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CYMRU

WELSH STATUTORY
INSTRUMENTS

2023 Rhif 1423 (Cy. 251)

ANIFEILIAID, CYMRU

IECHYD ANIFEILIAID

Gorchymyn Twbercwlosis (Cymru)
(Diwygio) 2023

NODYN ESBONIADOL

(*Nid yw'r nodyn hwn yn rhan o'r Gorchymyn*)

Mae'r Gorchymyn hwn yn diwygio Gorchymyn Twbercwlosis (Cymru) 2010 (O.S. 2010/1379 (Cy. 122)) ("Gorchymyn 2010").

Mae'r diwygiadau wedi eu cynnwys yn yr Atodlen i'r Gorchymyn hwn.

Mae paragraff 1 o'r Atodlen yn ychwanegu diffiniad o "ardal risg uchel yn Lloegr" at Orchymyn 2010 fel rhan o gyflwyno profion ar ôl symud yn yr ardal TB ganolradd yng Nghymru. Mae paragraff 1 hefyd yn ychwanegu diffiniad o "statws rhydd rhag twbercwlosis swyddogol" ac yn diwygio'r diffiniadau o "map a adneuwyd" ac "uned besgi drwyddedig".

Mae paragraff 2 yn mewnosod paragraff newydd yn erthygl 8 o Orchymyn 2010 i osod rhwymedigaeth ar berson sy'n gwneud hysbysiad yr amheuir twbercwlosis o dan erthygl 8(1) i hysbysu'r ceidwad am ei amheuaeth hefyd.

Mae paragraff 3 yn mewnosod paragraff newydd (2A) yn erthygl 13A o Orchymyn 2010 sy'n ei gwneud yn ofynnol i geidwaid yn yr ardal TB ganolradd sy'n cael anifeiliaid buchol o'r ardal TB uchel, o'r ardal risg uchel yn Lloegr, neu o Ogledd Iwerddon, drefnu bod prawf croen ar ôl symud yn cael ei gynnal gan filfeddyg cymeradwy a thalu am y prawf hwnnw. Mae erthygl 13A(3) wedi ei diwygio fel y bydd yr eithriadau cyfredol i'r gofyniad am brawf ar ôl symud yn gymwys i'r paragraff newydd (2A) hefyd.

2023 No. 1423 (W. 251)

ANIMALS, WALES

ANIMAL HEALTH

The Tuberculosis (Wales)
(Amendment) Order 2023

EXPLANATORY NOTE

(*This note is not part of the Order*)

This Order amends the Tuberculosis (Wales) Order 2010 (S.I. 2010/1379 (W. 122)) ("the 2010 Order").

The amendments are contained in the Schedule to this Order.

Paragraph 1 of the Schedule adds a definition of "high-risk area in England" to the 2010 Order as part of the introduction of post-movement testing in the intermediate TB area in Wales. Paragraph 1 also adds a definition of "officially tuberculosis-free status" and amends the definitions of "deposited map" and "licensed finishing unit".

Paragraph 2 inserts a new paragraph into article 8 of the 2010 Order to impose an obligation on a person who makes a notification of the suspicion of tuberculosis under article 8(1) to also notify the keeper of their suspicion.

Paragraph 3 inserts a new paragraph (2A) into article 13A of the 2010 Order requiring keepers in the intermediate TB area who receive bovine animals from the high TB area, from the high-risk area in England, or from Northern Ireland, to arrange and pay for a post-movement skin test to be undertaken by an approved veterinary surgeon. Article 13A(3) is amended so that the existing exceptions to the requirement for a post-movement test will also apply to the new paragraph (2A).

Mae paragraff 4 yn ychwanegu paragraff newydd at erthygl 14 o Orchymyn 2010 i ddarparu ar gyfer cyhoeddi gwybodaeth am fuchesi â statws rhydd rhag twbercwlosis swyddogol.

Mae paragraff 5 yn diwygio erthygl 14A o Orchymyn 2010 i ddileu cyfeiriadau at unedau pesgi eithriedig (gan nad yw'r rhain yn bodoli mwyach y tu allan i Loegr).

