
WELSH STATUTORY INSTRUMENTS

2010 No. 1379 (W.122)

ANIMALS, WALES

ANIMAL HEALTH

The Tuberculosis (Wales) Order 2010

<i>Made</i>	- - - -	<i>30 April 2010</i>
<i>Laid before the National Assembly for Wales</i>	- -	<i>4 May 2010</i>
<i>Coming into force</i>	- -	<i>25 May 2010</i>

The Welsh Ministers make the following Order in exercise of powers conferred by sections 1, 7(1), 8(1), 15(4), 25, 32(2), 34(7), 83(2) and 88(2) of the Animal Health Act 1981(1).

PART 1 **E+W**

General

Title, commencement and application **E+W**

1. The title of this Order is the Tuberculosis (Wales) Order 2010; it applies in relation to Wales and comes into force on 25 May 2010.

Commencement Information

II Art. 1 in force at 25.5.2010, see [art. 1](#)

Interpretation **E+W**

2. In this Order—

“the Act” (“*y Ddeddf*”) means the Animal Health Act 1981;

“affected animal” (“*anifail yr effeithiwyd arno*”) means a bovine animal which is affected with tuberculosis of the udder or is giving tuberculous milk, or which is affected with tuberculosis

(1) 1981 c. 22. The meaning of “the Minister” is given by section 86(1). Functions under the Act are exercisable by the Welsh Ministers (in relation to Wales), by virtue of the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672); the National Assembly for Wales (Transfer of Functions) Order 2004 (S.I. 2004/3044) and section 162 of, and paragraph 30 of Schedule 11 to, the Government of Wales Act 2006 (c. 32).

Status: Point in time view as at 02/11/2015.

Changes to legislation: There are currently no known outstanding effects for the The Tuberculosis (Wales) Order 2010. (See end of Document for details)

emaciation, or is excreting or discharging tuberculous material, or is affected with a chronic cough, or shows any other clinical signs of tuberculosis;

“approved disinfectant” (“*diheintydd cymeradwy*”) means a disinfectant that is approved for use against bovine tuberculosis in accordance with the Diseases of Animals (Approved Disinfectants) (Wales) Order 2007(2);

[^{F1}“approved veterinary surgeon” (“*milfeddyg cymeradwy*”) means a veterinary surgeon who is approved in accordance with article 2A;]

“bovine animal” (“*anifail buchol*”) means domestic cattle of the genus *Bos*, buffalo or bison;

“keeper” (“*ceidwad*”) means any person who owns or is responsible for a bovine animal whether on a permanent or temporary basis, but it does not include a person responsible for a bovine animal solely because the person is transporting it;

“premises” (“*mangre*”) includes—

- (a) land or buildings; and
- (b) any other place including, in particular, a vehicle, a vessel, an aircraft, or a tent or other moveable structure;

“reactor” (“*adweithydd*”) means a bovine animal that gives rise to a reaction to a relevant test which is consistent with its being affected with tuberculosis;

[^{F2}“relevant test” (“*prawf perthnasol*”) means—

- (a) a skin test; or
- (b) any other diagnostic test for tuberculosis approved by the Welsh Ministers;]

“skin test” (“*prawf croen*”) means a single intradermal comparative cervical tuberculin test for tuberculosis;

“suspected animal” (“*anifail a amheuir*”) means a bovine animal which is suspected of being affected with tuberculosis and includes an animal that has been in close contact with such an animal; and

“tuberculosis” (“*twbercwlosis*”) means infection with *Mycobacterium bovis* (*M. bovis*).

[^{F3}“tuberculosis-free status” (“*statws rhydd rhag twbercwlosis*”) means a bovine herd that satisfies the conditions laid down in Annex A.I, paragraphs 1 and 2 of Council Directive [64/432/EEC](#) on animal health problems affecting intra-Community trade in bovine animals and swine.]

Textual Amendments

- F1** Words in [art. 2](#) inserted (6.4.2014) by [The Tuberculosis \(Miscellaneous Amendments\) \(Wales\) Order 2014 \(S.I. 2014/632\)](#), arts. 1(3), **2(2)(a)**
- F2** Words in [art. 2](#) substituted (6.4.2014) by [The Tuberculosis \(Miscellaneous Amendments\) \(Wales\) Order 2014 \(S.I. 2014/632\)](#), arts. 1(3), **2(2)(b)**
- F3** Words in [art. 2](#) inserted (2.11.2015) by [The Tuberculosis \(Wales\) \(Amendment\) Order 2015 \(S.I. 2015/1773\)](#), arts. 1(3), **2(2)**

Commencement Information

- I2** Art. 2 in force at 25.5.2010, see [art. 1](#)

[^{F4}Approval of veterinary surgeons **E+W**]

- 2A.**—(1) The Welsh Ministers may approve a veterinary surgeon where—
- (a) the veterinary surgeon has undertaken any training as required by the Welsh Ministers, and
 - (b) the Welsh Ministers are of the opinion that the veterinary surgeon is suitable to carry out functions conferred on an approved veterinary surgeon by this Order.
- (2) The Welsh Ministers may by notice revoke any such approval, giving reasons for the revocation.]

