STATUTORY RULES OF NORTHERN IRELAND

2024 No. 226

ANIMALS

The Bovine Viral Diarrhoea Control Order (Northern Ireland) 2024

Made - - - - *20th December 2024*

Coming into operation *1st February 2025*

The Department of Agriculture, Environment and Rural Affairs(**a**) makes the following Order in exercise of the powers conferred by Articles 2(3), 19(e) (f) and (k) and 60(1) of the Diseases of Animals (Northern Ireland) Order 1981(**b**).

Citation and commencement

1. This Order may be cited as the Bovine Viral Diarrhoea Control Order (Northern Ireland) 2024 and comes into operation on 1st February 2025.

Interpretation

2. In this Order—

"2016 Order" means the Bovine Viral Diarrhoea Eradication Scheme Order (Northern Ireland) 2016(**c**);

"approved laboratory" means a laboratory approved by the Department for the purposes of the 2016 Order;

"associated herd" means a herd which in the opinion of a veterinary inspector is epidemiologically linked to another herd;

"bovine" means any bovine animal including an animal of the species Bison bison or Bubalus bubalis;

"BVD Negative Status" has the meaning given to it in paragraph 7 of the Schedule to the 2016 Order (Bovine status);

"BVD unknown status bovine" means a bovine that—

(a) has not been tested for BVDV at an approved laboratory, and

(b) is more than 30 days old;

"BVDV" means the bovine viral diarrhoea virus;

(**a**) Formerly the Department of Agriculture and Rural Development (DARD see Article 3(4) of the Departments (Northern Ireland) Order 1999 (S.I. 1999/283 (N.I. 1)). DARD was renamed the Department of Agriculture, Environment and Rural Affairs (DAERA) by section 1(2) of the Departments Act (Northern Ireland) 2016 (c.5 (N.I.)).

(**b**) S.I. 1981/1115 (N.I. 22). Article 2(3) was amended by Article 19 of S.I. 1994/1891 (N.I. 6), Article 19(e) was amended by Article 2 of S.R. 2010/70, Article 19(k) was amended by Article 17(3) of S.R. 1984/702 (N.I. 2), and Article 60(1) was amended by Article 23(1) of S.I. 1994/1891 (N.I. 6).

(**c**) S.R. 2016/22. Paragraphs 3 and 4 of the Schedule were amended and paragraph 14 of the Schedule was omitted by Article 2 of S.R. 2024/225.

"herd" means one or more bovines for which a keeper is responsible and to whom the Department has assigned a unique herd identification number;

"holding" means any establishment, construction or, in the case of an open-air farm, any place, in which animals are held, kept or handled;

"inconclusive test result" means a test result from an approved laboratory following a sample taken in accordance with paragraph 3, 4, 5, 6 or 10 of the Schedule to the 2016 Order which is inconclusive for the presence of BVDV;

"keeper" means a person responsible for a herd;

"member", in the expression "member State", refers to membership of the European Union;

"NIFAIS" means the Northern Ireland Food Animal Information System or its successor system operated by the Department;

"Regulation (EU) 2016/429" means Regulation (EU) 2016/429 of the European Parliament and of the Council of 9 March 2016 on transmissible animal diseases and amending and repealing certain acts in the area of animal health(**a**).

Movement of bovines to or from a member State

3. Nothing in this Order applies to the movement of a bovine to or from a member State where the requirements of Article 170(2)(a) of Regulation (EU) 2016/429, insofar as it relates to rules laid down in Chapter 3 of that Regulation, are met in relation to the bovine.

Modification of the Diseases of Animals (Northern Ireland) Order 1981

4. Part 3 of Schedule 1(**b**) to the Diseases of Animals (Northern Ireland) Order 1981 (Diseases of Animals) is modified by inserting after entry number 49 the following—

"**50.** Bovine Viral Diarrhoea, for the purposes of Articles 5A, 46, 52, 54 and 60(1).".

Associated Herds

5. Any reference in this Order to a herd includes an associated herd of that herd.

Herds with one or more bovines which have tested positive

6.—(1) This Article applies to a herd where the keeper of the herd is in receipt of a positive test result, from a sample submitted to an approved laboratory for analysis for BVDV, for one or more bovines in the herd, as mentioned in paragraph 9 of the Schedule to the 2016 Order.

