1976 No. 245

ANIMALS

Warble Fly (Treatment) Scheme Order (Northern Ireland) 1976

Made . . . . . *16th August* 1976
Coming into operation . . . *1st September* 1976

The Department(a) of Agriculture, in exercise of the powers conferred on it by section 3B of the Diseases of Animals Act (Northern Ireland) 1958(b) (as added by section 2 of the Diseases of Animals (Amendment) Act (Northern Ireland) 1966(c)) and all other powers enabling it in that behalf, having consulted with the bodies which appeared to it to be substantially representative of the interests concerned and with the approval of the Department(a) of Finance, hereby makes the following Order:

Citation and commencement

1. This Order may be cited as the Warble Fly (Treatment) Scheme Order (Northern Ireland) 1976 and shall come into operation on 1st September 1976.

Warble Fly (Treatment) Scheme

2. The Scheme set out in the Schedule (hereinafter referred to as "the Scheme") shall have effect and may be referred to in any instrument or document as the Warble Fly (Treatment) Scheme (Northern Ireland) 1976.

Offences

3. It shall be unlawful for any person to fail to comply with the Scheme or any notice served or any licence issued thereunder and if any person does or omits anything in contravention of the Scheme or any notice served or any licence issued thereunder it shall be an offence by him against the Diseases of Animals Act (Northern Ireland) 1958.

Revocation

4. The Warble Fly (Treatment) Scheme (Northern Ireland) 1969(d) is hereby revoked.

Sealed with the Official Seal of the Department of Agriculture for Northern Ireland on 16th August 1976.

(L.S.) *J. C. Chalmers*
Assistant Secretary

The Department of Finance hereby approves the Scheme.

Sealed with the Official Seal of the Department of Finance for Northern Ireland on 16th August 1976.

(L.S.) *C. F. Darling*
Senior Assistant Secretary

(a) Formerly Ministry: *see* 1973 c. 36 Sch. 5 para. 8(1)
(b) 1958 c. 13 (N.I.)
(c) 1966 c. 23 (N.I.)
(d) S.R. & O. (N.I.) 1969 No. 41 (p. 192)

SCHEDULE

Warble Fly (Treatment) Scheme (Northern Ireland) 1976

Interpretation

1. In this Scheme—

"the Act" means the Diseases of Animals Act (Northern Ireland) 1958;

"animal" means a live bovine animal;

"authorised officer" means any person authorised by the Department for the purposes of this Scheme;

"certificate of treatment" means a certificate issued by the Department in the Form A set forth in the Schedule;

"Department" means the Department of Agriculture;

"designated area" means any area from time to time declared by the Department to be a designated area in accordance with Article 4(1)(*a*);

"disease" means Warble Fly infestation;

"diseased" means infested with larva of Warble Fly (Hypoderma bovis or Hypoderma lineatum);

"eligible animal" means an animal born before 1st August of the year of the relevant treatment period;

"exemption certificate" means a certificate issued by the Department in the Form B set forth in the Schedule;

"notification period" means the period beginning on 1st February and ending on 31st August in any year;

"treatment" means the application of a systemic insecticide or other substance approved by the Department;

"treatment officer" means a person appointed by the Department to carry out under the control of a veterinary inspector the treatment of animals in accordance with this Scheme;

"treatment period" means the period commencing on 1st September and ending on 30th November in any year;

"veterinary inspector" means a person appointed by the Department to be an inspector for the purposes of the Act being either a member of the Royal College of Veterinary Surgeons, or a veterinary practitioner qualified as approved by the Department.

PART I

Notification of disease

Disease notified

2.—(1) Where following notification of disease under the provisions of the Warble Fly Order (Northern Ireland) 1976(e) disease is confirmed in an animal the Department shall serve a notice on the owner of that animal requiring him, subject to paragraph (2), to submit the animal to the Department for treatment and specifying in the notice the premises on which the animal is to be kept pending the issue of a certificate of treatment.

(e) S.R. 1976 No. 33

(2) If an owner upon whom a notice has been served under paragraph (1) indicates by notice served on the Department that he wishes to have the animal treated by a veterinary surgeon of his own choosing he may do so, and in such case he shall within 7 days of the serving of such notice on the Department arrange for the commencement of the treatment and within 7 days of the completion of the treatment he shall submit to the Divisional Veterinary Office of the area concerned a statement in writing from that veterinary surgeon certifying the completion of the treatment of the animal.

Disease not notified

3.—(1) If an inspector finds an animal to be diseased and notice thereof has not previously been given to the Department within the current notification period as provided for in the Warble Fly Order (Northern Ireland) 1976, he shall serve a notice on the owner or person in charge of that animal requiring him to have that animal treated in accordance with paragraph (2) and specifying in the notice the premises on which the animal is to be kept pending the issue of a certificate of treatment.

(2) A notice served in accordance with paragraph (1) shall require the owner or person in charge of the animal to have that animal treated for disease in the manner specified in the notice by a veterinary surgeon of his own choosing and in such case he shall within 7 days of the receipt of the notice arrange for the commencement of the treatment and within 7 days of the completion of the treatment he shall submit to the Divisional Veterinary Office of the area concerned a statement in writing from the veterinary surgeon certifying the completion of the treatment of the animal.