Textual Amendments

- F4** Art. 2A inserted (6.4.2014) by [The Tuberculosis \(Miscellaneous Amendments\) \(Wales\) Order 2014 \(S.I. 2014/632\)](#), arts. 1(3), **2(3)**

Revocation **E+W**

- 3.** The Tuberculosis (Wales) Order 2006**(3)** is revoked.

Commencement Information

- I3** Art. 3 in force at 25.5.2010, see [art. 1](#)

Amendment of the Brucellosis and Tuberculosis (England and Wales) Compensation Order 1978 **E+W**

- 4.**—(1) The Brucellosis and Tuberculosis (England and Wales) Compensation Order 1978**(4)** is amended as follows.
- (2) In article 2(1) (interpretation)—
- (a) in the definition of “affected animal”—
 - (i) in sub-paragraph (a)—
 - (aa) omit “in relation to brucellosis,”; and
 - (bb) omit “and”; and
 - (ii) omit sub-paragraph (b); and
 - (b) in the definition of “reactor”, omit “or tuberculosis”.
- (3) In article 3 (compensation for, and ascertainment of value of, bovine animals slaughtered for brucellosis or tuberculosis)—
- (a) in the title, omit “or tuberculosis”;
 - (b) in paragraph (1) , omit “or tuberculosis”; and
 - (c) omit paragraph (2A).
- (4) In article 4(1) (compensation for “control animals”) omit “or tuberculosis”.

(3) [S.I. 2006/1053 \(W.109\)](#).

(4) [S.I. 1978/1483](#). Paragraph (2A) of article 3 was inserted by [S.I. 1998/2073](#), article 2. The Order is revoked in relation to England, by [S.I. 2006/168](#).

Status: Point in time view as at 02/11/2015.

Changes to legislation: There are currently no known outstanding effects for the The Tuberculosis (Wales) Order 2010. (See end of Document for details)

Commencement Information

I4 Art. 4 in force at 25.5.2010, see [art. 1](#)

Savings and transition **E+W**

5.—(1) Any notice or licence issued, or approval or consent granted, under the Tuberculosis (England and Wales) Order 1984⁽⁵⁾ or the Tuberculosis (Wales) Order 2006 and which has effect at the coming into force of this Order remains in force as if it were a notice or licence issued, or approval or consent granted, under this Order.

(2) This Order applies in relation to a notice served under the Tuberculosis (England and Wales) Order 1984 or the Tuberculosis (Wales) Order 2006 as it applies to a notice served under this Order.

(3) The Brucellosis and Tuberculosis (England and Wales) Compensation Order relating to tuberculosis is not amended by article 4 and continues to apply to any bovine animal that is slaughtered for tuberculosis—

- (a) following a notice served before 25 May 2010 under article 8 of the Tuberculosis (Wales) Order 2006;
- (b) as a result of a positive or inconclusive skin test read before 25 May 2010; or
- (c) as a result of any other relevant test for tuberculosis, the clinical sample for which was taken before 25 May 2010.

Commencement Information

I5 Art. 5 in force at 25.5.2010, see [art. 1](#)

PART 2 **E+W**

Testing and Movement

Definition of “disease” **E+W**

6.—(1) For the purposes of the Act, the definition of “disease” in section 88(1) of the Act (meaning of “disease”) is extended so as to include tuberculosis.

(2) Section 32 of the Act (slaughter in other diseases) applies to tuberculosis.

Commencement Information

I6 Art. 6 in force at 25.5.2010, see [art. 1](#)

Tests and samples: warrants **E+W**

7. For the purposes of section 62E(4)(b) of the Act (tests and samples: warrants)—

- (a) the inspector may request permission to enter the premises in advance of the day for which permission is requested; and

(5) S.I. 1984/1943.

- (b) the condition mentioned in that provision is satisfied if the occupier does not indicate, by a date specified in the request, that the occupier gives permission in respect of that request.

Commencement Information

I7 Art. 7 in force at 25.5.2010, see [art. 1](#)

Notification of disease in bovine animals **E+W**

8.—(1) Any person who—

- (a) has possession or charge of any bovine animal which the person suspects is or may be an affected animal;
- (b) in the course of the person’s practice as a veterinary surgeon examines a bovine animal which the person suspects is or may be an affected animal; or
- (c) in the course of the person’s duties inspects, for any purpose, a bovine animal which the person suspects is or may be an affected animal,

must notify the Welsh Ministers immediately.

