

2014 No. 632 (W. 72)

ANIMALS, WALES

ANIMAL HEALTH

**The Tuberculosis (Miscellaneous
Amendments) (Wales) Order 2014**

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Tuberculosis (Wales) Order 2010 (S.I. 2010/1379 (W. 122)) (“the 2010 Order”) and the Tuberculosis (Wales) Order 2011 (S.I. 2011/692 (W. 104)) (“the 2011 Order”). It enables the Welsh Ministers to approve veterinary surgeons to carry out certain diagnostic tests for tuberculosis (relevant tests) on bovine, and non-bovine, animals and to examine and mark such animals. It provides for automatic requirements to apply to a keeper where a relevant test reveals a reactor or inconclusive reactor.

Articles 2(2) and 3(2) introduce into the 2010 and 2011 Orders respectively, a new definition of an “approved veterinary surgeon” and amend the definition of a “relevant test”.

Articles 2(3) and 3(3) provide for the Welsh Ministers to approve veterinary surgeons.

Article 2(4) amends article 12 of the 2010 Order, and article 3(4) amends article 9 of the 2011 Order, by inserting—

- (a) a substituted paragraph (3) which identifies the circumstances when requirements set down in paragraph (3A) apply to the keeper;
- (b) a new paragraph (3B) that provides for an inspector to amend or disapply certain requirements by notice at any time;
- (c) a new paragraph (8) that provides for reporting the results of a non-negative test result to the Welsh Ministers.

Article 2(5) enables an approved veterinary surgeon to carry out pre-movement testing of bovine animals.

Articles 2(7) and 3(6) enables an approved veterinary surgeon to mark, or direct the keeper to mark, bovine and non-bovine animals respectively.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to this Order. As a result, it was not considered necessary to carry out a regulatory impact assessment as to the likely costs and benefits of complying with this Order.

2014 No. 632 (W. 72)

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ANIMAL HEALTH

**The Tuberculosis (Miscellaneous
Amendments) (Wales) Order 2014**

Made 12 March 2014

Laid before the National Assembly for Wales
14 March 2014

Coming into force 6 April 2014

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

Title, application and commencement

1.—(1) The title of this Order is the Tuberculosis (Miscellaneous Amendments) (Wales) Order 2014.

(2) This Order applies in relation to Wales.

(3) This Order comes into force on 6 April 2014.

Amendments to the Tuberculosis (Wales) Order 2010

2.—(1) The Tuberculosis (Wales) Order 2010(2) is amended as follows.

(2) In article 2 (interpretation)—

(a) after the definition of “approved disinfectant” insert—

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- (1) 1981 c.22. Functions of the Ministers under section 1 of the 1981 Act were transferred, so far as exercisable in relation to Wales, to the National Assembly for Wales, by virtue of S.I. 1999/672. Functions of the Secretary of State were transferred, so far as exercisable in relation to Wales, to the National Assembly for Wales, by virtue of S.I. 2004/3044. Those functions, exercisable in relation to Wales by the National Assembly for Wales are now exercisable by the Welsh Ministers by virtue of section 162 of, and paragraph 30 of Schedule 11 to, the Government of Wales Act 2006 (c.32).
- (2) S.I. 2010/1379 (W. 122), as last amended by S.I. 2012/2897.

□ “approved veterinary surgeon” (“*milfeddyg cymeradwy*”) means a veterinary surgeon who is approved in accordance with article 2A; □; and

(b) for the definition of “relevant test” substitute—

□ “relevant test” (“*prawf perthnasol*”) means—

(a) a skin test; or

(b) any other diagnostic test for tuberculosis approved by the Welsh Ministers; □.

(3) After article 2 insert—

□ **Approval of veterinary surgeons**

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. □

(4) In article 12 (tuberculosis testing)—

(a) in paragraph (2) after the words “requirements of an inspector” insert “or an approved veterinary surgeon”;

(b) in sub-paragraph (a) of paragraph (2) after the word “inspector” insert “or an approved veterinary surgeon”;

(c) for paragraph (3) substitute—

□ (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.□; and

(d) after paragraph (7) insert—

□(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

“loss of tuberculosis-free status” (*“colli ei statws rhydd rhag twbercwlosis”*) means the herd no longer 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.□

(5) In article 13 (pre-movement testing)—

(a) in paragraph (1)(b) after “inspector” insert “or an approved veterinary surgeon”; and

(b) after paragraph (1) insert—

□(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.□

(6) In paragraph (1) of article 14 (tuberculosis test records) after “inspector” insert “or an approved veterinary surgeon”.

(7) In article 21 (marking of bovine animals)—

(a) for paragraph (1) substitute—

“(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.”; and

(b) in paragraph (2) after “inspector” insert “or, the approved veterinary surgeon”.

Amendments to the Tuberculosis (Wales) Order 2011

3.—(1) The Tuberculosis (Wales) Order 2011⁽¹⁾ is amended as follows.

(2) In article 2 (interpretation)—

(a) after the definition of “approved disinfectant” insert—

““approved veterinary surgeon” (“*milfeddyg cymeradwy*”) means a veterinary surgeon who is approved in accordance with article 2A;”; and

(b) for the definition of “relevant test” substitute—

““relevant test” (“*prawf perthnasol*”) means—

(a) a skin test; or

(b) any other diagnostic test for tuberculosis approved by the Welsh Ministers;”.

(3) After article 2 insert—

“Approval of veterinary surgeons

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.”

(4) In article 9 (tuberculosis testing)—

(1) S.I. 2011/692 (W. 104).

(a) in paragraph (2) after the words “requirements of an inspector” insert “or an approved veterinary surgeon”;

(b) in sub-paragraph (a) of paragraph (2) after the word “inspector” insert “or an approved veterinary surgeon”;

(c) for paragraph (3) substitute—

□(3) The requirements on the keeper in paragraph (3A) apply where—

(a) a relevant test has been applied to a non-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 non-bovine animal to be either a reactor, or an inconclusive reactor.

(3A) The requirements are—

(a) that no non-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 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 that a reactor has been found on the premises.

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

(d) after paragraph (7) insert—

□(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 non-bovine animal that reveals a non-negative reading when

tested for tuberculosis, but is not regarded as a reactor.□

(5) In paragraph (1) of article 10 (tuberculosis test records) after “inspector” insert “or an approved veterinary surgeon”.

(6) In article 16 (marking and movement of non-bovine animals)—

(a) for paragraph (1) substitute—

□(1) If directed to do so by an inspector or an approved veterinary surgeon the keeper must mark any non-bovine animal in the manner required by the inspector or the approved veterinary surgeon□;

(b) in paragraph (2) after “inspector” insert “or approved veterinary surgeon”; and

(c) in paragraph (4) after “an inspector” insert “or an approved veterinary surgeon”.

Alun Davies

Minister for Natural Resources and Food, one of the Welsh Ministers

12 March 2014