

Statutory Document No. 0419/13



Animal Health Act 1996

BOVINE VIRAL DIARRHOEA ORDER 2013

Approved by Tynwald: 22 January 2014
Coming into Operation: 1 January 2014

The Department of Environment, Food and Agriculture makes the following Order under section 1, 6, 11 and 56 of the Animal Health Act 1996.

1 Title

This Order is the Bovine Viral Diarrhoea Order 2013.

2 Commencement

This Order comes into operation on 1 January 2014.

3 Interpretation

In this Order —

“**the Act**” means the Animal Health Act 1996¹;

“**BVD**” means bovine viral diarrhoea;

“**BVDV**” means BVD virus;

“**the Department**” means the Department of Environment, Food and Agriculture;

“**holding**” means any establishment, construction or, in the case of an open air farm, any place in which cattle are held, kept or handled;

“**keeper**” means any natural or legal person having care and control of cattle, even on a temporary basis;

“**move**” means, in relation to a bovine animal, the removal of it from one holding to another, and “**moved**” shall be construed accordingly;

“**positive test result**” means, in relation to a bovine animal born before 1 January 2014 of which samples have been tested by the designated laboratory, the finding of the presence of BVDV;

¹ 1996 c.22

“**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 a tissue 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 a unique identification number;

“**tissue tag**” means an eartag approved by the Department under the Bovine Identification and Traceability Order 2007² 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.

4 Duty to test

Any keeper who has a bovine born on or after 1 January 2014 must 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 must 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 BVDV.

5 Inadequate or missing sample

If a keeper having possession or being in control of a bovine which has been sampled in accordance with article 4 is advised by the designated laboratory that the sample could not be subjected to analysis or gave a result other than positive or negative, he or she must ensure—

- (a) that a sample is taken from the bovine using a supplementary tag,
or
- (b) that a blood sample is taken from the bovine,

and must, as soon as possible, but in any event within such period as is recommended by the designated laboratory submit or cause the sample to be submitted, to the designated laboratory for analysis for the BVDV.

6 Dead, aborted or stillborn bovines

If a bovine is aborted or stillborn or if a bovine which is required to be sampled in accordance with article 4 dies prior to being sampled, the keeper having possession or control of that bovine or foetus must 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

² SD 0223/07

designated laboratory to which it is to be submitted, submit the sample to that designated laboratory for testing.

7 Where sampling or re-sampling is not possible

Where a keeper having possession or control of a bovine which is required to be sampled under article 4, 5 or 6 is unable to take a valid sample from the bovine, he or she must immediately notify the fact to the Department.

8 Repeat analysis following initial positive or inconclusive result

Nothing in this Order prevents a keeper 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 the designated laboratory for analysis for BVD provided at least 21 days and no more than 42 days have elapsed since the previous sample was taken from the bovine.

9 Additional follow-up testing

If a keeper is informed by notice in writing issued by the Department that a bovine in his or her possession or under his or her control is suspected of being affected with BVDV, he or she must as appropriate and in accordance with the notice ensure that—

- (a) a sample is taken from that bovine using a supplementary tag, or
- (b) a blood sample is taken from that bovine,

and must 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 BVDV.

10 Movement and disposal – bovines born on or after 1 January 2014

- (1) A keeper must not move or cause or permit another person to move a bovine born on or after 1 January 2014 except —
 - (a) for disposal as an animal by-product,
 - (b) directly to slaughter at an establishment approved for that purpose under the *Food Act 1996*³, or
 - (c) where permission is granted by the Department,unless and until —
 - (i) the result of analysis of a sample taken from the bovine is negative for the presence of BVDV, and

³ 1996 c.8

- (ii) the result of the test has been communicated to the keeper.
- (2) A keeper must 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).

11 Movement and disposal – bovines born before 1 January 2014

- (1) A keeper must not move or cause or permit another person to move a bovine born before 1 January 2014 that has a positive test result for BVDV, except –
 - (a) for disposal as an animal by-product,
 - (b) directly to slaughter at an establishment approved for that purpose under the *Food Act 1996*⁴, or
 - (c) under permit issued by the Department.
- (2) A keeper must not move or cause or permit another person to move a bovine born before 1 January 2014 from which a sample has been taken under this Order or in respect of which a notice has been issued under article 9, 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 the *Food Act 1996*⁵, or
 - (c) under permit issued by the Department,unless and until –
 - (i) the result of analysis of a sample taken from that bovine is negative for the presence of BVDV, and
 - (ii) the result of the test has been communicated to the keeper.
- (3) A keeper must 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 this article.

12 Movement of breeding bulls

A keeper must not move a breeding bull except –

- (a) for disposal as an animal by-product,
- (b) directly to slaughter at an establishment approved for that purpose under the *Food Act 1996*⁶,
- (c) under permit issued by the Department, or
- (d) direct for export,

⁴ 1996 c.8

⁵ 1996 c.8

⁶ 1996 c.8

unless and until —

- (i) the result of analysis of a sample taken from that bull is negative for the presence of BVDV, and
- (ii) the result of the test has been communicated to the keeper.

13 Public sale of bovines

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 2014 or a bovine which has been tested for BVDV under this Order for sale at a public sale unless during the sale the date and the result of the test is placed on view by means of a visual display that is clearly legible to each person present at or in the immediate vicinity of any area where the bovine is being offered for sale.

14 Designated laboratory

The Department must make known by publishing a list, the designated laboratories for the purposes of this Order.

15 Offences

Any persons who, without lawful authority or excuse, proof of which shall lie with them —

- (a) contravene or fail to comply with any obligation imposed by this Order;
- (b) knowingly cause or permit the doing of anything which constitutes an offence under sub-paragraph (a); or
- (c) make any entry in a record or statement or give any information for the purposes of this Order which they know to be false in a material particular or, for those purposes, recklessly make a statement or give any information which is false in a material particular,

shall be guilty of an offence against section 46 of the Act.

MADE 7TH DECEMBER 2013

PHIL GAWNE

Minister for Environment, Food and Agriculture

*EXPLANATORY NOTE**(This note is not part of the Order)*

This Order requires all keepers of cattle to take or arrange to have taken samples from their bovine animals and submit those samples for testing to a laboratory designated by the Department. This is for the purposes of determining whether bovine viral diarrhoea virus (“BVDV”) is or may be present in the animal.

Article 4 imposes a duty to test every bovine born on or after 1 January 2014 within 20 days of birth.

Article 5 makes provision where an inadequate or missing sample is identified by the designated laboratory by requiring resubmission of samples within a time period recommended by the designated laboratory.

Article 6 concerns animals which are stillborn or die shortly after birth and requires the taking and submission of samples within a time period specified by the designated laboratory.

Article 7 requires the Department to be notified in instances where samples cannot be taken for whatever reason.

Article 8 concerns instances where further samples may be taken where positive or inconclusive results occur.

Article 9 provides that where a bovine is suspected of being infected with BVDV the Department may issue a notice to a keeper to take further samples for testing.

Article 10 restricts the movement and disposal of bovines born on or after 1 January 2014 where BVDV is being tested for unless a negative result is achieved and that result has been notified to the keeper.

Article 11 restricts the movement and disposal of bovines born before 1 January 2014 where either a positive test has occurred or a sample has been taken and is being tested.

Article 12 concerns the movement of breeding bulls.

Article 13 requires the date of and the test result of a bovine to be displayed where a bovine is being offered for sale at a public sale.

Article 14 requires the Department to publish a list of designated laboratories for the purpose of this Order.

Article 15 provides that offences under this Order will be dealt with under the provisions of the Animal Health Act 1996.