(2) Any person who has possession or charge of any bovine animal which the person suspects is or may be an affected animal must, pending conclusion of the veterinary inquiry under article 10 and the service of any notice under that article, immediately—

- (a) detain that animal on the premises where it then is;
- (b) isolate it as far as practicable from other bovine animals; and
- (c) adopt precautions with respect to milk produced by that animal as if a notice under article 10 had already been served.

Commencement Information

I8 Art. 8 in force at 25.5.2010, see [art. 1](#)

Notification of disease in carcasses **E+W**

9.—(1) Any person who—

- (a) has possession or charge of any carcass that is affected with or suspected of being affected with tuberculosis;
- (b) in the course of the person’s practice as a veterinary surgeon, examines a carcass that is affected with or suspected of being affected with tuberculosis; or
- (c) in the course of the person’s duties inspects, for any purpose, a carcass that is affected with or suspected of being affected with tuberculosis,

must notify the Welsh Ministers immediately.

(2) A person who has possession or charge of a carcass mentioned in paragraph (1) must detain it on the premises where it then is until it has been examined by a veterinary inspector.

Commencement Information

I9 Art. 9 in force at 25.5.2010, see [art. 1](#)

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Veterinary inquiry as to the existence of disease **E+W**

10.—(1) Where a veterinary inspector reasonably believes an affected animal or a suspected animal (other than a reactor) or a carcase of a bovine animal that is affected with or suspected of being affected with tuberculosis is present on any premises, the veterinary inspector must, with all practicable speed, take such steps as may be necessary to establish whether it is in fact an affected or suspected animal or carcase.

(2) A veterinary inspector may, for the purposes of this article, examine any bovine animal or carcase of a bovine animal on the premises and take such samples from any such animal or carcase or carry out such tests as may be required for the purpose of diagnosis.

(3) Where a veterinary inspector has examined a bovine animal and is of the opinion that it is an affected animal or suspected animal, the veterinary inspector must serve a notice on the keeper of that bovine animal requiring the keeper to—

- (a) detain that animal in accordance with the requirements of the notice and keep it isolated from other bovine animals;
- (b) where appropriate, take steps to ensure that the milk produced by the animal is not mixed with other milk and is boiled or otherwise sterilised and that any utensil with which such milk has been in contact before it is so treated is thoroughly cleansed and scalded with steam or boiling water before the utensil is used again; and
- (c) ensure that no bovine animal is moved on to or off the premises or such part of the premises as is specified in the notice except under the authority of a licence issued by an inspector.

Commencement Information

I10 Art. 10 in force at 25.5.2010, see [art. 1](#)

Veterinary improvement notice **E+W**

11.—(1) A veterinary inspector may serve a notice (a “veterinary improvement notice”) (*“hysbysiad gwella milfeddygol”*) on the keeper of a bovine animal requiring the keeper, by a date specified in the notice, to do things or to refrain from doing things for the purpose of preventing the spread of disease and, in particular, may impose the requirements mentioned in paragraph (2).

(2) The requirements that may be imposed by means of a veterinary improvement notice include—

- (a) erecting fences (including gates and stiles);
- (b) adopting effective methods of excluding groups of animals from specified parts of the premises;
- (c) protecting silage, feed storage and feeding areas from wildlife including birds;
- (d) taking reasonable steps to ensure that people who enter the keeper’s land take reasonable precautions against the spread of disease.

Commencement Information

I11 Art. 11 in force at 25.5.2010, see [art. 1](#)

Tuberculosis testing **E+W**

12.—(1) The Welsh Ministers may serve on the keeper of a bovine animal a notice (a “test notice”) requiring the keeper to have any such animal tested for tuberculosis with a relevant test [^{F5}before] a date specified in the notice.

(2) The keeper of any bovine animal must comply with all reasonable requirements of an inspector [^{F6}or an approved veterinary surgeon] with a view to facilitating—

- (a) the identification and examination of that animal by that inspector [^{F7}or an approved veterinary surgeon];
- (b) the application to it, or the reading, of any relevant test;
- (c) the valuation of it in a case where the Welsh Ministers intend to cause it to be slaughtered under section 32 of the Act in its application to tuberculosis; or
- (d) the removal of that animal for slaughter,

and in particular must arrange at the keeper’s own expense for the collection, penning and securing of any such animal if so required.

[^{F8}(3) The requirements on the keeper in paragraph (3A) apply where—

- (a) a relevant test has been applied to a bovine animal;
- (b) the result of that test has been read by an inspector, or an approved veterinary surgeon, and that result communicated to the keeper; and
- (c) the inspector or the approved veterinary surgeon is satisfied that the test reading reveals the bovine animal to be either a reactor, or an inconclusive reactor.

(3A) The requirements are—

- (a) that no bovine animal be moved on or off the premises on which the reactor or inconclusive reactor is kept except under the authority of a licence issued by an inspector;
- (b) to ensure that every reactor and inconclusive reactor is isolated from other animals;
- (c) to permit every reactor to be marked by the person who read the relevant test or by an officer of the Welsh Ministers;
- (d) not to place any milk from a reactor dairy cow in a bulk milk tank; and
- (e) where the reactor resides on premises with a milking herd, to inform every commercial buyer which buys milk from that herd of the loss of tuberculosis-free status of the dairy herd.

