



Jersey

ANIMAL HEALTH (TUBERCULOSIS) (JERSEY) ORDER 2017

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THE MINISTER FOR THE ENVIRONMENT, in pursuance of Articles 2(2), 4(2), 7, 17(8) and 32 of the [Animal Health \(Jersey\) Law 2016](#), orders as follows –

Commencement [[see endnotes](#)]

PART 1

INTRODUCTORY PROVISIONS

1 Interpretation

In this Order –

“approved tuberculin tester” means a person who is approved in accordance with Article 9(1);

“bovine animal” means domestic cattle of the genus *Bos*;

“Law” means the [Animal Health \(Jersey\) Law 2016](#);

“tuberculosis” means infection with *Mycobacterium bovis* (*M.bovis*).¹

2 Application

- (1) This Order applies only to tuberculosis.
- (2) This Order does not apply to any specified animal pathogen licensed under Article 15(1) of the Law or to which that Article does not apply.

PART 2

SUSPICION OF TUBERCULOSIS

3 Notification, suspicion and testing for tuberculosis

- (1) This Article applies where –

- (a) notification has been made to the Minister of suspected disease under Article 12(1) or 15(2) of the Law;
 - (b) an inspector suspects that a bovine animal is an affected animal;
 - (c) a diagnostic test for tuberculosis has been applied to a bovine animal;
 - (d) the results of a diagnostic test have been read by a veterinary inspector or an approved tuberculin tester, and he or she is satisfied that the test results reveal that the bovine animal is either a reactor, or an inconclusive reactor; or
 - (e) a bovine animal has been moved to premises under Article 4.²
- (1A) The veterinary inspector must decide, having regard to the standards or conditions laid down in Council Directive 64/432/EEC or other national or international standards or other standards that the Minister considers equivalent or more stringent, whether it is necessary to withdraw or suspend the tuberculosis-free status of any herd.³
- (2) If the veterinary inspector concludes that a suspension or withdrawal is required an inspector must serve a notice on the occupier of the premises on which the bovine animal is being kept stating whether the tuberculosis-free status of any herd on the premises has been withdrawn or suspended and requiring that any or all of the following measures are taken –
- (a) no bovine animal to be moved on 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;
 - (b) every reactor and inconclusive reactor to be isolated from other animals on the premises that are neither reactors nor inconclusive reactors;
 - (c) no part of the premises specified in the notice to be used by any bovine animal on the premises, or by such animal as may be so specified in the notice;
 - (d) all steps as may be reasonably practicable to be taken to prevent any bovine animal kept on the premises from infecting any bovine animal kept on any adjoining premises;
 - (e) no milk from a reactor to be –
 - (i) placed in a bulk milk tank,
 - (ii) to be mixed with other milk, or
 - (iii) fed to any susceptible animal unless boiled, pasteurized or otherwise sterilized;
 - (f) where the reactor is kept on premises with a dairy herd of bovine animals, any commercial buyer of the milk from the herd in which the reactor was found to be informed of the withdrawal or suspension of tuberculosis-free status of the herd;
 - (g) any carcase of an affected animal to be destroyed in accordance with the notice instructions;
 - (h) within such time and in such manner as may be specified in the notice, such part or parts of the premises as may be so specified to be cleansed and disinfected at the occupier's expense;

- (i) all utensils and other articles used in connection with an affected animal to which the notice relates, or utensils that have been in contact with the milk from such an animal, to be cleansed and disinfected within such time and in such manner as may be specified in the notice;
 - (j) no manure or slurry from any place which has been used by any affected animal to be treated or stored or to be spread or sprayed other than in accordance with the requirements of the notice;
 - (k) any manure, slurry or other animal waste, straw, litter or other matter that has or might have come into contact with an affected animal to be disposed of in accordance with the requirements of the notice.⁴
- (3) On service of a notice under paragraph (2), the measures imposed by Article 12(2) of the Law cease to apply.
- (4) Any notice served under paragraph (2) remains in force until a veterinary inspector considers that the premises no longer pose a risk of the spread of tuberculosis and the notice is revoked in writing by an inspector.⁵
- (5) In this Article –
 - “affected animal” means a bovine animal that is a reactor or affected with –
 - (a) tuberculosis of the udder (or is giving tuberculous milk);
 - (b) tuberculous emaciation (or is excreting or discharging tuberculous material); or
 - (c) a chronic cough (or is showing any other clinical signs of tuberculosis);
 - “Council Directive” means Council Directive 64/432/EEC on animal health problems affecting intra-Community trade in bovine animals and swine (OJ No L 121, 29.7.64, p. 1977) as it is amended from time to time;
 - “inconclusive reactor” means a bovine animal whose test results from a diagnostic test for tuberculosis are not negative, but whose results are not deemed to be positive;
 - “milk” includes cream and separated or skimmed milk;
 - “reactor” means a bovine animal that produces a positive reaction to a tuberculin test and includes an inconclusive reactor that has been retested 42 days after the not negative result and whose results at the second test remain not negative.
- (6) ⁶