(2) Subject to paragraphs (3) and (7), a keeper must not during the relevant period move or cause or permit another person to move a bovine into or from a herd, to which this Article applies.

(3) Paragraph (2) does not apply if the bovine is being moved—

(a) for disposal as an animal by-product;

(b) under licence issued to the keeper by the Department; or

(c) other than in the case of a BVD unknown status bovine, directly to a slaughterhouse.

(4) A licence issued under sub-paragraph (3)(b)—

(a) must be in writing;

(b) may be granted subject to conditions; and

(c) may be modified, suspended or revoked by notice in writing given to the keeper.

(**a**) OJ L 84, 31.3.2016, p. 1-208.

(**b**) As modified by S.R. 1985 No. 64, S.R. 1988 No. 287, S.R. 1990 No.135, S.R. 1991 No. 250, S.R. 1991 No. 456, S.R. 1992 No. 552, S.R. 1993 No. 43, S.R. 1994 No. 11, S.R. 1995 No. 44, S.R. 1996 No. 273, S.R. 1999 No. 433, S.R. 1999 No. 434, S.R. 2000 No. 293 and S.R. 2001 No. 286.

(5) In paragraph (2), "the relevant period" is the period—

(a) beginning—

(i) 28 days after the day on which the positive test result is recorded on NIFAIS, where the result is recorded within the period of 3 months beginning with the day on which this Order comes into operation,

(ii) 7 days after the day on which the positive test result is recorded on NIFAIS, where the result is recorded more than 3 months after this Order comes into operation but within the period of 12 months beginning with the day on which this Order comes into operation,

(iii) immediately after the positive test result is recorded on NIFAIS, where the result is recorded more than 12 months after the day on which this Order comes into operation; and

(b) subject to the condition in paragraph (6) being satisfied, ending 21 days after the day on which the Department is notified that the last bovine in the herd with a positive test result has—

(i) been removed from the herd, or

(ii) re-tested negative.

(6) The condition referred to in paragraph (5)(b) is that every bovine in the herd, with the exception of untested animals less than 31 days old, has BVD Negative Status.

(7) Where paragraph (5)(a)(i) or (ii) applies and within the period of 28 days or 7 days (as the case may be) any bovine in the herd with a positive test result has been removed from the herd or re-tested negative, the restrictions referred to in paragraph (2) do not apply.

Female bovines of breeding age

7.—(1) Where the conditions referred to in paragraph (2) are satisfied, this Article applies to a bovine in a herd—

(a) on which restrictions have been placed in accordance with Article 6(2); and

(b) from which one or more bovines with a positive test result has been removed.

(2) The conditions referred to in paragraph (1) are that the bovine is—

(a) female; and

(b) at least 12 months old on the day on which the last bovine in the herd with a positive test result, has been removed from the herd, disregarding for these purposes any bovine that has re-tested negative.

(3) Subject to paragraphs (4) and (7), a keeper must not during the relevant period move or cause or permit another person to move a bovine to which this Article applies from the herd.

(4) Paragraph (3) does not apply if the bovine is being moved—

(a) for disposal as an animal by-product;

(b) under licence issued to the keeper by the Department; or

(c) other than in the case of a BVD unknown status bovine, directly to a slaughterhouse.

(5) A licence issued under sub-paragraph (4)(b)—

(a) must be in writing;

(b) may be granted subject to conditions; and

(c) may be modified, suspended or revoked by notice in writing given to the keeper.

(6) In paragraph (3), "the relevant period" is the period—

(a) beginning on the day on which restrictions are lifted in accordance with Article 6(2); and

(b) ending 41 weeks after the day on which the last bovine in the herd with a positive test result has been removed from the herd—

(i) disregarding for these purposes any bovine that has re-tested negative, but

(ii) including for these purposes any bovine that has tested positive while restrictions are in place under paragraph (3).

(7) The restrictions referred to in paragraph (3) do not apply, or as the case may be cease to apply to a bovine in the following circumstances—

(a) where the bovine has calved after the start of the relevant period and the Department is notified in writing that the calf has BVD Negative Status;

(b) where the Department is notified in writing that the bovine tested positive for BVDV antibodies at an approved laboratory from a blood sample taken within the previous 12 months and before the insemination preceding its current gestation; or

(c) where the Department is notified in writing of negative BVDV antibody results from an approved laboratory in respect of the bovine, provided that the antibody samples were blood samples and were taken at least 21 days after the day on which the last bovine in the herd with a positive test result has been removed from the herd, disregarding for these purposes any bovine that has re-tested negative.

