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STATUTORY INSTRUMENTS

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**1981 No. 1115 (N.I. 22)**

**The Diseases of Animals (Northern Ireland) Order 1981**

- - - - - 31st July 1981

**PART I**  
**INTRODUCTORY**

**Title and commencement**

1.—(1) This Order may be cited as the Diseases of Animals (Northern Ireland) Order 1981.

(2) This Order shall come into operation on the expiration of one month from the day on which it is made.

**Interpretation**

2.—(1) The Interpretation Act (Northern Ireland) 1954<sup>F1</sup> shall apply to Article 1 and the following provisions of this Order as it applies to a Measure of the Northern Ireland Assembly.

(2) In this Order

“aerodrome” means any area of land or water designed, equipped, set apart or commonly used for affording facilities for the landing and departure of aircraft;

“animal” means an animal of any kind specified in Part I of Schedule 1;

“carcase” means the carcase of an animal or bird and includes part of a carcase, and the meat, bones, hide, skin, hair, feathers, hooves, horns, offal or other part of an animal or bird separately or otherwise, or any portion of it;

“cattle” means bulls, cows, oxen, heifers, and calves;

“cattle plague” means rinderpest or the disease commonly called cattle plague;

“the Customs Acts” means the Customs and Excise Management Act 1979<sup>F2</sup> and any enactment amending or substituted for that Act;

“the Department” means the Department of Agriculture;

“disease”, in relation—

(a) to animals, means any disease specified in Part III of Schedule 1; and

(b) to poultry, means any disease specified in Part IV of Schedule 1;

“diseased” means affected with disease;

“eggs” means the eggs of poultry;

“fodder” means hay or other substance (including milk) used for food of animals or poultry;

“glanders” includes that form of glanders which is commonly known as farcy;

“horse” includes ass and mule;

“imported”, as applied to animals, poultry and things, means brought by any means into Northern Ireland from a country out of Northern Ireland;

“in contact with”, in relation to a diseased or suspected animal or bird, means being or having been in the same field, shed, stable, pen or other place, or in the same herd or flock as, or otherwise in contact with, that animal or bird;

“inspector” means a person appointed by the Department to be an inspector for the purpose of this Order;

“justice” means justice of the peace;

“landing”, in relation to imported animals, poultry, or things, means landing them from a ship, vessel, aircraft or vehicle, or otherwise introducing them into Northern Ireland;

“landing-place” means part of a port or aerodrome, or any other place, defined by an order of the Department for the purpose of the landing of imported animals or poultry;

“litter” means straw or other substance commonly used for bedding or otherwise for or about animals or poultry;

“modify” means making additions, omissions, amendments, extensions, restrictions and substitutions;

“notice” means notice in writing;

“order of the Department” means an order made by the Department under this Order;

“pleuro-pneumonia” means contagious pleuro-pneumonia of cattle;

“poultry” means birds of any of the kinds specified in Part II of Schedule 1, and “bird” shall be construed accordingly;

“shipping” includes carriage by air and carriage in a vehicle;

“statutory provision” has the meaning assigned to it by section 1 (f) of the Interpretation Act (Northern Ireland) 1954;

“suspected” means suspected of being diseased;

“swine-fever” means the disease known as typhoid fever of swine, soldier purples, red disease, hog cholera or swine-plague;

“veterinary inspector” means an inspector being a member of the Royal College of Veterinary Surgeons, or any veterinary practitioner qualified as approved by the Department;

“veterinary surgeon” includes any person lawfully qualified to practise veterinary surgery in Northern Ireland.

(3) For<sup>F3</sup> all or any of] the purposes of this Order, the Department may, by order, modify the provisions of Schedule 1; and an order made under this paragraph may modify the provisions of Schedule 2 if it appears to the Department that the modifications are necessary or expedient for the purposes of that order.

(4) For the purposes of section 42 (2) of the Northern Ireland Constitution Act 1973<sup>F4</sup> (validity of Acts of the Parliament of Northern Ireland), provisions of this Order which re-enact provisions of an Act of the Parliament of Northern Ireland shall be deemed to be provisions of such an Act.

(5) Provisions of this Order which re-enact provisions of an order or regulations made under any statutory provision shall have no greater effect by virtue of their re-enactment.