4 Suspected bovine animals at gatherings of animals

If a veterinary inspector reasonably believes that a bovine animal on any premises at which any gathering of animals is taking place is affected with or has been exposed to tuberculosis, the inspector may, by notice in writing served on the keeper of the animal, require that animal to be removed from those premises, and, as the keeper of the animal may elect, taken either –

- (a) back to the premises from which the animal was brought to the gathering; or
- (b) to such other premises as may be approved by the inspector for the purpose.

5 Control of infection from animals other than bovine animals

- (1) If a veterinary inspector reasonably believes that an animal other than a bovine animal kept on any premises is or may be affected with tuberculosis, an inspector may, by notice in writing served on the occupier of the 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; or
 - (b) prohibit the movement of any animal on to or off the premises or any part of such premises except under the authority of a licence issued by an inspector.
- (2) In this Article, “animal” means any kind of mammal except a human being.

PART 3

SLAUGHTER AND COMPENSATION

6 Killing of bovine animals

- (1) Article 17 of the Law applies to tuberculosis.
- (2) If the Minister intends to kill a bovine animal a veterinary inspector must serve a notice on the keeper of the animal informing the keeper of the fact and requiring him or her –
 - (a) to detain the animal on such part of the premises as is specified in the notice; and
 - (b) to isolate the animal as far as reasonably practicable from such other animals as are so specified until it is killed.
- (3) The keeper on whom such a notice has been served must not move the animal, or cause or permit it to be moved, off that part of the premises on which it is required to be detained, except under the authority of a licence issued by a veterinary inspector.

7 Control of carcasses

If a bovine animal is killed by the Minister under Article 6, the Minister must arrange for the disposal of the carcass.

PART 4

GENERAL MEASURES

8 Reporting of test result

A person who carries out a tuberculin test on a bovine animal must report the result of that test to the Minister as soon as is reasonably practicable.

9 Approval of tuberculin testers⁷

- (1) The Minister may approve as a tuberculin tester any person whom he or she considers competent, to apply and read diagnostic tests for tuberculosis.⁸
- (2) For the purpose of deciding whether to grant an approval under this Article, the Minister may require the person to complete such training as he or she considers necessary.⁹
- (3) The Minister may by notice given to the person revoke an approval granted under this Article, giving reasons for the revocation.¹⁰

10 Facilitating examination, testing and valuation

- (A1) The Minister may, by notice in writing served on the keeper of a bovine animal, require the keeper to have any animal tested for tuberculosis with any diagnostic test for tuberculosis which may include a tuberculin test on a specified date (or dates where the test takes more than one day to perform).¹¹
- (1) The keeper of any animal must comply with all reasonable requirements of an inspector or an approved tuberculin tester with a view to facilitating –
 - (a) the examination of that animal by a veterinary inspector or an approved tuberculin tester;
 - (b) the application to the animal of any diagnostic test for tuberculosis; or
 - (c) the valuation of the animal if the Minister intends to pay compensation under Article 18 of the Law.¹²
- (2) The keeper must in particular arrange, if so required, for the collection, penning and securing of any such animal and the movement of the animal to and from any premises specified by the inspector or tester for the purposes of facilitating such examination, testing or valuation.¹³