(3B) An inspector may by notice amend or disapply the requirement referred to in paragraph (3A) (a) or (b) at any time.]

(4) Without prejudice to article 16, where the keeper has failed to have an animal tested as required by a test notice, the Welsh Ministers may, in relation to the premises where the animal is kept, by notice served on the keeper, prohibit the movement of bovine animals, or of such bovine animals as are specified in the notice, on to or off the premises, or any part of those premises, as are specified in the notice, subject to movement that is allowed under the authority of a licence issued by an inspector.

(5) Without prejudice to any proceedings for an offence under section 73 of the Act by virtue of this Order, where the keeper has failed to have an animal tested as required by a test notice, the Welsh Ministers may take or cause to be taken all the steps that may be necessary to facilitate the examination, testing, valuation and removal of that animal and the Welsh Ministers may recover the amount of any expenses that are reasonably incurred by them from the keeper.

(6) Where—

- (a) the keeper has failed to have an animal tested as required by a test notice; and

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- (b) for the reasons set out in paragraph (7) the animal has not been tested in accordance with paragraph (5),

the animal must be treated as being affected with tuberculosis for the purposes of section 32 of the Act.

(7) The reasons mentioned in paragraph (6) are those of practicability and include difficulties in gathering the animal safely due to its wildness or the nature of the terrain on which it is kept.

[^{F9}(8) The inspector or approved veterinary surgeon reading the result of a relevant test which reveals a reactor or inconclusive reactor must report such test result as soon as reasonably practicable to the Welsh Ministers.

(9) In this article—

“inconclusive reactor” (“*adweithydd amhendant*”) means a bovine animal that reveals a non-negative reading when tested for tuberculosis, but is not regarded as a reactor; and

^{F10} ...]

Textual Amendments

- F5** Word in art. 12(1) substituted (31.3.2011) by [The Tuberculosis \(Wales\) Order 2011 \(S.I. 2011/692\)](#), arts. 1, **3(2)(a)**
- F6** Words in art. 12(2) inserted (6.4.2014) by [The Tuberculosis \(Miscellaneous Amendments\) \(Wales\) Order 2014 \(S.I. 2014/632\)](#), arts. 1(3), **2(4)(a)**
- F7** Words in art. 12(2)(a) inserted (6.4.2014) by [The Tuberculosis \(Miscellaneous Amendments\) \(Wales\) Order 2014 \(S.I. 2014/632\)](#), arts. 1(3), **2(4)(b)**
- F8** Art. 12(3)-(3B) substituted for art. 12(3) (6.4.2014) by [The Tuberculosis \(Miscellaneous Amendments\) \(Wales\) Order 2014 \(S.I. 2014/632\)](#), arts. 1(3), **2(4)(c)**
- F9** Art. 12(8)(9) inserted (6.4.2014) by [The Tuberculosis \(Miscellaneous Amendments\) \(Wales\) Order 2014 \(S.I. 2014/632\)](#), arts. 1(3), **2(4)(d)**
- F10** Words in art. 12(9) omitted (2.11.2015) by virtue of [The Tuberculosis \(Wales\) \(Amendment\) Order 2015 \(S.I. 2015/1773\)](#), arts. 1(3), **2(3)**

Commencement Information

- I12** Art. 12 in force at 25.5.2010, see [art. 1](#)

Pre-Movement Testing **E+W**

13.—(1) No person may move a bovine animal from any premises unless—

- (a) a skin test has been applied to it no more than 60 days before the date of movement; and
- (b) the results of the test have been read by an inspector [^{F11}or an approved veterinary surgeon] and are negative.

[^{F12}(1A) Where a reading of the test in paragraph (1)(b) does not reveal a negative result for tuberculosis the requirements in article 12(3A) apply.]

(2) Paragraph (1) does not apply to—

- (a) bovine animals that are less than 6 weeks old at the date of the movement;
- (b) the movement of a bovine animal to a place for veterinary treatment provided that it is returned direct to its premises of origin after the treatment, or is killed or goes direct to slaughter;
- (c) any movements specified in a direction issued by the Welsh Ministers; and
- (d) any movement that is approved by the Welsh Ministers.

(3) For the purposes of paragraph (1)(a), the 60 day period begins on the day after tuberculin is injected into the animal.