**Annotations:**

- F1** 1954 c. 33 (NI)
- F2** 1979 c. 2
- F3** 1994 NI 6
- F4** 1973 c. 36

## PART II

### DISEASES OF ANIMALS AND POULTRY

#### *Eradication of disease*

#### **Expenditure for the eradication of diseases**

3.—(1) Without prejudice to any power conferred on it by any other enactment, the Department may, with the approval of the Department of Finance, expend such sums as the Department thinks fit with the object of eradicating or, so far as practicable, preventing diseases of animals and poultry in Northern Ireland.

(2) Without prejudice to paragraph (1), the Department may by order made with the approval of the Department of Finance, make a scheme under which the owner of any herd of cattle in Northern Ireland may be paid such sums as the Department thinks fit to be expended with the object of securing so far as practicable, that the herd will be free from tuberculosis.

(3) With a view to promoting the breeding and distribution of stocks of poultry free from disease and without prejudice of paragraph (1), the Department may, with the approval of the Department of Finance, make arrangements for persons carrying on, at any premises in Northern Ireland recognised by the Department for the purposes of this paragraph, the business of breeding and distributing stocks of poultry or of producing and distributing hatching eggs, to be afforded, free of charge, facilities for having poultry, whether alive or dead, inspected, tested and examined with the object of determining whether the birds are free from disease, or from what cause they have died.

(4) In this Article “disease” is not restricted by its definition in Article 2 (2).

#### **Eradication areas and attested areas**

4. The Department may by order—

- (a) where the Department is satisfied that a substantial majority of the animals or poultry in any area are free from any disease declare that area to be an eradication area for purposes connected with the control of that disease;
- (b) where the Department is satisfied that any disease of animals or poultry is for practical purposes non-existent in any area, declare that area to be an attested area for purposes connected with the control of that disease;
- (c) prohibit or regulate the movement of animals or poultry into, out of, or within any area which is an eradication area or an attested area and provide for exemptions from any such prohibition by means of the grant of licences<sup>[F5]</sup> subject to such conditions as may be specified in the licences].

**Annotations:**

- F5** 1984 NI 2

## Prevention or checking of disease

5.—(1) <sup>F6</sup>... the Department may by order—

- (a) prescribe modes of cleansing and disinfection;
- (b) prescribe and regulate the marking of animals or poultry<sup>F7</sup> and regulate the sale, supply, distribution, use and destruction of any article intended for use in such marking];
- (c) prescribe and regulate the seizure, detention and disposal of a diseased or suspected animal or bird exposed, carried, kept or otherwise dealt with in contravention of an order of the Department;
- (d) prescribe and regulate the liability of the owner, consignor or consignee of an animal or bird such as is mentioned in sub-paragraph (c) to the expenses connected with the seizure, detention and disposal;
- (e) prescribe and regulate the destruction, burial, disposal or treatment of carcasses of animals or poultry dying while diseased or suspected;
- (f) prohibit or regulate the digging up of carcasses which have been buried;
- (g) prescribe and regulate the disinfection of the clothes of persons employed about, or coming in contact with, or likely to have been in contact with, diseased or suspected animals or poultry and the use of precautions against the spreading of disease by such persons;
- (h) prohibit or regulate the sale or use of any kind of fodder or litter by which disease might be spread;
- (i) prescribe and regulate the use and distribution of any thing, whether animate or inanimate, by or by means of which it appears to the Department that any disease might be carried or transmitted;
- (j) prohibit or regulate the collection, holding or processing of carcasses or of animal or poultry products or any thing, whether animate or inanimate, which has been in contact with such carcasses or products;
- (k) prescribe and regulate the payment and recovery of expenses in respect of animals or poultry;
- (l) prescribe, regulate and secure the periodical treatment of all sheep by effective dipping or by the use of some other remedy for sheep scab;
- (m) provide for exemptions from any such prohibitions by means of the grant of licences<sup>F7</sup> subject to such conditions as may be specified in the licences].

(2) The Department may provide and maintain sheep dipping facilities and afford to the public, upon such terms and conditions (including conditions as to payment) as the Department may think proper, the use of those facilities and of any appliances and materials which are necessary to make that use effective, so, however, that nothing shall be done under this paragraph so as to affect injuriously the water in any stream, reservoir, aqueduct, well, pond or place constructed or used for the supply of water for any domestic purpose.

