

ANIMALS.

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Diseases of Animals : Bovine Tuberculosis.

THE BOVINE TUBERCULOSIS (NORTHERN IRELAND), Order 1935,
 DATED 16TH DAY OF MARCH, 1935.

1935. No. 39.

The Ministry of Agriculture for Northern Ireland by virtue and in exercise of the powers vested in it under the Diseases of Animals Acts, 1894 to 1934, and of every other power enabling it in that behalf, orders and it is hereby ordered as follows :—

Interpretation.

1. In this Order—

“ The Act of 1894 ” means the Diseases of Animals Act, 1894 ;

“ The Ministry ” means the Ministry of Agriculture for Northern Ireland ;

“ Inspector ” means a Veterinary Inspector of the Ministry or a Veterinary Inspector authorised or recognised by the Ministry ;

“ Bovine animal ” means a bull, cow, ox, heifer or calf ;

“ Cow ” includes a heifer that has calved ;

“ Milk ” includes cream and separated or skimmed milk ;

“ Tuberculous emaciation ” means emaciation due to tuberculosis.

Other terms have, where the context so permits, the same meaning and scope as in the Act of 1894.

Notice of Disease.

2.—(1) Every person having in his possession or under his charge—

(i) any cow which is, or appears to be, suffering from tuberculosis of the udder, indurated udder or other chronic disease of the udder ; or

(ii) any bovine animal which is, or appears to be, suffering from tuberculous emaciation ; or

- (iii) any bovine animal which is suffering from a chronic cough and showing definite clinical signs of tuberculosis,

shall without avoidable delay give information of the fact to a constable of the police force for the area wherein the animal is, and the constable shall transmit the information—

- (a) to the Inspector for the area ; and
 (b) to the Ministry.

(2) The person in possession or having charge of the animal shall forthwith take such steps as are necessary to secure compliance with Article 10 (Detention and isolation of suspected animals and precautions in regard to milk).

Notification of Disease by Veterinary Surgeons.

3. A veterinary surgeon or veterinary practitioner, who in his private practice is employed to examine any bovine animal and is of opinion that the animal is suffering from tuberculosis of the udder or tuberculous emaciation, or suffering from a chronic cough and showing definite clinical signs of tuberculosis, shall with all practicable speed give notice of the existence or suspected existence of such disease—

- (a) to the Inspector for the area ; and
 (b) to the Ministry.

Examination of Animals, etc.

4.—(1) The Inspector in every case where, by reason of information received under the preceding articles or otherwise, there is reasonable ground for supposing that on any premises in their district there is a cow, which is suffering from chronic disease of the udder, or giving tuberculous milk, or a bovine animal which is suffering from tuberculous emaciation, or suffering from a chronic cough and showing definite clinical signs of tuberculosis, shall with all practicable speed examine the diseased or suspected animal and any other bovine animals on such premises, which he considers it is desirable to examine to ascertain whether any cow on the premises is suffering from tuberculosis of the udder or giving tuberculous milk, or whether any bovine animal thereon is suffering from tuberculous emaciation, or suffering from a chronic cough and showing definite clinical signs of tuberculosis, and the Inspector may, with the previous consent in writing of the owner of the animal or of his agent, but not otherwise, and subject to any directions which may from time to time be given by the Ministry, apply the tuberculin test to any cow which he suspects of suffering from tuberculosis of the udder, or of giving tuberculous milk, or to any bovine animal which he suspects of suffering from tuberculous emaciation.

(2) The Inspector may at all reasonable hours enter on any part of the premises and examine any bovine animal thereon, and may require any cow on the premises to be milked in his presence, and may take samples of the milk, and the milk from any particular teat shall if he so require be kept separate, and separate samples thereof shall be furnished. The Inspector may also take samples of the faeces or urine of any bovine animal on the premises, or of any abnormal discharge from any bovine animal thereon.

(3) The occupier of the premises and the persons in his employment shall render such reasonable assistance to the Inspector as may be required for all or any of the purposes of this article, and any person refusing such assistance shall be deemed guilty of an offence against the Act of 1894.

(4) The Inspector shall as soon as possible send to the Ministry a report showing the result of his examination and investigation.

(5) If the report of the Inspector as to any animal does not show that it is suffering from tuberculosis of the udder or tuberculous emaciation, or giving tuberculous milk, or suffering from a chronic cough, and showing definite clinical signs of tuberculosis, notice in writing shall forthwith be given by the Inspector to the owner or person in charge of the animal that the provisions of this Order relating to precautions to be adopted with respect to milk and detention and isolation of suspected animals have ceased to apply to the animal. A notice to the like effect may be given at any time by or by the direction of the Ministry. A copy of any notice given under this sub-article shall forthwith be furnished to the police of the sub-district by the Inspector giving such notice.

