



STATUTORY INSTRUMENTS.

**S.I. No. 30 of 2017**



BOVINE VIRAL DIARRHOEA REGULATIONS 2017

## BOVINE VIRAL DIARRHOEA REGULATIONS 2017

I, MICHAEL CREED, Minister for Agriculture, Food and the Marine, in exercise of the powers conferred on me by section 36 of the Animal Health and Welfare Act 2013 (No. 15 of 2013), hereby make the following Regulations:

*Citation and commencement*

1. These Regulations may be cited as the Bovine Viral Diarrhoea Regulations 2017 and come into operation on 30 January 2017.

*Interpretation*

2. In these Regulations—

“approved tag” means a tag within the meaning of the European Communities (Identification of Bovines) Regulations 2009;

“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 an approved 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 the identification of the bovine;

“tissue tag” means an approved 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 the identification of the bovine.

*Duty to test*

3. (1) A person who has a bovine in his or her possession or under his or her control shall no later than when it attains the age of 20 days take a sample from the bovine using a tissue tag or supplementary tag and shall, 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 the bovine viral diarrhoea virus.

(2) Paragraph (1) does not apply to a bovine born before 1 January 2013 or from which a sample was taken under the Bovine Viral Diarrhoea Order 2012 or the Bovine Viral Diarrhoea Regulations 2014.

*Notice of the making of this Statutory Instrument was published in “Iris Oifigiúil” of 3rd February, 2017.*

*Inadequate or missing sample*

4. If a person having possession or being in control of a bovine which has been sampled in accordance with Regulation 3 is advised by a designated laboratory that the sample could not be subjected to analysis, he or she—

(a) shall take a sample from the bovine using a supplementary tag, or

(b) cause a blood sample to be taken from the bovine,

and shall, 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 or cause the sample to be submitted to that laboratory for analysis for the bovine viral diarrhoea virus.

*Dead, Aborted or Stillborn bovines*

5. If a bovine is aborted or stillborn, or if a bovine which is required to be sampled in accordance with Regulation 3 dies prior to being sampled, the person having possession or control of that bovine shall take a sample from the bovine using a tissue tag or supplementary tag and shall, 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 laboratory for testing for the bovine viral diarrhoea virus.

*Where sampling or re-sampling is not possible*

6. Where a person having possession or control of a bovine which is required to be sampled under Regulation 3, 4 or 5, is unable to take a valid sample from the bovine, he or she shall immediately notify this fact to the Minister or person nominated by the Minister to receive such information.

*Repeat analysis following initial positive or inconclusive result*

7. Nothing in these Regulations prevents a person, having possession or control of a bovine which on initial analysis has had a positive or inconclusive result, from causing a blood sample to be taken from that bovine by a veterinary practitioner who shall submit the sample to a designated laboratory for analysis for bovine viral diarrhoea virus, provided 21 days have elapsed since the last such sample was taken from the bovine.

*Additional follow-up testing*

8. (1) Subject to paragraph (2), if a person is informed by notice in writing issued by or on behalf of the Minister that a bovine in his or her possession or under his or her control is suspected of being affected with bovine viral diarrhoea virus, he or she shall in accordance with the notice cause a blood sample to be taken from that bovine by a veterinary practitioner and shall, 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 or cause the sample to be submitted to that laboratory for testing for bovine viral diarrhoea virus.

(2) A person in receipt of a notice under paragraph (1) may move the bovine to which the notice relates directly to slaughter at an establishment approved for that purpose under Regulation 4 of the European Communities (Food and Feed Hygiene) Regulations 2009.

*Movement and disposal*

9. (1) A person shall not move or cause or permit another person to move a bovine born after 1 January 2013, from which a sample has been taken under these Regulations, the Bovine Viral Diarrhoea Order 2012, or the Bovine Viral Diarrhoea Regulations 2014 or a bovine in respect of which a notice has been issued under Regulation 8, from the place where it is situated except-

- (a) for disposal as an animal by-product,
- (b) subject to paragraph (2), directly to slaughter at an establishment approved for that purpose under Regulation 4 of the European Communities (Food and Feed Hygiene) Regulations 2009, or
- (c) under permit issued on behalf of the Minister, unless and until the result of analysis of a sample taken from the bovine is negative for the presence of bovine viral diarrhoea virus.

unless and until the result of analysis of a sample taken from the bovine is negative for the presence of bovine viral diarrhoea virus.

(2) Without prejudice to Regulation 8(2), a person shall not move or cause or permit another person to move a bovine born on or after 1 January 2013 directly to slaughter or slaughter or cause or permit another person to slaughter the bovine unless a sample taken from the bovine has been analysed for the presence of bovine viral diarrhoea virus.

(3) A person shall 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) or (2).

*Public sale of bovines*

10. 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 2013, or a bovine which has been tested for the bovine viral diarrhoea virus under these Regulations, for sale at a public sale unless during the sale—

- (a) the name and full address of the registered owner or person in charge of the herd from which the bovine is being offered for sale, and
- (b) 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, the sales ring where the bovine is being offered for sale.

*Designated Laboratories*

11. (1) Subject to paragraph (2), designated laboratories for the purposes of these Regulations are those mentioned in the Schedule.

