing,

¹O.J. L 204, 11.8.2000, p. 1.

- (III) 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,
- (IV) inform the person conducting the examination and testing of any circumstances, including the previous use or application of johnin or other substance, which may affect the accuracy of the test on a bovine in the herd, and
- (V) surrender the passport or identity card of each bovine on the holding to the authorised person, where required by the Minister;”,

(d) substituting Article 6(1)(i) for the following—

“(i) An authorised person—

(I) who receives a passport or identity card under subparagraph (e)(ii)(V) shall forward such passport or identity card to the District Veterinary Office,

and

(II) where a test is conducted in parts, shall record and report the location of each part in writing in a manner determined by the Minister, including by electronic means;”,

(e) substituting Article 6(1)(l) for the following—

“(l) where, in the opinion of the authorised person who carried out the test, an animal tested has given a positive result or inconclusive result, the authorised person shall, within 3 working days of the completion of the test, forward the test report to the District Veterinary Office in the area in which the test was carried out, in accordance with Article 6(1)(p);”,

(f) substituting Article 6(1)(m) for the following—

“(m) if, in the opinion of the authorised person who carried out the test, no bovine tested has given a positive or inconclusive result to that test, the authorised person shall report the result of the test within 7 working days of the completion of the test, in accordance with Article 6(1)(p);”,

(g) substituting Article 6(1)(n) for the following—

“(n) (i) if, in the opinion of the authorised person who carried out the test, a bovine has given a positive or inconclusive result, the authorised person shall—

(I) in the case of a positive result, apply, to that bovine, an eartag denoting that the animal is a reactor,

(II) inform the keeper or herdowner of the authorised person's opinion that a bovine has given a positive or inconclusive result to the test and advise the keeper or herdowner—

(A) that the holding is a restricted holding, and

(B) of the provisions applicable to a restricted holding, to a reactor or inconclusive animal, and

(ii) the Minister may restrict a holding associated with or situated close to a holding where a reactor has been found or which is considered to be at risk of having been exposed to infection and require that the herd be tested within a reasonable timeframe;”,

(h) inserting into Article 6(1) the following—

“(p) the authorised person carrying out the test shall, unless otherwise agreed, report the test electronically to the District Veterinary Office in the area in which the test was carried out;

(q) the date of the test shall be inserted on the passport or identity card by the authorised person who carried out the test or by a person acting under the direction of the authorised person;

(r) the date held by the Minister on the Minister's electronic records is the legal date of test.”,

(i) inserting into Article 6 the following—

“(3) A person shall not move a bovine from the holding from the commencement of a test other than in accordance with a movement permit until the results have been determined by an inspector.”,

(j) substituting into Article 8(1) for the following—

“8. (1) Where an animal has given a positive result to a test—

(a) a person shall not cause or permit the animal to be tested again with tuberculin,

(b) a veterinary surgeon shall not subsequently test the animal with tuberculin, and

(c) a person shall not move the animal from the holding other than in accordance with the terms and conditions of a movement permit referencing that animal.”,

(k) deleting “subject to Article 12 of this Order” in Article 11(1).

(l) substituting Article 12(1)(a) for the following—

“(a) bovine tuberculosis may be present on the holding, or”

(m) substituting in Article 12 (4) the words “except under and in accordance with the terms of a movement permit” for “except in accordance with conditions set down by the Minister”,

(n) substituting Article 32(3) for the following—

“(3) A person shall not alter or make a false or unauthorised entry on an identity card or passport.”, and

(o) substituting “issue a permit” in Article 33 for the following—

“issue a permit, by electronic means or otherwise.”.



GIVEN under my Official Seal,
20 December 2012.

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.)

The effect of this order is to provide for the removal of the automatic requirement to present passports to the District Veterinary Office in the case of restricted herds and to cease the practice of issuing movement permits in the case of clear cattle in restricted herds.

Le ceannach ó
FOILSEACHÁIN RIALTAIS,
AONAD 20 PÁIRC MIONDÍOLA COIS LOCHA, CLÁR CHLAINNE MHUIRIS,
CONTAE MHAIGH EO,
(Teil: 01 - 6476834 nó 1890 213434; Fax: 094 - 9378964 nó 01 - 6476843)
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Wt. (B29668). 315. 1/13. Clondalkin. Gr 30-15.