Valuation for compensation.

5.—(1) The market value of an animal shall before slaughter be determined for the purposes of this Order by agreement between the Inspector and the owner of the animal, or, if they shall fail so to agree the Inspector shall state in writing the value which he considers to be fair and a copy of the valuation shall be given or sent to the owner. The owner may, within seven days after the receipt of the copy of the valuation, by counter-notice in writing to the Ministry dispute the valuation as made, in which case the value shall be determined by arbitration as provided in the Animals (Transit and General) (Ireland) Order of 1913. If a counter-notice is not so given compensation will be paid on the valuation made by the Inspector.

(2) For the purpose of this Order the market value of an animal shall be the price which might reasonably have been obtained from a purchaser in the open market who had no knowledge of the existence or suspected existence in the animal of the symptoms of disease disclosed by the report of the Inspector

under this Order except such knowledge thereof as might reasonably have been obtained by inspection of the animal.

Slaughter of diseased animals.

6. Where the report of the Inspector under Article 4 shows to the satisfaction of the Ministry that there is an animal which is suffering from tuberculosis of the udder or tuberculous emaciation, or giving tuberculous milk, or suffering from a chronic cough and showing definite clinical signs of tuberculosis, the Ministry shall with all practicable speed cause notice in writing to this effect to be given to the owner or person in charge of the animal and also to the police and cause the animal to be slaughtered: provided that if, before the slaughter is carried out, the owner of the animal, or any person on his behalf, gives notice in writing to the Ministry, or to the Inspector or other officer directed to carry out such slaughter, that the owner objects to the animal being slaughtered under the provisions of this Order, it shall not be lawful to cause the animal to be slaughtered unless and until the special authority of the Ministry has been obtained.

Procedure in respect of the slaughter of animals where the carcasses are proposed to be used for human consumption.

7. Where the Ministry proposes to slaughter an animal under this Order and to dispose of its carcass or any part thereof for human consumption, a copy of the notice of intended slaughter served under the preceding article together with a statement of the address of the premises on which and the time at which the animal is intended to be slaughtered shall be sent by the Ministry or by the Inspector with all practicable speed to the Sanitary Authority for the district in which slaughter will take place, or to such of its officers as it may designate for the purpose; and in any such case the carcass of the animal or any part thereof shall not be removed for human consumption from the premises on which the slaughter takes place except with permission in writing of the Medical Officer of Health or other competent officer of the authority having under the Acts relating to public health any local Act power to inspect and examine meat intended for human consumption.

Post-mortem examination of slaughtered animals.

8.—(1) In the case of every animal slaughtered under this Order, the carcass at the time of slaughter or as soon as practicable thereafter, shall be examined by the Inspector, and the owner of the animal shall be entitled to be present at the examination in person or by a representative who, if the owner thinks fit, may be a veterinary surgeon. The Inspector may, or if required by the owner or his representative shall, for the purpose of the

examination submit specimens of the lesions to the Ministry or to a pathological laboratory approved by the Ministry.

(2) The Inspector shall at the conclusion of his examination give to the owner or person in charge of the animal a formal certificate of the result of the examination and shall at the same time send a copy of such certificate to the Ministry.

Compensation.

9.—(1) If the Inspector fails to carry out the examination required by the preceding article, or if the certificate of such examination does not show that the animal was suffering from tuberculosis, the Ministry shall, by way of compensation, pay to the owner thereof a sum equal to the market value of the animal, and a further sum of twenty shillings.

(2) If the certificate of the examination shows that the animal was suffering from tuberculosis (not being advanced tuberculosis), the Ministry shall, by way of compensation, pay to the owner a sum equal to three-fourths of the market value of the animal, or the sum of thirty shillings, whichever sum is the greater.

(3) If the certificate of the examination shows that the animal was suffering from advanced tuberculosis, the Ministry shall, by way of compensation, pay to the owner a sum equal to one-fourth of the market value of the animal, or the sum of thirty shillings, whichever sum is the greater.

(4) For the purposes of this Order an animal slaughtered under this Order shall be deemed to have been suffering from advanced tuberculosis :—

- (a) when there is miliary tuberculosis of both lungs ; or
- (b) when tuberculous lesions are present on the pleura and peritoneum ; or
- (c) when tuberculous lesions are present in the muscular system, or in the lymphatic glands embedded in or between the muscles, or where the infection of lymphatic glands is sufficient to indicate that disease is widespread ; or
- (d) when, in addition to the presence of tuberculous lesions in the respiratory and digestive tracts, there are also lesions present in the substance or membranes of any two of the following :—spleen, kidney, uterus, ovary, testicle, brain, and spinal cord.

