



STATUTORY INSTRUMENTS.

**S.I. No. 532 of 2012**



BOVINE VIRAL DIARRHOEA ORDER 2012

## BOVINE VIRAL DIARRHOEA ORDER 2012

I, SIMON COVENEY, Minister for Agriculture, Food and the Marine in exercise of the powers conferred on me by sections 3, 13, 19, 20 and 28 (as amended by section 6 of the Diseases of Animals (Amendment) Act 2001 (No. 3 of 2001) 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 order as follows:

*Citation*

1. This Order may be cited as the Bovine Viral Diarrhoea Order 2012 and comes into operation on 1 January 2013.

*Interpretation*

2. In this Order—

“approved tag” means a tag within the meaning of the European Communities (Identification of Bovines) Regulations 2009;

“Minister” means Minister for Agriculture, Food and the Marine;

“submit” in relation to a sample means submission of the sample with any ancillary documentation, fee or other material required by a designated laboratory;

“supplementary tag” means a tag other than an approved tag that includes a robust container that operates in such a manner that when the tag is attached to a bovine, the tag takes a sample from the bovine, seals itself or is sealable in the container without interfering with the integrity of the sample and has marked on it the identification of the bovine;

“tissue tag” means an approved tag that includes a robust container that operates in such a manner that when the tag is attached to a bovine the tag takes a sample from the bovine, seals itself or is sealable in the container without interfering with the integrity of the sample and has marked on it the identification of the bovine.

*Duty to test*

3. A person who has a bovine born on or after 1 January 2013 in his or her possession or under his or her control shall no later than 20 days after the birth of the bovine take a sample from the bovine using a tissue tag or supplementary tag and shall as soon as possible, but in any event within such period, as recommended by the designated laboratory to which it is to be submitted submit the sample to that designated laboratory for testing for the bovine viral diarrhoea virus.

*Notice of the making of this Statutory Instrument was published in  
“Iris Oifigiúil” of 28th December, 2012.*

*Inadequate or missing sample*

4. If a person having possession or being in control of a bovine which has been sampled in accordance with Article 3 is advised by a designated laboratory that the sample could not be subjected to analysis, he or she—

- (a) shall take a sample from the bovine using a supplementary tag, or
- (b) cause a blood sample to be taken from the bovine,

and shall, as soon as possible, but in any event within such period as is recommended by the designated laboratory to which it is to be submitted, submit or cause the sample to be submitted, to that designated laboratory for analysis for the bovine viral diarrhoea virus.

*Dead, aborted or stillborn bovines*

5. If a bovine is aborted or stillborn or if a bovine which is required to be sampled in accordance with Article 3 dies prior to being sampled, the person having possession or control of that bovine or foetus shall take a sample from the bovine or foetus using a tissue tag or supplementary tag and shall as soon as possible but in any event within such period as is recommended by the designated laboratory to which it is to be submitted, submit the sample to that designated laboratory for testing for the bovine viral diarrhoea virus.

*Where sampling or re-sampling is not possible*

6. Where a person having possession or control of a bovine which is required to be sampled under Article 3, 4 or 5 is unable to take a valid sample from the bovine, he or she shall immediately notify this fact to the Minister or person nominated by the Minister to receive such information.

*Repeat analysis following initial positive or inconclusive result*

7. Nothing in this Order prevents a person having possession or control of a bovine which on initial analysis has had a positive or inconclusive result from taking a further sample from the bovine using a supplementary tag or causing a blood sample to be taken and submitting or causing it to be submitted to a designated laboratory for analysis for bovine viral diarrhoea virus provided 21 days have elapsed since the previous sample was taken from the bovine.

*Additional follow-up testing*

8. If a person is informed by notice in writing issued by or on behalf of the Minister that a bovine in his or her possession or under his or her control is suspected of being affected with bovine viral diarrhoea virus, he or she shall as appropriate and in accordance with the notice—

- (a) take a sample from that bovine using a supplementary tag, or
- (b) cause a blood sample to be taken from that bovine,

and shall as soon as possible but in any event within such period as is recommended by the designated laboratory to which it is to be submitted, submit or cause the sample to be submitted to that designated laboratory for testing for bovine viral diarrhoea virus.