11 Default

- (1) If a person contravenes any reasonable requirement of an inspector or approved tuberculin tester under Article 10, without limiting the power to bring any proceedings for an offence arising out of such contravention, the Minister may –

- (a) take or cause to be taken any steps necessary to facilitate the examination and valuation of the animal or the application to it of any diagnostic test for tuberculosis, including the movement of the animal to other premises; and
 - (b) prohibit the movement of bovine animals on to or off the premises, except under the authority of a licence issued by an inspector.¹⁴
- (2) Where a bovine animal has been moved to other premises in accordance with sub-paragraph (1)(a), the Minister must ensure the return of the animal to the premises from which it was moved within a reasonable time after the examination, valuation or test has been carried out.
- (3) Any expenses reasonably incurred by the Minister under this Article are recoverable from the person contravening Article 10.

12 Prohibition on movement of bovine animals

A veterinary inspector may by notice in writing served on the keeper of bovine animals kept on such premises as are specified in the notice, prohibit the movement of bovine animals on to or off such premises or any part of such premises, except under the authority of a licence issued by an inspector.

13 Prohibition on testing, vaccination and therapeutic treatment

- (1) A person must not –
 - (a) test a bovine animal with tuberculin unless approved under Article 9;
 - (b) vaccinate a bovine animal against tuberculosis or treat such an animal for tuberculosis unless licensed to do so by the States Veterinary Officer.
- (2) The cost of any vaccination under this Article is to be borne by the keeper of the bovine animal being vaccinated unless the licence states otherwise.

14 Use of approved disinfectants

- (1) Where disinfection is required or carried out under this Order any disinfectant used must be –
 - (a) an approved disinfectant that complies with paragraph (2); and
 - (b) used at the approved dilution rate and in accordance with the manufacturer's instructions.
- (2) The disinfectant must be published as being approved in respect of Tuberculosis Orders and, when used to disinfect a vehicle used for the transport of live animals, must be published as being approved in respect of both Tuberculosis Orders and General Orders.
- (3) In this Article –

“approved dilution rate” means the dilution rate indicated for an approved disinfectants product in the relevant column in the statutory table under the heading that states the disease for which it is to be used accompanied by a reference to Orders or, if no such disease is stated, that states General Orders;

“Orders” means Orders of the description stated in the relevant column heading of the statutory table;

“statutory table” means the table of Disinfectants Approved for use in England, Scotland and Wales published by the Department for Environment, Food and Rural Affairs under powers that include those in the English Disinfectants Order.

PART 5

CLOSING PROVISION

15 Citation

This Order may be cited as the Animal Health (Tuberculosis) (Jersey) Order 2017.

ENDNOTES

Table of Legislation History

Legislation	Year and No	Commencement
Animal Health (Tuberculosis) (Jersey) Order 2017	R&O.15/2017	1 February 2017
Animal Health (Tuberculosis) (Amendment) (Jersey) Order 2020	R&O.70/2020	28 May 2020
Animal Health (EU and Miscellaneous Amendments) (Jersey) Order 2021	R&O.8/2021	28 January 2021

Table of Renumbered Provisions

Original	Current
15	Spent, omitted
16	15

Table of Endnote References

¹ Article 1	<i>amended by R&O.70/2020</i>
² Article 3(1)	<i>amended by R&O.70/2020</i>
³ Article 3(1A)	<i>inserted by R&O.8/2021</i>
⁴ Article 3(2)	<i>amended by R&O.70/2020, R&O.8/2021</i>
⁵ Article 3(4)	<i>amended by R&O.70/2020</i>
⁶ Article 3(6)	<i>deleted by R&O.8/2021</i>
⁷ Article 9	<i>heading substituted by R&O.70/2020</i>
⁸ Article 9(1)	<i>amended by R&O.70/2020</i>
⁹ Article 9(2)	<i>amended by R&O.70/2020</i>
¹⁰ Article 9(3)	<i>amended by R&O.70/2020</i>
¹¹ Article 10(A1)	<i>inserted by R&O.8/2021</i>
¹² Article 10(1)	<i>amended by R&O.70/2020</i>
¹³ Article 10(2)	<i>amended by R&O.70/2020</i>
¹⁴ Article 11(1)	<i>amended by R&O.70/2020</i>