(5) If in any case the sum received by the Ministry on sale of a carcass of an animal slaughtered under this Order exceeds the amount paid for compensation to the owner of the animal, the Ministry shall pay that excess to the owner, after deducting reasonable expenses.

Detention and isolation of suspected animals and precautions in regard to milk.

10.—(1) Every person having in his possession or under his charge any cow which is, or appears to be, suffering from tuberculosis of the udder, indurated udder, or chronic disease of the udder, or any bovine animal which is, or appears to be suffering from tuberculous emaciation, or is suffering from a chronic cough and showing definite clinical signs of tuberculosis shall—

- (i) keep the animal in his possession or under his charge on the premises where it was when this article first became applicable, or on such other premises as the animal may be moved to by direction of the Inspector ; and
- (ii) so far as practicable isolate it from other bovine animals ;

(2) The milk produced by any cow to which this article applies shall not be mixed with other milk and shall forthwith be boiled or otherwise sterilized ; and any utensil in which such milk is placed before being so treated shall be thoroughly cleansed with boiling water before any other milk is placed therein.

(3) A constable or an Inspector may deliver a notice calling the attention of any person affected thereby to the provisions of this article, and the Inspector may specify in writing upon such a notice any special conditions to be attached to the movement of the animal on the premises where it is ; provided that failure to deliver such a notice shall not relieve any person to whom this article applies from the obligation of complying with the restrictions thereby imposed.

(4) The restrictions imposed by this article shall continue until—

- (i) the animal has been examined by an Inspector in accordance with the provisions of this Order, and the owner or the person in charge thereof has been notified by or on behalf of the Ministry that this article has ceased to apply to the animal ; or
- (ii) a licence has been issued by the Inspector permitting the movement of the animal from the premises on which the animal is to a slaughterhouse and the animal has been so moved and has been slaughtered ; provided that when an animal has been so moved, it shall not be moved from the slaughterhouse, and shall be slaughtered within ninety-six hours after its arrival thereat.

Disposal of carcases of suspected animals.

11. The owner or person in charge of any animal, being an animal which at the time of its death was, or appeared to be, suffering from chronic disease of the udder, or suffering from

tuberculous emaciation, or suffering from a chronic cough and showing definite clinical signs of tuberculosis :—

- (i) shall (except in cases where the animal is slaughtered by direction of the Ministry under this Order or where the animal has been moved to a slaughterhouse in accordance with a licence issued by an Inspector) forthwith report its death or slaughter to the Police who will notify the Inspector.
- (ii) shall not cause or permit its carcase or any part thereof to be moved from the place where the animal was at the time of its death, unless the movement has been authorised by a licence issued by an Inspector or by a written permission given in accordance with article 7 of this Order ;
- (iii) shall not cause or permit its carcase to be buried for thirty-six hours after the death of the animal, or such lesser period as may be reasonable, having regard to the state of the carcase, or until an Inspector has inspected it and completed his post-mortem examination thereof, whichever is the earlier ;
- (iv) shall give all such facilities as the Inspector may require for the purpose of his post-mortem examination and shall comply with any special directions which the Inspector may give for the disposal of the animal's carcase.

Suspected animals in markets, fairs and sales.

12. Where—

- (i) any cow which is, or is suspected by an Inspector to be suffering from tuberculosis of the udder ; or
- (ii) any bovine animal which is, or is suspected by an Inspector to be, suffering from tuberculous emaciation, or which in his opinion is suffering from a chronic cough and showing definite clinical signs of tuberculosis,

is exposed in a market, fairground, or saleyard or other public or private place where animals are commonly exposed for sale, the Inspector may, by notice served on the owner, require it to be removed from the market, fairground, saleyard, or other place as aforesaid, to the premises from which it was brought thereto, or at the option of the owner or person in charge to a slaughterhouse or other suitable premises in the district of the local authority for the district in which the market, fairground, saleyard, or other place as aforesaid is situated ; and thereupon the animal shall forthwith be moved by the owner or person in charge to those premises for the purpose of examination under the foregoing provisions of this Order, or slaughter by the owner in the slaughterhouse.

Diseased animals not to be brought for shipment.

13.—(1) It shall not be lawful for any person to bring, or carry, or send, or cause to be brought, or carried, or sent to any port or place of inspection at a port, for shipment, any cow suffering, or appearing to be suffering, from tuberculosis of the udder, indurated udder, or other chronic disease of the udder; or any bovine animal suffering, or appearing to be suffering, from tuberculous emaciation, or suffering from a chronic cough and showing definite clinical signs of tuberculosis.