### Annotations:

- F6** 1994 NI 6  
**F7** 1984 NI 2

## Seizure and destruction of carcasses, etc., liable to spread disease

6.—(1) The Department, if satisfied that it is expedient for the purpose of preventing the spread of disease, may seize any carcass, fodder, feeding stuffs, litter, milk, eggs, or fertilisers and destroy, bury, dispose of or treat any thing so seized.

(2) The Department shall pay compensation for any carcase (not being a carcase of an animal or bird which has died of disease or was infected with disease at the time of its slaughter by a person other than the Department), fodder, feeding stuffs, litter, milk, or fertilisers seized under paragraph (1) and, subject in the case of imported eggs to any order made under Article 30, for eggs so seized.

(3) The compensation payable under paragraph (2) for any thing seized under paragraph (1) shall be the value of that thing at the time of seizure and shall be calculated as if it was not affected with disease at that time.

(4) Where any thing destroyed, buried or disposed of under an order made under sub-paragraph (e) of Article 14 could have been seized under paragraph (1) of this Article, the Department shall pay the like compensation, if any, for that thing as if it had been so seized at the time of the destruction, burial or disposal.

(5) Paragraph (7) of Article 18 shall have effect in relation to things seized under this Article as it has effect in relation to animals slaughtered at the direction of the Department and the carcasses of such animals.

**Annotations:**

**Modifications etc. (not altering text)**

- C1 [Art. 6](#) applied (10.2.2007) by [Avian Influenza and Influenza of Avian Origin in Mammals Regulations \(Northern Ireland\) 2007 \(S.R. 2007/68\)](#), [reg. 84\(a\)](#) (with [reg. 3](#))
- C2 [Art. 6](#) applied (24.3.2007) by [Avian Influenza \(H5N1 in Wild Birds\) Regulations \(Northern Ireland\) 2007 \(S.R. 2007/208\)](#), [reg. 22\(a\)](#)

**Control of zoonoses**

7.—(1) The Department may by order designate any disease of, or organism carried in, animals or poultry which in the opinion of the Department constitutes a risk to human health.

(2) Where any disease or organism is for the time being designated under this Article, the Department may by order—

- (a) provide for any provision of this Order which has effect in relation to the disease to have effect subject to such modifications as may be specified in the order;
- (b) apply any provision of this Order, subject to any modifications so specified, in relation to the presence of the organism in an animal or bird as if the presence of the organism were a disease.

(3) The Department may by order require a person who in such circumstances as are specified by the order, knows or has reason to suspect that an animal or bird of such description as is specified in the order is or was—

- (a) affected with a disease designated under this Article; or
- (b) a carrier of an organism so designated,

to furnish to such person and in such form and within such period as are specified in the order such information relating to the animal or bird as is so specified.

(4) If it appears to the Department that a person may have information relating to an animal or bird affected with a disease designated under this Article or an animal or bird which is a carrier of an organism so designated, the Department may by notice require him to furnish to such person and in such form and within such period as are specified in the notice such information relating to the animal or bird as he possesses and is so specified.

(5) Where an inspector has reason to believe that an animal or bird such as is mentioned in paragraph (4) is or has been on any land he may, on production if required of his credentials,—

- (a) enter the land and make such tests and take such samples of any animal, bird, feeding stuff, litter, dung, vessel, pen, vehicle or other thing whatsoever which is on, or forms part of the land as he thinks appropriate for the purpose of ascertaining whether such an animal or bird is or has been on the land; and
- (b) require the owner or person having charge of any animals or poultry on the land to take such reasonable steps as the inspector may specify for the purpose of collecting or restraining them so as to facilitate the exercise in relation to them of the powers conferred on the inspector by sub-paragraph (a).

(6) In this Article “disease” is not restricted by its definition in Article 2(2).