Textual Amendments

- F11** Words in art. 13(1)(b) inserted (6.4.2014) by [The Tuberculosis \(Miscellaneous Amendments\) \(Wales\) Order 2014 \(S.I. 2014/632\)](#), arts. 1(3), **2(5)(a)**
- F12** [Art. 13\(1A\)](#) inserted (6.4.2014) by [The Tuberculosis \(Miscellaneous Amendments\) \(Wales\) Order 2014 \(S.I. 2014/632\)](#), arts. 1(3), **2(5)(b)**

Commencement Information

- I13** Art. 13 in force at 25.5.2010, see [art. 1](#)

Tuberculosis test records **E+W**

14.—(1) Where a skin test has been applied to a bovine animal, the Welsh Ministers must, as soon as practicable after the results of the test have been read by an inspector [^{F13}or an approved veterinary surgeon], give the keeper of that animal a written record of the results.

(2) Paragraph (1) does not apply to animals in respect of which movement is, or remains, prohibited under this Order following the test.

(3) The keeper must—

- (a) retain the record of the results of the test for a period of 3 years and 60 days beginning with the day following the date of injection of tuberculin; and
- (b) produce such record when requested to do so by an inspector.

[^{F14}(4) Where a bovine herd loses or regains its tuberculosis-free status the Welsh Ministers may publish information regarding that herd in any form that the Welsh Ministers see fit for the purpose of helping other persons to protect against the further spread of tuberculosis.]

Textual Amendments

- F13** Words in art. 14(1) inserted (6.4.2014) by [The Tuberculosis \(Miscellaneous Amendments\) \(Wales\) Order 2014 \(S.I. 2014/632\)](#), arts. 1(3), **2(6)**
- F14** [Art. 14\(4\)](#) inserted (2.11.2015) by [The Tuberculosis \(Wales\) \(Amendment\) Order 2015 \(S.I. 2015/1773\)](#), arts. 1(3), **2(4)**

Commencement Information

- I14** Art. 14 in force at 25.5.2010, see [art. 1](#)

Prohibitions **E+W**

15.—(1) No person may vaccinate a bovine animal against tuberculosis without the written consent of the Welsh Ministers.

(2) No person may treat a bovine animal for tuberculosis without the written consent of the Welsh Ministers.

(3) No person may perform a test for tuberculosis on a bovine animal except with the written consent of the Welsh Ministers and a person to whom any such consent is given must report the results immediately to the Welsh Ministers.

(4) No person may interfere with or obstruct the application or the reading of a relevant test.

Status: Point in time view as at 02/11/2015.

Changes to legislation: There are currently no known outstanding effects for the The Tuberculosis (Wales) Order 2010. (See end of Document for details)

Commencement Information

I15 Art. 15 in force at 25.5.2010, see [art. 1](#)

Isolation and prohibition on movement of animals **E+W**

16. An inspector may, for the purpose of controlling or preventing the spread of tuberculosis, by notice served on the keeper of bovine animals kept on such premises as are specified in the notice—

- (a) require such bovine animals as are specified in the notice to be isolated from other animals to the extent specified in the notice; and
- (b) prohibit the movement of bovine animals, or of such bovine animals as are specified in the notice, on to or off such premises, except under the authority of a licence issued by an inspector.

Commencement Information

I16 Art. 16 in force at 25.5.2010, see [art. 1](#)

Notification of intended slaughter of animals **E+W**

17.—(1) Where the Welsh Ministers intend to cause a bovine animal to be slaughtered under section 32 of the Act in its application to tuberculosis, an inspector must serve a notice on the keeper of the animal informing the keeper of the intended slaughter and requiring the keeper to detain the animal pending such slaughter, or its removal for such slaughter, on such part of the premises as is specified in the notice and to isolate it as far as practicable from such other animals as are so specified.

(2) Where a notice has been served under paragraph (1), no person may move the animal, other than to slaughter, except under the authority of a licence issued by an inspector.

Commencement Information

I17 Art. 17 in force at 25.5.2010, see [art. 1](#)

Precautions against spread of infection **E+W**

18.—(1) Where a veterinary inspector is satisfied that any bovine animal kept on any premises is an affected animal or a suspected animal, the veterinary inspector may, by notice served on the keeper of any such animal, require the keeper—

- (a) to treat and store manure or slurry from any place which has been used by any such animal in accordance with the requirements of the notice;
- (b) not to spread any manure or to spray or spread any slurry from any place which has been used by any such animal otherwise than in accordance with the requirements of the notice;
- (c) not to remove manure, slurry or other animal waste from the premises except under the authority of a licence issued by an inspector;
- (d) to take such steps as may be reasonably practicable to prevent any bovine animal kept on the premises from infecting any bovine animal kept on any adjoining premises;
- (e) to arrange for the isolation of any bovine animals which may be specified in the notice on any specified part or parts of the premises;

- (f) to ensure that any part or parts of the premises specified in the notice are not used by any bovine animal on the premises, or by such other animal or animals as may be specified;
- (g) to cleanse and disinfect with an approved disinfectant such part or parts of the premises, within such time and in such manner, as may be specified in the notice;
- (h) to cleanse and disinfect with an approved disinfectant all utensils and other articles used for or about an animal to which the notice relates within such time and in such manner as may be specified in the notice; and
- (i) to take such other action as the veterinary inspector considers appropriate.