(3) If the statement as required by Articles 2(2) and 3(2) is not submitted to the Divisional Veterinary Office within the time specified in these Articles the Department shall treat the animal.

PART II

Designated areas and treatment of animals

4.—(1) Where during the notification period in any year—

(*a*) the level of disease in animals in an area is such that the Department considers it necessary for the control of disease it may by notice published in such of the newspapers circulating in Northern Ireland as appear to the Department reasonably necessary for the purpose of bringing specifically to the knowledge of persons likely to be specially affected, or in such other manner as appears appropriate to the Department, declare such area to be a designated area and subject to Article 6(1) by notice served on each herd owner in that area require him to submit all eligible animals in his possession to the Department for treatment on the date specified in the notice;

(*b*) a diseased animal in a herd has been treated in accordance with the provisions of Part I, the Department may by notice served on the owner of that herd require him subject to Article 6(1) to submit all eligible animals in his possession to the Department for treatment on the date specified in the notice.

(2) Any farm, holding or enclosure partly within and partly outside a designated area shall be deemed to be wholly within the designated area.

5. The owner of every eligible animal required to be submitted for treatment under the preceding Article shall at a time and date notified to him by the Department—

(*a*) have all his animals assembled for identification and treatment of eligible animals;

(*b*) indicate to the treatment officer—

(i) animals born on or after 1st August in that year;

(ii) animals already treated or exempted from treatment under this Scheme during the current treatment period and produce relevant certificates to that effect;

(iii) animals destined for slaughter within 14 days;

(iv) animals which are sick, debilitated or under veterinary treatment, have received any medicinal treatment within the preceding 14 days, are recovering from surgical operations or are in the last month of pregnancy;

(v) animals which have been moved into the herd in accordance with a licence issued under Article 9(2).

Treatment by the owner's veterinary surgeon

6.—(1) Notwithstanding the provisions of Article 5 where animals are required to be treated under this Part the owner may at his own expense employ a veterinary surgeon of his own choosing to treat his animals and —

(*a*) the owner shall notify the Divisional Veterinary Office of the area concerned before such date as may have been notified to him in accordance with Article 5 that he wishes to employ a veterinary surgeon of his own choosing to carry out the treatment; and

(*b*) the owner shall arrange for his veterinary surgeon to treat the animals before 16th November of that year and shall send to the said Divisional Veterinary Office within 7 days of the completion of the treatment a statement in writing from the veterinary surgeon giving—

(i) the name and address of the owner of the animals;

(ii) the herd number;

(iii) the date he carried out the treatment;

(iv) the treatment used;

(v) the ear number of each animal treated;

(vi) the ear number of each animal which was not treated stating the reason why he did not treat it;

and certifying that all the animals, including those born after 1st August of that year, in the possession of the owner are included in the statement.

(2) Should the treatment provided for in paragraph (1) not be completed by 16th November the animals may be treated by the Department.

PART III

Fees, certificates and compensation

Fees

7. The owner of an animal treated by the Department in accordance with this Scheme shall on demand pay to the Department a fee of 45p for each animal so treated.

Certificates

8. After payment of the total fees due from him in accordance with the preceding paragraph, or on receipt by a Divisional Veterinary Office of a statement of treatment by a veterinary surgeon in accordance with Articles 2(2), 3(2) or 6(1)(*b*) the owner shall receive—

(*a*) a certificate of treatment in respect of each of his eligible animals treated; and

(*b*) an exemption certificate in respect of each of his eligible animals in respect of which for veterinary or other reasons treatment has been deferred.

Restriction of movement

9.—(1) During the treatment period no eligible animal shall be moved out of a herd where treatment is required under Article 4 unless—

(*a*) it is accompanied by a current certificate of treatment; or

(*b*) it is moved in accordance with the conditions of a licence to move the animal obtained from the Divisional Veterinary Office of the area concerned and is accompanied by a current exemption certificate; or

(*c*) it is being moved direct for immediate slaughter to an abattoir in Northern Ireland.

(2) No animal shall be moved into a herd which is subject to treatment under Article 4 except in accordance with the conditions of a licence to move the animal obtained from the Divisional Veterinary Office of the area into which the animal is being moved.

Treatment of exempted animals

10. Where an animal in respect of which an exemption certificate was issued is not subsequently treated before the end of the treatment period the Department may require the animal to be treated in the following notification period.

Restriction on the sale of animals for slaughter

11. No animal shall within the 14 days immediately following a date on which it was treated be sold for slaughter or slaughtered for human consumption.

Compensation

12.—(1) The owner of an animal treated by the Department with a systemic insecticide under the provisions of Articles 2 or 4 shall if the animal aborts, dies or becomes ill within 7 days after treatment, forthwith advise the Divisional Veterinary Office of the area concerned. If in the opinion of the Department any abortion, death or illness occurring within the 7 days after treatment or subsequent death resulting from such illness was directly or indirectly attributable to the treatment, the Department shall compensate the owner.