Mae paragraff 6 yn diwygio erthygl 15 o Orchymyn 2010. Mewnodosdir paragraff newydd (2A) i wahardd cymryd sampl o anifail buchol heb ganiatâd ysgrifenedig Gweinidogion Cymru. Ychwanegir paragraff newydd (6) hefyd i wahardd person rhag symud anifail o fangre rhwng cynnal prawf perthnasol a chael canlyniad y prawf hwnnw.

Mae paragraff 7 yn diwygio paragraff 5 o Atodlen 1 i Orchymyn 2010 i ddileu cyfeiriadau at unedau pesgi eithriedig.

Mae paragraff 8 yn diwygio Atodlen 2 i Orchymyn 2010. Mae paragraff 5 o Atodlen 2 wedi ei ddiwygio i ddileu'r cyfeiriad at unedau pesgi eithriedig a gymeradwyir gan Weinidogion Cymru. Mae paragraff 8 o Atodlen 2 wedi ei hepgor er mwyn ailgyflwyno profion cyn symud ar gyfer symudiadau anifeiliaid buchol o fewn yr ardal TB isel ac ohoni.

Mae paragraff 9 yn diwygio Atodlen 3 i Orchymyn 2010. Mae paragraff 3 o Atodlen 3 wedi ei ddiwygio i ddileu cyfeiriad at unedau pesgi eithriedig a gymeradwyir gan Weinidogion Cymru. Mae paragraff newydd 6A wedi ei fewnosod sy'n caniatâu rhai symudiadau ychwanegol i sioeau amaethyddol ac oddi yno heb ei gwneud yn ofynnol cynnal profion ar ôl symud. Mae'r diffiniad o "yr ardal risg isel yn Lloegr" ym mharagraff 7 o Atodlen 3 wedi ei ddiweddu i gyd-fynd â'r diffiniad o "low-risk area" yng Ngorchymyn Twbercwlosis mewn Anifeiliaid (Lloegr) 2021 (O.S. 2021/1001) yn dilyn dirymu Gorchymyn Twbercwlosis (Lloegr) 2014 (O.S. 2014/2383).

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal Asesiadau Effaith Rheoleiddiol mewn perthynas â'r Gorchymyn hwn. O ganlyniad, ystyriwyd nad oedd yn angenrheidiol cynnal asesiad effaith rheoleiddiol o'r costau a'r manteision sy'n debygol o ddeillio o gydymffurfio â'r Gorchymyn hwn.

Paragraph 4 adds a new paragraph to article 14 of the 2010 Order to provide for the publication of information about bovine herds that have officially tuberculosis-free status.

Paragraph 5 amends article 14A of the 2010 Order to remove references to exempt finishing units (as these no longer exist outside of England).

Paragraph 6 amends article 15 of the 2010 Order. A new paragraph (2A) is inserted to prohibit the taking of a sample from a bovine animal without the written consent of the Welsh Ministers. A new paragraph (6) is also added to prohibit a person from moving an animal from premises between the application and result of a relevant test.

Paragraph 7 amends paragraph 5 of Schedule 1 to the 2010 Order to remove references to exempt finishing units.

Paragraph 8 amends Schedule 2 to the 2010 Order. Paragraph 5 of Schedule 2 is amended to remove the reference to exempt finishing units approved by the Welsh Ministers. Paragraph 8 of Schedule 2 is omitted in order to re-instate pre-movement testing for bovine animal movements within and from the low TB area.

Paragraph 9 amends Schedule 3 to the 2010 Order. Paragraph 3 of Schedule 3 is amended to remove reference to exempt finishing units approved by the Welsh Ministers. A new paragraph 6A is inserted permitting some additional movements to and from agricultural shows without the requirement for post-movement testing. The definition of "the low risk area in England" in paragraph 7 of Schedule 3 is updated to the definition in the Tuberculosis in Animals (England) Order 2021 (S.I. 2021/1001) following the revocation of the Tuberculosis (England) Order 2014 (S.I. 2014/2383).

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to this Order. As a result, it was not considered necessary to carry out a regulatory impact assessment as to the likely costs and benefits of complying with this Order.