(2) Where the keeper fails to comply with the requirements of the notice, the Welsh Ministers may, without prejudice to any proceedings arising out of such default, carry out or cause to be carried out the requirements of the notice, and the amount of any expenses reasonably incurred by them is recoverable from the keeper.

Commencement Information

118 Art. 18 in force at 25.5.2010, see [art. 1](#)

Suspected animals in markets, shows etc **E+W**

19.—(1) Where a veterinary inspector reasonably believes that a bovine animal on any premises at which a show, exhibition, market, sale or fair is being held is an affected animal, a suspected animal or has been exposed to infection by tuberculosis, the veterinary inspector may—

- (a) by notice served on the keeper of the animal require that animal to be removed from those premises and taken—
 - (i) to a slaughterhouse for immediate slaughter; or
 - (ii) back to the premises from which the animal was brought to the show, exhibition, market, sale or fair; or
 - (iii) to such other premises as may be approved by the veterinary inspector for the purpose; and
- (b) by notice served on the person in charge of the premises—
 - (i) require that person to ensure that any part or parts of the premises specified in the notice are not used by any other bovine animal for such period as may be specified in the notice; and
 - (ii) require that person within such time and in such manner as may be specified in the notice—
 - (aa) to cleanse and disinfect with an approved disinfectant such part or parts of the premises as may be specified in the notice; and
 - (bb) to dispose of any manure, slurry or other animal waste, straw, litter or other matter that has, or might have, come into contact with such animal.

(2) Where a bovine animal is moved in accordance with paragraph (1)(a)(ii) or (iii) the keeper must immediately put it into isolation and must not move it from the premises again except under the authority of a licence issued by an inspector.

(3) If any person on whom a notice is served under paragraph (1)(b) fails to comply with the requirements of the notice, the Welsh Ministers may, without prejudice to any proceedings arising out of such default, carry out or cause to be carried out the requirements of the notice, and the amount of any expenses reasonably incurred by them is recoverable by them from the person in default.

Status: Point in time view as at 02/11/2015.

Changes to legislation: There are currently no known outstanding effects for the The Tuberculosis (Wales) Order 2010. (See end of Document for details)

Commencement Information

I19 Art. 19 in force at 25.5.2010, see [art. 1](#)

Control of infection from other animals **E+W**

20.—(1) Where a veterinary inspector reasonably believes that an animal kept on any premises is or may be affected with tuberculosis, the veterinary inspector may by notice served on the occupier of such premises—

- (a) require the occupier to keep the animal under control in such manner as may be specified in the notice or to confine it to such part of the premises as may be specified; and
- (b) prohibit the movement of animals on to or off such premises, except under the authority of a licence issued by an inspector.

(2) In paragraph (1), “animal” (“*anifail*”) means any kind of mammal except a bovine animal or man.

Commencement Information

I20 Art. 20 in force at 25.5.2010, see [art. 1](#)

Marking of bovine animals **E+W**

21.—^[F15](1) If directed to so by an inspector or an approved veterinary surgeon, the keeper must mark any bovine animal in the manner required by the inspector or the approved veterinary surgeon.]

- (2) The inspector ^[F16]or, the approved veterinary surgeon] may mark bovine animals.
- (3) No person may change or interfere with any mark that has been applied under this article.

Textual Amendments

F15 Art. 21(1) substituted (6.4.2014) by [The Tuberculosis \(Miscellaneous Amendments\) \(Wales\) Order 2014 \(S.I. 2014/632\)](#), arts. 1(3), [2\(7\)\(a\)](#)

F16 Words in art. 21(2) inserted (6.4.2014) by [The Tuberculosis \(Miscellaneous Amendments\) \(Wales\) Order 2014 \(S.I. 2014/632\)](#), arts. 1(3), [2\(7\)\(b\)](#)

Commencement Information

I21 Art. 21 in force at 25.5.2010, see [art. 1](#)

Isolation of *M. bovis* in a laboratory **E+W**

22.—(1) Where the presence of the organism *M. bovis* is identified by a laboratory examination of a sample taken from any mammal (except man) or from the carcass, products or surroundings of any such mammal, the person in charge of that laboratory must immediately notify the ^[F17]Welsh Ministers].

(2) But there is no such duty to notify where *M. bovis* is present in the sample as a result of its deliberate introduction as part of research involving the use of that organism.

Textual Amendments

F17 Words in [art. 22\(1\)](#) substituted (31.3.2011) by [The Tuberculosis \(Wales\) Order 2011 \(S.I. 2011/692\)](#), [arts. 1, 3\(2\)\(b\)](#)

Commencement Information

I22 Art. 22 in force at 25.5.2010, see [art. 1](#)

General provisions as to notices, licences and approvals **E+W**

- 23.**—(1) Any notice, licence or approval issued or granted under this Order must be in writing.
- (2) Any licence issued under this Order may be general or specific and may be made subject to conditions.
- (3) Any approval granted under this Order may be made subject to conditions.
- (4) A notice, licence or approval issued or granted under this Order may be amended, suspended or revoked in writing at any time.
- (5) Any person to whom any requirement or condition in a notice, licence or approval issued or granted under this Order applies must comply with the requirement or condition.