(2) Notwithstanding the provisions of paragraph (1) the Department may at its discretion in respect of any animal treated by the Department with a systemic insecticide under the provisions of Articles 2 or 4 pay compensation for any loss where it is satisfied that such loss could not be attributed to any cause other than the treatment.

Amount of compensation

13.—(1) The amount of compensation payable in respect of an animal under the terms of Article 12 shall be—

(*a*) in respect of illness the veterinary surgeon's fees incurred by the owner;

(*b*) in respect of an abortion the sum of £30 together with the veterinary surgeon's fees incurred by the owner;

(*c*) in respect of death or slaughter with the Department's approval the market value as determined by the Department of the animal at the time of treatment together with the veterinary surgeon's fees incurred by the owner.

(2) In the event of a dispute as to the market value the question shall be referred to an independent valuer selected by the owner from a list of at least 3 such valuers submitted to him by the Department. If the owner fails within 24 hours of the receipt of the list to select one of the valuers from the list the Department shall select one to carry out the valuation. The selected valuer shall give to the Department and to the owner a certificate in writing of his valuation of the market value of the animal at the time of treatment and the amount of compensation payable to the owner in respect of the animal under the terms of Article 12 shall be a sum equal to such valuation.

(3) The valuer selected in accordance with paragraph (2) shall be paid by the Department.

Post-mortem examination

14. It shall be a condition of payment of compensation under Article 13 that the Department shall be provided with an opportunity to carry out a post-mortem or other examination on the animal or animals in respect of which compensation is claimed.

Powers of authorised officers

15. An authorised officer may at any reasonable time for the purpose of carrying out the provisions of this Scheme enter any land, building, shed, pen or place where animals or carcases are kept, or are suspected on reasonable grounds of being kept, for the purpose of inspecting or examining any animal or carcase found there.

Duty to provide assistance for authorised officers

16. The owner of any animal required to be treated under this Scheme shall comply with all reasonable requirements of an authorised officer as to the collection, penning and securing of the animal for the purpose of any examination or treatment in accordance with this Scheme and shall provide assistance for the authorised officer by controlling the animal while it is being identified and treated.

SCHEDULE Article 8

FORM A

DEPARTMENT OF AGRICULTURE FOR NORTHERN IRELAND

WARBLE FLY (TREATMENT) SCHEME (NORTHERN IRELAND) 1976

Certificate of treatment for Warble Fly

Ear No. .....

THIS IS TO CERTIFY that this animal was treated by on in accordance with the provisions of the above Scheme.

Signature .....

Authorised Officer

Date .....

FORM B Article 8

DEPARTMENT OF AGRICULTURE FOR NORTHERN IRELAND

WARBLE FLY (TREATMENT) SCHEME (NORTHERN IRELAND) 1976

Certificate of Exemption

Herd No. .....

THIS IS TO CERTIFY that the animal bearing Ear Number is exempted from treatment under the above Scheme until 197

*(*a*) due to advanced pregnancy;

(*b*) on veterinary grounds;

(*c*) because it was moved into the herd in accordance with the conditions of a licence issued under Article 9(2) of the above Scheme;

(*d*) because it is to be moved direct for immediate slaughter to an abattoir in Northern Ireland.

Unless the animal falls within category (*d*) above it shall not be moved unless accompanied by and under the conditions of a licence issued by the local Divisional Veterinary Office.

Signature .....

Authorised Officer

Date .....

* *Delete as applicable.*

EXPLANATORY NOTE

(This note is not part of the order but is intended to indicate its general purport.)

The Scheme made under this order provides for the treatment of warble infested cattle during the notification period (1st February—31st August in any year) and also for the treatment of all cattle (apart from young calves) in a declared designated area during the treatment period (1st September—30th November in any year).

Under the Warble Fly Order (Northern Ireland) 1976 the owner of an animal infested with warbles during the notification period is required to notify the Department. The Scheme makes provision for the treatment of such an animal by the Department at a fee of 45p but the owner has the option of having the animal treated by his own veterinary surgeon at his own expense.

If an inspector of the Department finds an animal to be infested during the notification period and the owner has not notified the Department, the inspector may serve a notice requiring the owner to have the animal treated by a veterinary surgeon within a specified period at his own expense.

Where during a notification period the level of infestation in any area is such that the Department considers it necessary to take measures to control the situation, it may declare such area to be a designated area and require all cattle within the area to be submitted for treatment by the Department during the next treatment period.

Where, in a herd outside a designated area, an animal has been treated for warbles in the notification period the Department may require all animals in the herd to be treated in the next treatment period.

An owner may in any of the above circumstances arrange for the animals to be treated by his own veterinary surgeon who will be required to submit a statement to the Department giving details of all animals treated.

Provision is made in the Scheme for the issue of certificates of treatment and also exemption certificates in respect of animals which for veterinary or other reasons could not be treated.

Certain restrictions are imposed on the movement of animals out of or in to herds which are required to be treated in the treatment period.

Provisions relating to payment of veterinary expenses incurred by an owner when an animal becomes ill after treatment and to payment of compensation in respect of an animal which dies or aborts after treatment are applicable to all animals treated by the Department with a systemic insecticide in the notification or the treatment period.