2023 Rhif 1423 (Cy. 251)

ANIFEILIAID, CYMRU

IECHYD ANIFEILIAID

**Gorchymyn Twbercwlosis (Cymru)
(Diwygio) 2023**

Gwnaed

19 Rhagfyr 2023

Yn dod i rym

1 Chwefror 2024

Mae Gweinidogion Cymru yn gwneud y Gorchymyn a ganlyn drwy arfer y pwerau a roddir gan adrannau 1, 8(1)(b) a 15(4) o Ddeddf Iechyd Anifeiliaid 1981(1).

Enwi a dod i rym

1.—(1) Enw'r Gorchymyn hwn yw Gorchymyn Twbercwlosis (Cymru) (Diwygio) 2023.

(2) Daw'r Gorchymyn hwn i rym ar 1 Chwefror 2024.

Diwygio Gorchymyn Twbercwlosis (Cymru) 2010

2. Mae Gorchymyn Twbercwlosis (Cymru) 2010(2) wedi ei ddiwygio yn unol â'r Atodlen.

Darpariaethau arbed a darpariaethau trosiannol

3. Bydd unrhyw hysbysiad neu drwydded a ddyroddwyd, neu gymeradwyaeth neu ganiatâd a roddwyd, o dan Orchymyn Twbercwlosis (Cymru) 2010 ac sy'n cael effaith pan ddaw'r Gorchymyn hwn i rym, yn parhau mewn grym.

(1) 1981 p. 22. Mae swyddogaethau "the Ministers" o dan Ddeddf Iechyd Anifeiliaid 1981 (p. 22) (fel y'u diffinnir yn adran 86(1) o'r Ddeddf honno) yn arferadwy gan Weinidogion Cymru (o ran Cymru) yn rhinwedd Gorchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672); Gorchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 2004 (O.S. 2004/3044); ac adran 162 o Ddeddf Llywodraeth Cymru 2006 (p. 32) a pharagraff 30 o Atodlen 11 iddi.

(2) O.S. 2010/1379 (Cy. 122), a ddiwygiwyd gan O.S. 2011/692 (Cy. 104), 2014/632 (Cy. 72), 2015/1773 (Cy. 245), 2016/328 (Cy. 104), 2017/711 (Cy. 168) a 2019/372 (Cy. 93).

2023 No. 1423 (W. 251)

ANIMALS, WALES

ANIMAL HEALTH

**The Tuberculosis (Wales)
(Amendment) Order 2023**

Made

19 December 2023

Coming into force

1 February 2024

The Welsh Ministers make the following Order in exercise of the powers conferred by sections 1, 8(1)(b) and 15(4) of the Animal Health Act 1981(1).

Title and coming into force

1.—(1) The title of this Order is the Tuberculosis (Wales) (Amendment) Order 2023.

(2) This Order comes into force on 1 February 2024.

Amendment of the Tuberculosis (Wales) Order 2010

2. The Tuberculosis (Wales) Order 2010(2) is amended in accordance with the Schedule.

Savings and transition

3. Any notice or licence issued, or approval or consent granted, under the Tuberculosis (Wales) Order 2010 and which has effect at the coming into force of this Order, remains in force.

(1) 1981 c. 22. Functions of "the Ministers" under the Animal Health Act 1981 (c. 22) (as defined in section 86(1) of that Act) are exercisable by the Welsh Ministers (in relation to Wales) by virtue of the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672); the National Assembly for Wales (Transfer of Functions) Order 2004 (S.I. 2004/3044); and section 162 of, and paragraph 30 of Schedule 11 to, the Government of Wales Act 2006 (c. 32).

(2) S.I. 2010/1379 (W. 122), amended by S.I. 2011/692 (W. 104), 2014/632 (W. 72), 2015/1773 (W. 245), 2016/328 (W. 104), 2017/711 (W. 168) and 2019/372 (W. 93).