(2) The Bovine Viral Diarrhoea Implementation Group (“Implementation Group”) may establish a protocol providing for the assessment of applications

by the operators of laboratories for the appointment of laboratories as designated laboratories, the attachment of conditions, the withdrawal of such designation and the refusal of applications.

(3) A protocol established under paragraph (2) may contain such incidental, supplementary and ancillary matters as appears to the Implementation Group to be necessary for the protocol to have full effect.

(4) A person shall not, except in the course of his or her duties at a designated laboratory or the national reference laboratory, purport to carry out any test, analysis or examination for the purposes of these Regulations.

*National reference laboratory*

12. (1) The national reference laboratory for Ireland in relation to bovine viral diarrhoea is the Laboratory Services of the Department of Agriculture, Food and the Marine.

(2) The national reference laboratory may—

- (a) review the technical performance criteria of a designated laboratory or an applicant and report its findings and recommendations to the Implementation Group and the Minister for Agriculture, Food and the Marine
- (b) provide for the evaluation of test-kits used in the diagnosis of bovine viral diarrhoea and make information in this regard available to the operators of designated laboratories,
- (c) provide for ongoing evaluation of tests, examinations and analyses carried out at designated laboratories,
- (d) issue directions regarding tests, examinations and analyses to the operators of designated laboratories, or
- (e) engage in such other activities as the Implementation Group may request.

(3) The operator of, or person employed at, a designated laboratory shall cooperate with the national reference laboratory and comply with any direction or request for information received from the national reference laboratory.

*Savers*

13. (1) A sample taken or tested, prior to the commencement of these Regulations under the Bovine Viral Diarrhoea Order 2012 or the Bovine Viral Diarrhoea Regulations 2014 is considered to be taken or tested under these Regulations and the sample and bovine from which the sample was taken are in all respects to be treated, after such commencement, as if the sample was taken or tested under these Regulations.

(2) A notice under Regulation 8 of the Bovine Viral Diarrhoea Order 2012 or the Bovine Viral Diarrhoea Regulations 2014 that is in effect immediately

prior to the commencement of these Regulations remains in force and may be dealt with as if issued under Regulation 8.

*Offences*

14. Regulations 3(1), 4, 5, 6, 8, 9, 10 and, 11(4) and 12(3) are penal provisions to which section 36 (4) (b) of the Animal Health and Welfare Act 2013 applies.

SCHEDULE

**Agri Diagnostics**

Dunrine, Killarney

Co. Kerry

[www.southernscientificireland.com](http://www.southernscientificireland.com)

**Agri-Food & Biosciences Institute**

Stoney Road, Stormont,

Belfast, BT4 3SD

[www.afbini.gov.uk](http://www.afbini.gov.uk)

**Animal Health Laboratories**

Shinagh House, Bandon

Co. Cork

[www.animalhealthlabs.ie](http://www.animalhealthlabs.ie)

**Biobest Laboratories**

6 Charles Darwin House,

The Edinburgh Technopole,

Milton Bridge, Nr Peniculk,

EH 26 OPY.

[www.biobest.co.uk](http://www.biobest.co.uk)

**Dairygold Milk Testing Laboratories**

Annabella, Mallon,

Co. Cork.

[www.dairygold.ie](http://www.dairygold.ie)

**Department of Agriculture, Food and the Marine**

Central Veterinary Research Laboratory,

Backweston,

Co. Kildare.

[www.agriculture.gov.ie](http://www.agriculture.gov.ie)

**Enfer Labs**

Unit T, M7 Business Park,

Newhall, Naas, Co. Kildare.

[www.enfergroup.com](http://www.enfergroup.com)

**Farmlab Diagnostics**

Emlagh, Elphin

Co. Roscommon

[www.farmlab.ie](http://www.farmlab.ie)

**FBA Laboratories Ltd**

Carrigeen Industrial Estate Cappoquin, Co. Waterford

[www.fba-labs.com](http://www.fba-labs.com)

**Glanbia Ingredients Ireland**

Dungarvan Business Park, Dungarvan, Co. Waterford.

[www.glanbiaingredients.com](http://www.glanbiaingredients.com)

**Irish Equine Centre**

Johnstown, Naas, Co. Kildare.

[www.irishequinecentre.ie](http://www.irishequinecentre.ie)

**Independent Milk Laboratories (IML) Ltd**

Shercock Road, Bailieborough

Co Cavan

[www.imlabs.ie](http://www.imlabs.ie)

**National Milk Laboratories Ltd.**

c/o IML, Shercock Road, Bailieborough, Co. Cavan

[www.nationalmilklaboratories.co.uk](http://www.nationalmilklaboratories.co.uk)

**Oldcastle Laboratories**

Cogan Street, Oldcastle, Co. Meath

[www.oldcastlelabs.ie](http://www.oldcastlelabs.ie)

**SAC Veterinary Services**

Greycrook, St. Boshells, Melrose, Roxxburghshire,,

Scotland,

TD6 0E9

[www.sac.co.uk](http://www.sac.co.uk)



GIVEN under my Official Seal,  
27 January 2017.

MICHAEL CREED,

Minister of Agriculture, Food Andthe Marine.

EXPLANATORY NOTE

*(This note is not part of the Instrument and does not purport to be a legal interpretation)*

These Regulations provide for the control of Bovine Viral Diarrhoea.

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