(8) This Article only applies from 12 months after the day on which this Order comes into operation.

Herds with one or more bovines with an inconclusive test result

8.—(1) Subject to paragraphs (7) and (8), this Article applies to a herd where the keeper of the herd is in receipt of an inconclusive test result from an approved laboratory for one or more bovines in the herd.

(2) Subject to paragraph (3), a keeper must not during the relevant period move or cause or permit another person to move a bovine into or out of a herd to which this Article applies.

(3) Paragraph (2) does not apply if the bovine is being moved—

(a) for disposal as an animal by-product;

(b) under licence issued to the keeper by the Department; or

(c) other than in the case of a BVD unknown status bovine, directly to a slaughterhouse.

(4) A licence issued under sub-paragraph (3)(b)—

(a) must be in writing;

(b) may be granted subject to conditions; and

(c) may be modified, suspended or revoked by notice in writing given to the keeper.

(5) In paragraph (2), "the relevant period" is the period—

(a) beginning—

(i) 28 days after the day on which the inconclusive test result is recorded on NIFAIS, where the result is recorded within the period of 3 months beginning with the day on which this Order comes into operation,

(ii) 7 days after the day on which the inconclusive test result is recorded on NIFAIS, where the result is recorded more than 3 months after this Order comes into operation but within the period of 12 months beginning with the day on which this Order comes into operation, or

(iii) immediately after the inconclusive test result is recorded on NIFAIS, where the result is recorded more than 12 months after the day on which this Order comes into operation, and

(b) subject to the condition in paragraph (6) being satisfied, ending immediately after the Department is notified that the bovine has—

(i) re-tested negative, or

(ii) been removed from the herd.

(6) The condition referred to in paragraph (5)(b) is that every bovine in the herd, with the exception of untested animals less than 31 days old, has BVD Negative Status.

(7) This Article—

(a) does not apply to a herd on which restrictions are placed under Article 6; and

(b) where restrictions under this Article are in place before Article 6 applies—

(i) this Article ceases to apply,

(ii) Article 6 applies, and

(iii) the relevant period for the purposes of Article 6 begins in all cases immediately after the positive test result is reported by an approved laboratory.

(8) Where paragraph (5)(a)(i) or (ii) applies and within the period of 28 days or 7 days (as the case may be) any bovine in the herd with an inconclusive test result has been removed from the herd or re-tested negative, the restrictions referred to in paragraph (2) do not apply.

Herds with one or more BVD unknown status bovines

9.—(1) Subject to paragraphs (7) and (8), this Article applies to—

(a) a herd with 20 or more BVD unknown status bovines, from 4 months after the day on which this Order comes into operation;

(b) a herd with 10 or more BVD unknown status bovines, from 10 months after the day on which this Order comes into operation; or

(c) a herd with 5 or more BVD unknown status bovines, from 16 months after the day on which this Order comes into operation.

(2) The Department must notify the keeper of a herd where the number of BVD unknown status bovines in the herd has reached the number specified in paragraph (1)(a), (b) or (c).

(3) Subject to paragraph (4), a keeper must not during the relevant period move or cause or permit another person to move a bovine into or from a herd to which this Article applies.

(4) Paragraph (3) does not apply if the bovine is being moved—

(a) for disposal as an animal by-product;

(b) under licence issued to the keeper by the Department; or

(c) other than in the case of a BVD unknown status bovine, directly to a slaughterhouse.

(5) A licence issued under sub-paragraph (4)(b)—

(a) must be in writing;

(b) may be granted subject to conditions; and

(c) may be modified, suspended or revoked by notice in writing given to the keeper.

(6) In paragraph (3), "the relevant period" is the period—

(a) beginning 28 days after the day on which notification is given to the keeper by the Department under paragraph (2) that the number of BVD unknown status bovines in the herd has reached the number specified in paragraph (1) (a), (b) or (c); and

(b) ending immediately after every bovine in the herd or, as the case may be associated herd, with the exception of untested animals less than 31 days old, has BVD Negative Status.