### **Animal or poultry health schemes**

**8.—(1)** Without prejudice to the powers exercisable by the Department by virtue of any other provision of this Order, the Department may, by orders made with the approval of the Department of Finance after consultation with any bodies which appear to the Department to be substantially representative of interests concerned, make schemes for the purpose of—

- (a) keeping any animals or poultry, so far as practicable, free from disease and in good health; or
- (b) controlling, and, so far as practicable, reducing the incidence of, any disease of animals or poultry; or
- (c) compensating in whole or in part persons who incur loss or expense in consequence of the presence of any disease in any animal, bird or carcass.

(2) Without prejudice to the generality of paragraph (1), a scheme under this Article may provide for—

- (a) the examination, testing or treatment of animals or poultry, of a description to which the scheme applies, or the carcasses of such animals or poultry, by persons exercising powers under the scheme, including—
  - (i) the entry by such persons on or into any land, building, shed, pen or place where any such animals, poultry or carcasses are kept or are suspected on reasonable grounds to be kept;
  - (ii) the facilities to be made available to such persons by the owners or persons in charge of any such animals, poultry or carcasses or the owners or occupiers of, or persons employed on or in, any such land, building, shed, pen or place; and
  - (iii) the payments to be made to persons exercising such powers in respect of any such examination, testing or treatment, and the persons by whom, and the time, place or manner at or in which, such payments are to be made and the recovery of sums so payable;
- (b) the slaughter or the isolation and maintenance of any such animals or poultry;
- (c) the regulation of the movement or exposure for sale of such animals or poultry;
- (d) the cases in which compensation may be paid to persons incurring any loss or expense in consequence of—
  - (i) any treatment carried out under the scheme; or
  - (ii) the presence of any disease to which the scheme relates in any animal, bird or carcass; and the manner in which the amounts of such compensation are to be determined;
- (e) the raising of—

- (i) all or any part of the money out of which such compensation is to be paid; and
- (ii) the sums necessary to defray the expenses incurred in connection with the raising of that money and the payment of that compensation;

by means of levies imposed in respect of animals, poultry or carcasses or the produce, produced in Northern Ireland of animals or poultry of a description to which the scheme applies on persons carrying on a business involving the rearing, buying, selling or slaughtering of such animals or poultry, or producing produce from such animals or poultry;

- (f) the duties of the persons by whom, under the terms of the scheme, any sum raised by means of that levy is to be paid, collected or remitted;
- (g) the time, place or manner at or in which any such sum is to be paid and the recovery of sums so payable;
- (h) the records, returns, notices and certificates which are to be kept, made or given for the purposes of the scheme, including the inspection, verification and copying of records by an officer of the Department.

(3) The persons upon whom duties may be imposed under paragraph (2) (f) in connection with the collection and remittance of sums raised by means of levies shall include any body established by or under any enactment for regulating the marketing of any agricultural product or otherwise for the benefit of, or any part of, the agricultural industry (including the livestock and livestock products industries), and such a body may collect any such sum under that paragraph (and may so collect it by deduction, set-off or otherwise).

(4) A scheme under this Article may be mandatory or subject to the voluntary participation of persons affected by the scheme.

(5) The prohibition in Article 49 on the making of charges by the Department for any thing under this Order or by inspection or other act precedent to such a thing shall not extend to prevent the imposition of levies in pursuance of paragraph (2) (e) or the making of charges in accordance with the provisions of a scheme under this Article in respect of any examination, testing, treatment or other service or facility whatsoever carried out or provided by or on behalf of the Department under the scheme.

(6) In this Article “disease” is not restricted by its definition in Article 2(2).

### **Power to obtain information for the purpose of Article 3**

9.—(1) For the purpose of obtaining information required for the purposes of Article 3, the Department may authorise any veterinary inspector or other officer of the Department to inspect animals or poultry.

(2) Any person authorised by the Department under paragraph (1) may, for the purpose of any inspection to be carried out by him, at all reasonable times, upon production of his authority on demand enter on any land and apply such tests and take such samples as he considers necessary.

