The Tuberculosis (Slaughter of Reactors) Order, 1950

1950 No. 2007

Made - - - - 11*th December*, 1950
Coming into Operation 1*st January*, 1951

The Minister of Agriculture and Fisheries, by virtue and in exercise of the powers vested in him under subsection (1) of section 22 of the Agriculture Act, 1937(**a**), the Diseases of Animals Acts, 1894 to 1937, and of every other power enabling him in this behalf, hereby makes the following Order:—

Citation and Commencement

1. This Order (which applies to Great Britain) may be cited as the Tuberculosis (Slaughter of Reactors) Order, 1950, and shall come into operation on the 1st day of January, 1951.

Interpretation

2.—(1) In this Order, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them:—

"bovine animal" means a bull, cow, ox, heifer or calf;

"Eradication Area" and "Attested Area" mean respectively an area which is for the time being an eradication area or an attested area as the case may be for purposes connected with the control of tuberculosis by virtue of an Order made under section 23 of the Agriculture Act, 1937(**a**);

"Minister" and "Ministry" mean respectively the Minister and the Ministry of Agriculture and Fisheries;

"veterinary inspector" means a veterinary inspector appointed by the Minister.

Other expressions have, where the context so permits, the same meaning as in the Diseases of Animals Acts, 1894 to 1937.

(2) The Interpretation Act, 1889(**b**), applies to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

Slaughter of reactors in Eradication Areas and Attested Areas

3.—(1) Where a veterinary inspector has certified that a bovine animal kept on premises in an Eradication Area or Attested Area has reacted to a tuberculin test and the Minister proposes to cause to be slaughtered that animal or any bovine animal kept as aforesaid which has been exposed to the infection of tuberculosis by contact with the first mentioned animal, a veterinary inspector may give notice (in the form set forth in the Schedule hereto or to the like effect) to the owner or person in charge of the animal requiring him to detain the animal on the premises specified in the notice, and to isolate it as far as practicable from other animals.

(**a**) 1 Edw. 8. & 1 Geo. 6. c. 70. (**b**) 52 & 53 Vict. c. 63.

(2) If the value (as agreed or certified under Article 4 of this Order) of any such bovine animal as aforesaid exceeds one hundred pounds, the slaughter of the animal shall be suspended for a period of seven days from the date on which the value of the animal was agreed or certified as aforesaid. If before the expiration of that period the owner of that animal, or any person authorised to act on his behalf, gives notice in writing to the Minister that he elects to remove the animal under licence within ten days after the date of such notice to premises not situated within any Eradication Area or Attested Area, the slaughter of the animal shall not be proceeded with: provided that the animal shall not be so removed except under the authority of a licence issued by a veterinary inspector or other officer of the Ministry and in accordance with the conditions subject to which the licence is issued, and provided that if the animal is not so removed within the said period of ten days or within such further time as the Minister may in any particular case allow the slaughter of the animal may be proceeded with.

Mode of ascertainment of value

4.—(1) Notwithstanding the provisions of Articles 13 and 14 of the Animals (Miscellaneous Provisions) Order of 1927(**a**), the market value of a bovine animal which has reacted to a tuberculin test or a bovine animal which has been exposed to the infection of tuberculosis by contact with the first mentioned animal and which the Minister proposes to cause to be slaughtered (whether that animal is kept on premises within an Eradication Area or Attested Area or not) shall before slaughter be determined, for the purposes of payment of compensation, by agreement between the Minister and the owner of the animal, or if they shall fail so to agree, by a valuer appointed by the Minister and the owner and paid by the Minister, or failing such appointment by a valuer nominated by the President of the Chartered Auctioneers' and Estate Agents' Institute of the United Kingdom in the case of a valuation in England or Wales or by a valuer nominated by the President of the Institute of Auctioneers and Appraisers in Scotland in the case of a valuation in Scotland, and paid by the Minister, and such valuer shall give to the Minister and to the owner a certificate in writing of the said value.

(2) For the purposes of this Order the market value of a bovine animal means the price which might reasonably have been obtained from a purchaser in the open market who had no knowledge that it had been tested with tuberculin.

Local Authority to enforce Order

5. This Order shall, except where otherwise expressly provided, be executed and enforced by the Local Authority.

Offences

6. Any person committing or aiding, abetting, counselling or procuring the commission of any breach of the provisions of this Order or the conditions of any licence granted or notice served under this Order is liable on summary conviction to the penalties provided by the Diseases of Animals Acts, 1894 to 1937.

Saving for the Tuberculosis Order of 1938

7. Nothing in this Order shall affect the operation of the Tuberculosis Order of 1938(**b**), as amended by the Tuberculosis (Amendment) Order of 1946(**c**).

(**a**) S.R. & O. 1927 (No. 290) p. 78. (**b**) S.R. & O. 1938 (No. 165) I, p. 293.
(**c**) S.R. & O. 1946 (No. 122) I, p. 39.

SCHEDULE

THE TUBERCULOSIS (SLAUGHTER OF REACTORS) ORDER, 1950

(Article 3)

Notice of Intended Slaughter

To A.B. of

I, the undersigned, being a veterinary inspector of the Ministry of Agriculture and Fisheries, hereby give you notice that a veterinary inspector has certified that the following bovine animal, namely (*insert description of animal*) now kept at (*insert description of premises where it is now kept, stating parish*) has reacted to a tuberculin test and that it is proposed, subject to the provisions of the Order, with all convenient speed to slaughter that animal *[and also the following bovine animal (*insert description of animal*) which has been exposed to the infection of tuberculosis by contact with the first mentioned animal.]

Pending such slaughter I require you to detain the animal(s) specified above on the premises where it is (they are) now kept and to keep it (them) isolated as far as practicable from other bovine animals.

* *Strike out if inapplicable*

Dated this day of , 19 .

(Signed).....
Veterinary Inspector.

NOTE.—Paragraph (2) of Article 3 of the Order provides that (*here quote the said paragraph*).

In witness whereof the Official Seal of the Minister of Agriculture and Fisheries is hereunto affixed this eleventh day of December, nineteen hundred and fifty.

(L.S.) *T. Williams,*
Minister of Agriculture and Fisheries.

EXPLANATORY NOTE

(*This Note is not part of the Order, but is intended to indicate its general purport.*)

This Order empowers a veterinary inspector of the Ministry of Agriculture and Fisheries to require the owner or person in charge of a bovine animal kept in an Eradication Area or Attested Area to detain and isolate that animal, if the Minister proposes to cause it to be slaughtered because it has reacted to a tuberculin test or has been exposed to the infection of tuberculosis by contact with such a reactor. The Order also provides for the mode of ascertainment of the value for compensation purposes of any reactor or bovine animal coming in contact with it (whether or not kept in an Eradication Area or Attested Area). The scale of compensation is prescribed by the Tuberculosis (Compensation) Order, 1950 (S.I. 1950 No. 2005)(a).

The provisions on those matters contained in the Tuberculosis Order of 1938 (as amended) in relation to bovine animals found to be affected with tuberculosis otherwise than by a tuberculin test are not affected by this Order and the 1938 Order is expressly saved by this Order.

(a) Page 186 above.