(7) This Article—

(a) does not apply to a herd on which restrictions are placed under Article 6; and

(b) where restrictions under this Article are in place before Article 6 applies—

(i) this Article ceases to apply,

(ii) Article 6 applies, and

(iii) the relevant period for the purposes of Article 6 begins in all cases immediately after the positive test result is reported by an approved laboratory.

(8) This Article—

(a) does not apply to a herd to which Article 8 applies; and

(b) where restrictions under this Article are in place before Article 8 applies—

(i) this Article ceases to apply,

(ii) Article 8 applies, and

(iii) the relevant period for the purposes of Article 8 begins in all cases immediately after the inconclusive test result is reported by an approved laboratory.

Restrictions on movements of individual bovines

10.—(1) A bovine required to be sampled in accordance with paragraph 3, 4, 6 or 10 of the Schedule to the 2016 Order must not be moved from the holding on which it was born or moved to having come into the possession or control of the keeper unless a tissue or blood sample has been taken in accordance with one of the above-mentioned paragraphs and a negative test result for that sample has been obtained from an approved laboratory.

(2) A keeper must not move or cause or permit another person to move a bovine which is subject to a restriction under paragraph (1) out of the holding except—

(a) for disposal as an animal by-product;

(b) under licence issued to the keeper by the Department; or

(c) other than in the case of a BVD unknown status bovine, directly to a slaughterhouse.

(3) A licence issued under paragraph (2)(b)—

(a) must be in writing;

(b) may be granted subject to conditions; and

(c) may be modified, suspended or revoked by notice in writing given to the keeper.

Possession, control, sale or supply of bovine moved in contravention of this Order

11. A person must not—

(a) have in their possession;

(b) under their control; or

(c) sell or supply,

a bovine that has been moved in contravention of any provision of this Order.

Notifications

12.—(1) Any notification given to a keeper by the Department under Article 9(2) must be given by sending it to the keeper by post at the keeper's registered address.

(2) In paragraph (1), "registered address" means the keeper's address as notified to the Department by the keeper.

(3) A notification given in accordance with paragraph (1) is deemed to have been given on the day on which it is sent by the Department.

Sealed with the Official Seal of the Department of Agriculture, Environment and Rural Affairs on 20th December 2024

L.S.

Neal Gartland
A senior officer of the
Department of Agriculture, Environment and Rural Affairs

EXPLANATORY NOTE

(This note is not part of the Order)

This Order is made in exercise of the powers conferred by Articles 2(3), 19(e), (f) and (k) and 60(1) of the Diseases of Animals (Northern Ireland) Order 1981 (S.I. 1981/1115 (N.I. 22).

The Order makes provision for herd restrictions in Northern Ireland as a disease control measure against Bovine Viral Diarrhoea ("BVD"). Article 3 provides that nothing in the Order applies to the movement of bovines to or from a Member State, where the requirements under Article 170(2)(a) of Regulation (EU) 2016/429 apply. Article 4 modifies Part III of Schedule 1 to the Diseases of Animals (Northern Ireland) Order 1981 by including BVD within the defined definition of a disease for the purposes of certain provisions of the Order. Article 6 applies to a herd where one or more bovines have tested positive to BVD. Article 7 applies to a female bovine of breeding age in a herd on which restrictions have been placed in accordance with Article 6 and from which one or more bovines with a positive BVD test result has been removed. Article 8 applies to a herd with one or more bovines in respect of which the keeper of the herd has received a test result which is inconclusive for the presence of the BVD virus. Article 9 applies to herds when the number of bovines, which have not been tested for the BVD virus and that are more than 30 days old, exceed the threshold for application of restrictions. Article 10 imposes restrictions on the movement of individual bovines unless a sample has been taken in accordance with the Schedule to the Bovine Viral Diarrhoea Eradication Scheme Order (Northern Ireland) 2016 (S.R. 2016/22), as amended by S.R. 2024/225, and a negative test result for that sample has been obtained from an approved laboratory. Article 11 prohibits the possession, control, sale or supply of a bovine that has been moved in contravention of the Order. Article 12 makes provision about notifications under the Order.

A full regulatory impact assessment has been produced for this Statutory Rule.

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