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trading standards law explained

Bovine tuberculosis

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Key legislation

In this guide, the words 'must' or 'must not' are used where there is a legal requirement to do (or not do) something. The word 'should' is used where there is established legal guidance or best practice that is likely to help you avoid breaking the law.

This guidance is for Wales

Under the Tuberculosis (Wales) Order 2010, the Welsh Government requires all cattle on farms to be subject to a routine annual bovine tuberculosis (bTB) test, and to pre- and post-movement testing where applicable.

A map of the different bovine TB risk areas in Great Britain can be found on the TB Hub website.

General rules

All cattle on farms are subject to routine testing for bTB on an annual basis.

The Welsh Government has implemented a regional approach to bTB eradication across Wales, with the introduction of 'low', 'intermediate' and 'high' bTB areas. You can find out which bTB area your holding is located in on the Welsh Government website.

The location of your holding will determine whether pre- and/or post-movement (PrMT and PoMT) bTB testing is required - for example:

- bTB pre-movement testing is required for movements of cattle within and from the low bTB area (as of 1 February 2024)
- a post-movement test is required when cattle are moved from the intermediate or high bTB areas in Wales (or from England's 'edge area' or 'high risk area', or Northern Ireland) into the low bTB area
- a post-movement test is required when cattle are moved from high bTB area in Wales (or from England's 'edge area' or 'high risk area', or Northern Ireland) into the intermediate bTB area of Wales (as of 1 February 2024)

The table below, created by the Welsh Government, shows when a pre- and/or post-movement test is required.

Pre- and post-movement bTB testing requirements

The did post movement bib testing requiren				
Move from	Move to	PrMT	PoMT	
Low (Wales)	Low (Wales)	Yes	No	
Intermediate (Wales)	Low (Wales)	Yes	Yes	
High (Wales)	Low (Wales)	Yes	Yes	
Low (England)	Low (Wales)	No	No	
Edge (England)	Low (Wales)	Yes	Yes	
High (England)	Low (Wales)	Yes	Yes	
Scotland	Low (Wales)	No	No	
Low (Wales)	Intermediate (Wales)	Yes	No	
Intermediate (Wales)	Intermediate (Wales)	Yes	No	
High (Wales)	Intermediate (Wales)	Yes	Yes	
Low (England)	Intermediate (Wales)	No	No	
Edge (England)	Intermediate (Wales)	Yes	Yes	
High (England)	Intermediate (Wales)	Yes	Yes	
Scotland	Intermediate (Wales)	No	No	
Low (Wales)	High (Wales)	Yes	No	
Intermediate (Wales)	High (Wales)	Yes	No	
High (Wales)	High (Wales)	Yes	No	
Low (England)	High (Wales)	No	No	
Edge (England)	High (Wales)	Yes	No	
High (England)	High (Wales)	Yes	No	
Scotland	High (Wales)	No	No	

Post-movement testing of cattle can only be undertaken between 60 and 120 days after arrival on your holding. The cattle may not move off your holding before this period and until tested negative for bTB by an inspector or one of the exemptions outlined below is met.

Post-movement testing is not required for cattle coming from herds participating in the Cattle Health Certification Standards (CHECS) TB programme and classified as level 10.

Moving to grass keep will involve a movement to other premises and possibly a veterinary risk assessment. Pre- and post-movement testing may be required, depending on which bTB area you are located in.

Your annual bTB test can also count as a pre-movement test.

Exemptions to the rules

Permitted movements without pre-movement testing:

- movement to slaughter
- movement to slaughter markets
- movement to markets, provided that the animal is returned direct to its premises of origin if not sold, or if it is a movement to market approved by the Animal and Plant Health Agency (APHA)
- movement to collection centres
- movement to approved finishing units
- movement to agricultural shows that do not involve a stay of more than 24 hours or housing of that animal at the showground, provided that the animal either goes directly from the show to slaughter or is returned directly to its premises of origin after the show
- calves that are less than 42 days old at the date of the movement
- the movement of cattle to a place for veterinary treatment, provided they are returned direct to the premises of origin after treatment, or killed or go direct to slaughter
- any movement that is approved by APHA