Lesley Griffiths

Y Gweinidog Materion Gwledig a Gogledd Cymru, a'r
Trefnydd, un o Weinidogion Cymru
19 Rhagfyr 2023

Minister for Rural Affairs and North Wales, and
Trefnydd, one of the Welsh Ministers
19 December 2023

Diwygio Gorchymyn Twbercwlosis (Cymru) 2010

1. Yn erthygl 2 (dehongli)—

- (a) yn y diffiniad o “map a adneuwyd”, yn lle “yw’r map o’r enw “ardaloedd TB Rhanbarthol Cymru” a lofnodwyd ar ran Gweinidogion Cymru ac sy’n ddyddiedig 23 Mehefin 2017” rhodder “yw’r map o’r enw “ardaloedd TB Rhanbarthol Cymru a Lloegr” a lofnodwyd ar ran Gweinidogion Cymru ac sy’n ddyddiedig 15 Rhagfyr 2023(1)”;
- (b) yn y lle priodol mewnosoder “ystyr “ardal risg uchel yn Lloegr” (“high-risk area in England”) yw’r holl dir sydd wedi ei arlliwi a’i nodi’n “Ardal Risg Uchel” ar y map a adneuwyd;”;
- (c) yn y diffiniad o “uned besgi drwyddedig”, ar ôl “arolygydd” mewnosoder “mifeddygol”;
- (d) yn y lle priodol mewnosoder “ystyr “statws rhydd rhag twbercwlosis swyddogol” (“officially tuberculosis-free status”) yw’r statws sy’n deillio o fodloni’r amodau a bennir gan Weinidogion Cymru i alluogi masnachu gwartheg heb gyfyngiadau ar symud yn ymwneud â thwbercwlosis;”.

2. Yn erthygl 8 (hysbysu am glefyd mewn anifeiliaid buchol), ar ôl paragraff (1) mewnosoder—

“(1A) Rhaid i berson, heblaw am y ceidwad, sy’n gwneud hysbysiad o dan baragraff (1) hysbysu’r ceidwad am ei amheuaeth hefyd.”

3. Yn erthygl 13A (profion ar ôl symud)—

- (a) ar ôl paragraff (2) mewnosoder—

“(2A) Pan symudir anifail buchol i’r ardal TB ganolradd o fuches a leolir yn—

- (a) yr ardal TB uchel,
- (b) yr ardal risg uchel yn Lloegr, neu
- (c) Gogledd Iwerddon,
rhaid i’r ceidwad sy’n cael yr anifail drefnu i brawf ar ôl symud gael ei gynnal arno gan filfeddyg cymeradwy ddim llai na 60 diwrnod, ond ddim mwy na 120 diwrnod, ar ôl y dyddiad y cyrhaeddodd yr anifail y fangre sy’n ei gael.”;

Amendment of the Tuberculosis (Wales) Order 2010

1. In article 2 (interpretation)—

- (a) in the definition of “deposited map”, for “the map entitled “Wales Regional TB areas” signed on behalf of the Welsh Ministers and dated 23 June 2017” substitute “the map entitled “England and Wales Regional TB areas” signed on behalf of the Welsh Ministers and dated 15 December 2023(1)”;
- (b) in the appropriate place insert ““high-risk area in England” (“ardal risg uchel yn Lloegr”) means all the land shaded and identified as “High Risk Area” on the deposited map;”;
- (c) in the definition of “licensed finishing unit”, before “inspector” insert “veterinary”;
- (d) in the appropriate place insert ““officially tuberculosis-free status” (“statws rhydd rhag twbercwlosis swyddogol”) means the status derived from satisfying the conditions laid down by the Welsh Ministers to enable the trade of cattle without restrictions on movement relating to tuberculosis.”.

2. In article 8 (notification of disease in bovine animals), after paragraph (1) insert—

“(1A) A person, other than the keeper, who is making a notification under paragraph (1) must also notify the keeper of their suspicion.”

3. In article 13A (post-movement testing)—

- (a) after paragraph (2) insert—

“(2A) When a bovine animal is moved into the intermediate TB area from a herd located in—

- (a) the high TB area,
- (b) the high-risk area in England, or
- (c) Northern Ireland,

the keeper who receives the animal must arrange for a post-movement test to be undertaken on it by an approved veterinary surgeon no fewer than 60 days, but no more than 120 days, after the date of arrival at the receiving premises.”;

(1) Mae’r map wedi ei adneuo ac ar gael i edrych arno yn Swyddfa Prif Swyddog Mifeddygol Cymru, Llywodraeth Cymru, Parc Cathays, Caerdydd, CF10 3NQ. Gellir cael gafael ar gopi o’r map ar www.llyw.cymru/tb-mewn-gwartheg.