(2) In the case of any breach of this article the provisions of the last preceding article shall apply (without prejudice to other proceedings in respect of the offence) as if the animal appearing affected had been exposed in a market, fairground, or saleyard.

Cleansing and disinfection.

14.—(1) The occupier of any premises on which it has been shown to the satisfaction of an Inspector in accordance with article 4 of this Order that there has been a cow suffering from tuberculosis of the udder or giving tuberculous milk, or a bovine animal suffering from tuberculous emaciation, or suffering from a chronic cough and showing definite clinical signs of tuberculosis, shall if so required in writing by an Inspector cleanse and disinfect at his own expense, and to the satisfaction of the Inspector, that part of any shed or other structure in which the animal has recently been placed or kept, together with any movable troughs, utensils or fittings used therein.

(2) Such cleansing and disinfection procedure shall be in accordance with the provision of the Animals Disinfection (Northern Ireland) Order, 1927(a), and the Animals Disinfection (Northern Ireland) Order, 1927, Amendment Order, 1931 (b).

Extension of certain sections of the Diseases of Animals Act, 1894.

15. Tuberculosis shall be a disease for the purposes of the following sections of the Act of 1894 (namely):—

Sections nineteen and twenty (Slaughter in Disease and Compensation Generally);

Section forty-three (Police);

Section forty-four (General Administrative Provisions);

and also for the purposes of all other sections of the said Act containing provisions relative to or consequent on the provisions of those sections or this Order, including such sections as relate to offences and legal proceedings.

(a) S.R. & O. 1927. No. 52..

(b) S.R. & O. 1931. No. 15.

Information to be given as to certain animals or animals in contact therewith.

16. Article 35 of the Animals (Transit and General) (Ireland) Order of 1913 (*Information to be given as to Diseased or Suspected Animals or Animals in contact therewith*) shall apply to—

- (i) any cow which is, or is suspected of, suffering from tuberculosis of the udder or giving tuberculous milk ; and
- (ii) any bovine animal which is, or is suspected of, suffering from tuberculous emaciation, or which is suffering from a chronic cough and showing definite clinical signs of tuberculosis.

Offences.

17.—(1) Every person who—

- (i) fails to give the notice required by article 2 or article 3 of this Order ; or
- (ii) fails to comply with any provisions of this Order relating to the disposal of carcases of animals ; or
- (iii) fails to comply with any provisions of this Order or any notice served thereunder relating to precautions to be adopted with respect to milk or relating to detention, isolation or slaughter of animals ; or
- (iv) fails to comply with any notice directing removal of an animal from a market, fairground, saleyard, or other public or private place where animals are commonly exposed for sale, or from any port or place of inspection at a port ; or
- (v) brings, or carries, or sends, or causes to be brought, or carried or sent to any port or place of inspection at a port, for shipment, any animal in contravention of article 13 of this Order ; or
- (vi) fails to cleanse or disinfect any place or thing which under this Order he is required to cleanse or disinfect ; or
- (vii) fails to comply with the conditions of any licence granted in accordance with the provisions of this Order ;

shall, according to and in respect of his own acts and defaults, be deemed guilty of an offence against the Act of 1894.

Extent.

18. This order extends to Northern Ireland.

Revocation of Order.

19. The Orders described in the Schedule to this Order, are hereby from and after the commencement of this Order revoked; provided that such revocation shall not invalidate or make unlawful anything done under the Orders hereby revoked, or affect any licence or authority granted, or any right, title, obligation, or liability accrued thereunder before the commencement of this Order, or interfere with the institution or prosecution of any proceedings in respect of any offence committed against or any penalty incurred under the Orders hereby revoked before the commencement of this Order.

Commencement.

20. This Order shall come into operation on the 1st day of April, nineteen hundred and thirty-five.

Short Title.

21. This Order may be cited as the Bovine Tuberculosis (Northern Ireland) Order, 1935.

In Witness whereof the Official Seal of the Ministry of Agriculture for Northern Ireland is hereunto affixed this sixteenth day of March, nineteen hundred and thirty-five.

(L.S.) (Signed), G. S. Robertson,
Secretary.

*SCHEDULE.**Orders Revoked.*

No.	Date.	Short Title.
229	8th March, 1926 ..	Bovine Tuberculosis (Northern Ireland) Order of 1926.(a)
	3rd November, 1931.	The Bovine Tuberculosis (Northern Ireland) Order, 1926, Amendment Order, 1931.

(a) S.R. & O. 1926. No. 229.