*Movement and disposal*

9. (1) A person shall not move or cause or permit another person to move a bovine born on or after 1 January 2013 or from which a sample has been taken under this Order or in respect of which a notice has been issued under Article 8, from the place where it is situated except—

- (a) for disposal as an animal by-product,
- (b) directly to slaughter at an establishment approved for that purpose under Regulation 4 of the European Communities (Food and Feed Hygiene) Regulations 2009, or
- (c) under permit issued by the Minister for Agriculture, Food and the Marine,

unless and until—

- (i) the result of analysis of a sample taken from the bovine is negative for the presence of bovine viral diarrhoea virus and
- (ii) the result of the test has been communicated to the person having charge of the bovine.

(2) A person shall not have in his or her possession or under his or her control, sell or supply a bovine that has been moved in contravention of paragraph (1).

*Public sale of bovines*

10. A person including a person who operates or acts as an auctioneer at a livestock mart, shall not offer a bovine born on or after 1 January 2013 or a bovine which has been tested for the bovine viral diarrhoea virus under this Order for sale at a public sale unless during the sale—

- (a) the name and full address of the registered owner or person in charge of the herd from which the bovine is being offered for sale, and
- (b) the date and the result of the test,

is placed on view by means of an electronic visual display that is clearly legible to each person present at or in the immediate vicinity of the sales ring where the bovine is being offered for sale.

*Designated laboratories*

11. The designated laboratories for the purposes of this Order are those specified in the Schedule.

SCHEDULE

Advanced Micro Services  
(Laboratories) Ltd.  
Unit 2, South Ring West  
Business Park, Tramore Road,  
Cork.  
[www.amslabs.ie](http://www.amslabs.ie)

Agri-Food & Biosciences Institute  
Stoney Road, Stormont,  
Belfast, BT4 3SD.  
[www.afbini.gov.uk](http://www.afbini.gov.uk)

Animal Health Laboratories Ireland  
Shinagh House,  
Bandon,  
Co. Cork.  
[www.animalhealthlabs.ie](http://www.animalhealthlabs.ie)

Biobest Laboratories  
6 Charles Darwin House,  
The Edinburgh Technopole,  
Milton Bridge, Nr Peniculk,  
EH 26 OPY.  
[www.biobest.co.uk](http://www.biobest.co.uk)

Enfer Labs  
Unit T, M7 Business Park,  
Newhall, Naas, Co. Kildare.  
[www.enfergroup.com](http://www.enfergroup.com)

FBA Laboratories Ltd.  
Industrial Estate,  
Cappoquin, Co. Waterford.  
[www.fba-labs.com](http://www.fba-labs.com)

Irish Equine Centre  
Johnstown, Naas, Co. Kildare.  
[www.irish-equine-centre.ie](http://www.irish-equine-centre.ie)

National Milk Laboratories Ltd.  
c/o iML, Bailieborough, Co. Cavan.  
[www.imlabs.ie](http://www.imlabs.ie)

Oldcastle Laboratories  
Cogan Street, Oldcastle, Co. Meath.  
[www.oldcastlelabs.ie](http://www.oldcastlelabs.ie)

Southern Scientific Services

Dunrine,

Killarney,

Co. Kerry.

[www.southernscientificireland.com](http://www.southernscientificireland.com)

Department of Agriculture, Food and the Marine

Central Veterinary Research Laboratory,

Backweston,

Co. Kildare.

[www.agriculture.gov.ie](http://www.agriculture.gov.ie)



GIVEN under my Official Seal,  
18 December 2012.

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

Le ceannach ó  
FOILSEACHÁIN RIALTAIS,  
AONAD 20 PÁIRC MIONDÍOLA COIS LOCHA, CLÁR CHLAINNE MHUIRIS,  
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nó trí aon díoltóir leabhar.

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Wt. (B29639). 305. 12/12. Clondalkin. Gr 30-15.