(1) The map is deposited and available for inspection at the Office of the Chief Veterinary Officer for Wales, Welsh Government, Cathays Park, Cardiff, CF10 3NQ. A copy of the map can be accessed at www.gov.wales/bovinetb.

- (b) ym mharagraff (3), yn lle “paragraff (2)” rhodder “paragraffau (2) na (2A)”.

4. Yn erthygl 14 (cofnodion o brofion ar gyfer twbercwlosis), ar ôl paragraff (4) mewnosoder—

“(5) Caiff Gweinidogion Cymru gyhoeddi gwybodaeth am ba mor hir y mae buches wedi bod â statws rhydd rhag twbercwlosis swyddogol ar unrhyw ffurf y mae Gweinidogion Cymru yn barnu ei bod yn addas at ddibenion helpu personau eraill i ddiogelu rhag lledaeniad pellach twbercwlosis.”

5. Yn erthygl 14A (unedau pesgi eithriedig ac unedau pesgi cymeradwy)—

- (a) yn y pennawd hepgorer “Unedau pesgi eithriedig ac”;
- (b) ym mharagraff (1), hepgorer is-baragraff (a);
- (c) ym mharagraff (2), yn is-baragraff (b) hepgorer “uned besgi eithriedig neu’r”;
- (d) ym mharagraff (3) hepgorer “uned besgi eithriedig neu”;
- (e) ym mharagraff (4) hepgorer “uned besgi eithriedig nac”;
- (f) ym mharagraff (5) hepgorer “uned besgi eithriedig nac”;
- (g) ym mharagraff (6) hepgorer “uned besgi eithriedig neu”;
- (h) yn lle paragraff (7) rhodder—

“(7) Mae uned besgi yn Lloegr sydd wedi ei chymeradwyo gan yr Ysgrifennydd Gwladol i gymryd anifeiliaid buchol sydd wedi eu symud heb brawf cyn symud yn uned besgi eithriedig at ddibenion y Gorchymyn hwn.”

6. Yn erthygl 15 (gwaharddiadau)—

- (a) ar ôl paragraff (2) mewnosoder—

“(2A) Ni chaiff unrhyw berson gymryd sampl o anifail buchol at ddiben rhoi diagnosis o dwbercwlosis heb ganiatâd ysgrifenedig Gweinidogion Cymru.”

- (b) ar ôl paragraff (5) mewnosoder—

“(6) Pan fo prawf perthnasol wedi ei gynnal ar anifail buchol, ni chaiff person, ac eithrio o dan awdurdod trwydded a ddyroddwyd gan arolygydd milfeddygol, symud yr anifail hwnnw o’r fangre lle cynhalwyd y prawf hyd nes bod canlyniad negatif wedi cael ei ddarllen gan arolygydd neu filfeddyg cymeradwy a hyd nes bod y ceidwad wedi cael gwybod am y canlyniad hwnnw.”

- (b) in paragraph (3), for “Paragraph (2) does” substitute “Paragraphs (2) and (2A) do”.

4. In article 14 (tuberculosis test records), after paragraph (4) insert—

“(5) The Welsh Ministers may publish information regarding how long a bovine herd has had officially tuberculosis-free status in any form that the Welsh Ministers see fit for the purpose of helping other persons to protect against the further spread of tuberculosis.”

5. In article 14A (exempt finishing units and approved finishing units)—

- (a) in the heading omit “Exempt finishing units and”;
- (b) in paragraph (1), omit sub-paragraph (a);
- (c) in paragraph (2), in sub-paragraph (b) omit “exempt finishing unit or”;
- (d) in paragraph (3) omit “an exempt finishing unit or”;
- (e) in paragraph (4) omit “an exempt finishing unit or”;
- (f) in paragraph (5) omit “an exempt finishing unit or”;
- (g) in paragraph (6) omit “an exempt finishing unit or”;
- (h) for paragraph (7) substitute—

“(7) A finishing unit in England that is approved by the Secretary of State to take bovine animals that have been moved without a pre-movement test is an exempt finishing unit for the purposes of this Order.”

6. In article 15 (prohibitions)—

- (a) after paragraph (2) insert—

“(2A) No person may take a sample from a bovine animal for the purpose of diagnosis of tuberculosis without the written consent of the Welsh Ministers.”