Commencement Information

I23 Art. 23 in force at 25.5.2010, see [art. 1](#)

Production of licences **E+W**

24. Where a bovine animal is moved under the authority of a licence (other than a general licence) issued under this Order, the person in charge of the animal being moved must, on demand made under this Order by an inspector, give the person's name and address and must produce the licence and allow a copy of it to be taken.

Commencement Information

I24 Art. 24 in force at 25.5.2010, see [art. 1](#)

Enforcement **E+W**

- 25.**—(1) This Order must be enforced by the local authority.
- (2) The Welsh Ministers may direct, in relation to any particular case or class of case, that they will enforce this Order instead of the local authority.

Commencement Information

I25 Art. 25 in force at 25.5.2010, see [art. 1](#)

Status: Point in time view as at 02/11/2015.

Changes to legislation: There are currently no known outstanding effects for the The Tuberculosis (Wales) Order 2010. (See end of Document for details)

PART 3 **E+W**

Compensation

Compensation for bovine animals slaughtered for tuberculosis **E+W**

26.—(1) Where—

- (a) the Welsh Ministers cause a bovine animal to be slaughtered under the powers conferred by section 32(1) of the Act (slaughter in other diseases) in its application to tuberculosis; and
- (b) that animal is identified by means of eartags and a cattle passport in accordance with the requirements of the Cattle Identification (Wales) Regulations 2007⁽⁶⁾,

the compensation payable under section 32(3) in respect of that animal is to be its value as calculated in accordance with the Schedule.

(2) Regulation 3 of the Agricultural Subsidies and Grants Schemes (Appeals) (Wales) Regulations 2006⁽⁷⁾ (provision of appeals procedure) applies to the determination of the appropriate figure as if it was a relevant determination.

(3) In paragraph (2) the “appropriate figure” (“*ffigur priodol*”) is the figure provided in respect of “B” by one of paragraphs 3 to 6 of the Schedule.

Commencement Information

I26 Art. 26 in force at 25.5.2010, see [art. 1](#)

Elin Jones
Minister for Rural Affairs, one of the Welsh
Ministers

⁽⁶⁾ S.I. 2007/842 (W. 74).

⁽⁷⁾ S.I. 2006/3342 (W.303).

SCHEDULE **E+W**

Article 26

Calculation of the value of a bovine animal slaughtered for tuberculosis

Calculation **E+W**

1. The value of a bovine animal slaughtered for tuberculosis is to be calculated using the following formula—

$$A \times B = C$$

Where—

- A is the market value of the animal established in accordance with paragraph 2;
- B is the figure provided by paragraphs 3 to 6; and
- C is the value of the animal for the purposes of article 26.

Commencement Information

I27 Sch. para. 1 in force at 25.5.2010, see [art. 1](#)

Market value **E+W**

2.—(1) Notwithstanding the provisions of article 3 of the Diseases of Animals (Ascertainment of Compensation) Order 1959(8), the market value of a bovine animal which the Welsh Ministers cause to be slaughtered must be determined—

- (a) by agreement between the Welsh Ministers and the owner of the animal;
- (b) by one valuer appointed jointly by the Welsh Ministers and the owner; or
- (c) failing such agreement, or failing such agreement and appointment, by a valuer, named on a list maintained by the Welsh Ministers, nominated by the President of the Royal Institution of Chartered Surveyors or the President of the Central Association of Agricultural Valuers as the Welsh Ministers may decide in any particular case or class of case.

(2) A valuer appointed or nominated under sub-paragraph (1)(b) or (c) must be paid by the Welsh Ministers and must inform, in writing, the Welsh Ministers and the owner of the market value.

(3) In this paragraph a reference to a valuer is a reference to an individual and not to a company or firm or to two or more persons jointly.

(4) For the purposes of this paragraph, the market value of an animal is the price that might reasonably be expected would have been obtained for it from a purchaser in the open market at the time of valuation if the animal were not an affected animal or a suspected animal.

Commencement Information

I28 Sch. para. 2 in force at 25.5.2010, see [art. 1](#)

Status: Point in time view as at 02/11/2015.

Changes to legislation: There are currently no known outstanding effects for the The Tuberculosis (Wales) Order 2010. (See end of Document for details)

Veterinary improvement notice **E+W**

3.—(1) This paragraph applies where the keeper of a bovine animal has been served with a veterinary improvement notice under article 11 (veterinary improvement notice) and fails to comply with one or more of its requirements.