Permitted movements without post-movement testing:

- movement to slaughter
- movement to slaughter markets
- movement to approved finishing units
- movement to licensed finishing units
- movement of a bovine animal to an agricultural show in the low or intermediate bTB area, or a return to the low or intermediate bTB area, from an agricultural show outside the low or intermediate bTB area, provided that both of the following apply:
 - the move does not involve a stay of more than 24 hours or the housing of that animal at the showground
 - the animal either goes directly from the show to slaughter or is returned directly to its premises of origin after the show
- movement from the low risk area in England to the low bTB area
- the movement of cattle to a place for veterinary treatment, provided they are returned direct to the premises of origin after treatment, or are killed or go direct to slaughter
- any movement that is approved by APHA

Testing

The Welsh Government can serve a notice on the keeper of bovine animals requiring the animals to be tested for bTB by a certain date. The keeper must provide all reasonable help to the inspector to facilitate the following:

- identification and examination of that animal by the inspector
- penning and securing of any animals
- application or the reading of any relevant test
- valuation of the animal, where the animal is intended to be slaughtered

• removal of the animal to slaughter

If the keeper fails to have an animal tested for bTB as directed, the Welsh Government may serve a notice prohibiting the movement of bovine animals on to and off the holding, except under licence by an inspector, until the test has been completed.

In certain circumstances, the Welsh Government may take any necessary steps to facilitate the examination, testing, valuation and removal of animals if the keeper does not test for bTB when directed to do so, and recover the amount of any expenses incurred from the keeper.

If the keeper fails to have animals tested for bTB because the animals are too wild to gather, or the nature of the terrain makes it difficult to gather the animals safely, then the animals shall be treated as being affected with bTB and disposed of.

Test records

As soon as practicable after the results of the test have been read by an inspector, the keeper of the animals must be given a written record of the results.

The keeper of any animal that has been bTB-tested must:

- retain the records of the results of the test for three years and 60 days from the date of the injection of tuberculin. This is to assist with the publication of information regarding herds with officially TB-free status
- produce such records when requested by an inspector
- enter the test details into the farm veterinary medicine record

Farmers are advised to take a copy of the clear results of the test with them when presenting cattle moved off a farm for sale at market.

Alternatively, keepers may voluntarily use the bTB passport sticker scheme, whereby the farmer is provided with a sticker for each clear-tested animal. This sticker needs to be placed in the passport and completed with the following information before the animal is moved from the holding:

- day one of the bTB test
- the keeper's signature
- the name of the veterinary practice that conducted the test

Testing intervals

Details of <u>bTB testing intervals</u> are available on the GOV.UK website. As mentioned above, all premises in Wales are subject to annual testing.

Cost of testing

Herd owners are expected to cover the costs of the approved veterinary inspector's time to carry out preand post-movement tests.

Further information

<u>Further information on bTB</u> can be found on the GOV.UK website, including specific information on <u>pre- and post-movement testing</u>.

Also of interest is the TB Hub website, which contains many practical guides.

Tuberculosis is subject to regulatory control and can affect other species of farmed livestock - for example sheep, goats, pigs, deer and camelids, such as llamas and alpacas. Please see the information about <u>TB in non-bovine species</u> on the TB Hub.

Finally, the GOV.UK website has information on controlling the risk of bTB from badgers.

Disease alerts

Livestock keepers can stay up to date with the latest bTB developments via the APHA <u>alert subscription</u> service.

Trading Standards

For more information on the work of Trading Standards services - and the possible consequences of not abiding by the law - please see '<u>Trading Standards</u>: <u>powers</u>, <u>enforcement and penalties</u>'.

In this update

Information added on updated pre-movement and post-movement restrictions.

Last reviewed / updated: July 2024

Key legislation

- Animal Health Act 1981
- Tuberculosis (Wales) Order 2010

Please note

This information is intended for guidance; only the courts can give an authoritative interpretation of the law.

The guide's 'Key legislation' links may only show the original version of the legislation, although some amending legislation is linked to separately where it is directly related to the content of a guide. Information on changes to legislation can be found by following the above links and clicking on the 'More Resources' tab.

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