- (b) after paragraph (5) insert—

“(6) Where a relevant test has been applied to a bovine animal, a person may not, except under the authority of a licence issued by a veterinary inspector, move that animal from the premises at which the test was administered until a negative result has been read by an inspector or approved veterinary surgeon and the keeper has been informed of that result.”

7. Yn Atodlen 1, ym mharagraff 5 (unedau pesgi eithriedig ac unedau pesgi cymeradwy)—

- (a) yn y pennawd hepgorer “Unedau pesgi eithriedig ac”;
- (b) yn is-baragraff (1)(a) hepgorer “uned besgi eithriedig neu”.

8. Yn Atodlen 2—

- (a) ym mharagraff 5 (symud i unedau pesgi eithriedig) hepgorer “a gymeradwyir gan Weinidogion Cymru o dan erthygl 14A”;
- (b) hepgorer paragraff 8 (symud o fewn yr ardal TB isel neu ohoni).

9. Yn Atodlen 3—

- (a) ym mharagraff 3 (symud i unedau pesgi eithriedig) hepgorer “a gymeradwyir gan Weinidogion Cymru o dan erthygl 14A”;
- (b) ar ôl paragraff 6 (symud i sioeau ammaethyddol) mewnosoder—

“(6A) Symud anifail buchol i sioe ammaethyddol yn yr ardal TB ganolradd, neu ddychwelyd anifail i'r ardal TB ganolradd o sioe ammaethyddol y tu allan i'r ardal TB ganolradd, ar yr amod—

- (a) nad yw'r symud yn golygu aros am fwy na 24 awr neu letya'r anifail hwnnw ar faes y sioe, a
- (b) bod yr anifail naill ai'n mynd yn uniongyrchol o'r sioe i'w gigyddia neu'n cael ei ddychwelyd yn uniongyrchol i'w fangre wreiddiol ar ôl y sioe.”;
- (c) yn lle paragraff 7 (symud o'r ardal risg isel yn Lloegr i'r ardal TB isel) rhodder—

“Symud o'r ardal risg isel yn Lloegr i'r ardal TB isel

7. Symud anifail buchol o'r ardal risg isel yn Lloegr i'r ardal TB isel. Mae i “ardal risg isel” yr ystyr a roddir i “low-risk area” yn erthygl 2(1) o Orchymyn Twbercwlosis mewn Anifeiliaid (Lloegr) 2021(1) ac Atodlen 1 iddo.”

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Argraffwyd a chyhoeddwyd yn y DU gan Y Llyfrfa Cyf dan awdurdod a goruchwyliaeth Jeff James, Rheolwr Llyfrfa Ei Fawrhydi ac Argraffydd Deddfau Senedd y Brenin.

(1) O.S. 2021/1001 fel y'i diwygiwyd gan O.S. 2023/867.

7. In Schedule 1, in paragraph 5 (exempt finishing units and approved finishing units)—

- (a) in the heading omit “Exempt finishing units and”;
- (b) in sub-paragraph (1)(a) omit “an exempt finishing unit or”.

8. In Schedule 2—

- (a) in paragraph 5 (movement to exempt finishing units) omit “approved by the Welsh Ministers under article 14A”;
- (b) omit paragraph 8 (movement within or from the low TB area).

9. In Schedule 3—

- (a) in paragraph 3 (movement to exempt finishing units) omit “approved by the Welsh Ministers under article 14A”;
- (b) after paragraph 6 (movement to agricultural shows) insert—

“(6A) The movement of a bovine animal to an agricultural show in the intermediate TB area, or a return to the intermediate TB area from an agricultural show outside the intermediate TB area, provided that—

- (a) the move does not involve a stay of more than 24 hours or the housing of that animal at the showground, and
- (b) the animal either goes directly from the show to slaughter or is returned directly to its premises of origin after the show.”;
- (c) for paragraph 7 (movement from the low risk area in England to the low TB area) substitute—

“Movement from the low-risk area in England to the low TB area

7. The movement of a bovine animal from the low-risk area in England to the low TB area. The “low-risk area” means the area defined in article 2(1) of, and Schedule 1 to, the Tuberculosis in Animals (England) Order 2021(1)."

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