(2) Where—

- (a) the keeper fails to comply with one requirement in the veterinary improvement notice;
- (b) an animal has been tested under article 12 (tuberculosis testing);
- (c) that animal has been slaughtered following that test; and
- (d) that test was applied to the herd that includes that animal (after the keeper was served with the veterinary improvement notice)—
 - (i) for the first time, “B” is 0.75;
 - (ii) for the second time, “B” is 0.5; or
 - (iii) subsequently, “B” is 0.05.

(3) Where—

- (a) the keeper fails to comply with more than one requirement in the veterinary improvement notice;
- (b) an animal has been tested under article 12;
- (c) that animal has been slaughtered following that test; and
- (d) that test was applied to the herd that includes that animal, (after the keeper was served with the veterinary improvement notice)—
 - (i) for the first time, “B” is 0.5; or
 - (ii) subsequently, “B” is 0.05.

Commencement Information

I29 Sch. para. 3 in force at 25.5.2010, see [art. 1](#)

Failure to test animals in accordance with article 12(1) **E+W**

4.—(1) Subject to sub-paragraph (4), this paragraph applies where—

- (a) the keeper of a bovine animal has been served with a notice under article 12(1) (tuberculosis testing);
- (b) the keeper has failed to carry out that test by the date specified in the notice (the “specified date”);
- (c) the test has been carried out at a later date; and
- (d) the animal has been slaughtered following the test.

(2) Where the test was carried out as required by a notice under article 12(1) at a date later than the specified date and the interval between the specified date and the test is—

- (a) more than 60 but not more than 90 days, “B” is 0.75;
- (b) more than 90 but not more than 180 days, “B” is 0.5; and
- (c) more than 180 days, “B” is 0.05.

(3) Where the test was carried out under article 12(5), “B” is 0.05.

(4) Where the animal was slaughtered by virtue of the provisions of article 12(6), “B” is 0.05.

Commencement Information

I30 Sch. para. 4 in force at 25.5.2010, see [art. 1](#)

Breach of obligations **E+W**

5.—(1) This paragraph applies where—

- (a) the Welsh Ministers are satisfied beyond reasonable doubt that the keeper of a bovine animal has committed an offence under section 73 of the Act (general offences) by virtue of this Order;
- (b) the relevant test has been applied to an animal; and
- (c) that animal has been slaughtered following that test.

(2) This paragraph applies in relation to the slaughter of animals carried out following the application of the relevant test—

- (a) within 6 months of sub-paragraph (1)(a) being satisfied; and
- (b) under article 12 for the first time since sub-paragraph (1)(a) was satisfied.

(3) Where this paragraph applies and where sub-paragraph (1)(a) is satisfied on—

- (a) one occasion, “B” is 0.5; and
- (b) more than one occasion, “B” is 0.05.

(4) This paragraph does not apply to a failure to comply with notices served under article 11(1) or 12(1).

Commencement Information

I31 Sch. para. 5 in force at 25.5.2010, see [art. 1](#)

Other cases **E+W**

6. Where paragraphs 3, 4 and 5 do not apply, “B” is 1.

Commencement Information

I32 Sch. para. 6 in force at 25.5.2010, see [art. 1](#)

EXPLANATORY NOTE

(This note is not part of the Order)

This Order, made under the Animal Health Act 1981 (“the Act”), confers powers on the Welsh Ministers in relation to tuberculosis in Wales.

Status: Point in time view as at 02/11/2015.

Changes to legislation: There are currently no known outstanding effects for the The Tuberculosis (Wales) Order 2010. (See end of Document for details)

Part 1 makes general provisions including title, commencement and interpretation. Article 3 provides for revocation of the Tuberculosis (Wales) Order 2006. Article 4 amends the Brucellosis and Tuberculosis (England and Wales) Compensation Order 1978. Article 5 provides for savings and transition.

Part 2 makes provision for testing and movement of animals. Article 6 provides that tuberculosis is prescribed as a disease for the purposes of sections 32 and 88 of the Act. Article 7 makes provision for the purposes of section 62E of the Act. Articles 8 and 9 make provision with respect to the notification of disease. Articles 10 and 11 make provision with respect to veterinary inspectors. Articles 12, 13 and 14 make provision with respect to the testing of animals. Articles 15 to 25 make provision in respect of controls for the purpose of preventing the spread of disease.

Part 3 makes provision in respect of compensation for animals slaughtered for tuberculosis. Article 26 provides for the calculation of the amount of compensation. The article also provides for a panel to review the calculation of the value of an animal.

A regulatory impact assessment has been prepared in relation to this Order and a copy may be obtained from the Office of the Chief Veterinary Officer for Wales, Welsh Assembly Government, Cathays Park, Cardiff CF10 3NQ.

Status:

Point in time view as at 02/11/2015.

Changes to legislation:

There are currently no known outstanding effects for the The Tuberculosis (Wales) Order 2010.