### *Separation and treatment of diseased animals and poultry and notice of disease*

#### **Separation of diseased animals and poultry and notice of disease**

10.—(1) Every person having in his possession or under his charge an animal affected with disease shall—

- (a) as far as practicable keep that animal separate from animals not so affected; and

- (b) with all practicable speed give notice of the fact of the animal being so affected to the Department or to a member of the Royal Ulster Constabulary stationed in the district in which the animal so affected is.
- (2) Any person who knows or suspects that an animal (whether in captivity or not) is affected with rabies shall give notice of that fact to a member of the Royal Ulster Constabulary unless—
- (a) he believes on reasonable grounds that another person had given notice under this Article in respect of that animal, or
  - (b) he is exempted from doing so by an order under Article 60.
- (3) A veterinary surgeon who examines any animal or the carcase of any animal and is of the opinion or suspects that the animal is diseased or was diseased when it died or when it was slaughtered shall with all practicable speed give notice of the disease or suspicion of disease to the Department or to a member of the Royal Ulster Constabulary stationed in the district in which the animal or carcase is.
- (4) The member of the Royal Ulster Constabulary to whom notice is given shall forthwith give information of it to such person or authority as the Department by order directs.
- (5) Where the Department is satisfied of the occurrence of any disease communicable to man, the Department shall forthwith notify the Health and Social Services Board established under Article 16 of the Health and Personal Social Services (Northern Ireland) Order 1972<sup>F8</sup> within whose area that disease has occurred.
- [<sup>F9</sup>(6) The Department may by order—
- (a) prescribe and regulate the notice to be given to or by any person or authority in case of any particular disease or suspicion of it or in case of the illness of an animal and supplement or vary for those purposes any of the provisions of this Article;
  - (b) prescribe and regulate the separation of suspected or diseased animals and poultry from animals and poultry which are not suspected or affected with disease;
  - (c) prescribe and regulate the notification of illness of, or disease or suspicion of disease in, poultry.]
- (7) This Article is subject to any provision in Part III of Schedule 1.

**Annotations:**

- F8** 1972 NI 14  
**F9** 1994 NI 6

**Treatment of animals or poultry exposed to infection**

**11.** For the purpose of preventing the spread of disease the Department may cause such treatment as it considers necessary to be given to any animal or bird which has been in contact with a diseased animal or bird or which appears to the Department to be or to have been in any way exposed to the infection of disease.

*Infected places and areas***General provisions as to infected places and areas**

- 12.**—(1) <sup>F10</sup>... the Department may by order, prescribe—
- (a) the cases in which places and areas are to be declared to be infected with a disease,
  - (b) the authority, mode, and conditions by, in, and on which such declarations are to be made;



- (c) the effect and consequence of such declarations;
- (d) the duration and discontinuance of such declarations; and
- (e) any other matters connected with such declarations.

(2) An order under paragraph (1) prescribing the cases in which areas are to be declared to be infected with rabies may—

- (a) provide for the destruction in an area declared to be so infected, by persons authorised in accordance with the order, of foxes and such other wild animals as may be prescribed by the order (not in either case being animals held in captivity);
- (b) authorise any person to enter any land (other than a dwelling-house) for the purpose of carrying out, or of deciding whether to carry out, the destruction there of animals in accordance with the order;
- (c) authorise the erection of fences or other obstacles to restrict the movement of animals into and out of an area where destruction is or will be carried out;
- (d) regulate the ownership and disposal of the carcasses of animals destroyed in accordance with the order;
- (e) prohibit any person from obstructing the destruction of animals in accordance with the order and from interfering with the carcasses of animals destroyed;
- (f) authorise the use of methods of destruction which would otherwise be unlawful;
- (g) require notice to be served, in such circumstances as may be prescribed by the order, of the death in an area declared to be so infected of such domestic or wild animals as may be prescribed;
- (h) regulate the ownership and disposal of the carcasses of animals whose deaths are required to be notified under sub-paragraph (g);
- (i) require and regulate the vaccination, confinement and control in such an area of such domestic animals and animals held in captivity as may be prescribed by the order;
- (j) authorise the seizure and detention and the disposal or destruction of any animal in respect of which any provision made under sub-paragraph (i) is not complied with;
- (k) authorise any person to enter any land for the purpose of seizing or destroying any animal in pursuance of the order; and
- (l) provide for the division of an area into zones (whether defined by reference to distance from the places within the area where diseased animals have been found or otherwise) and for the consequences which may follow a declaration to be different for different zones;

and such an order shall make provision as to the steps to be taken to inform the occupier of any land where it is proposed that animals should be destroyed and other persons who may be there, of the proposal and of the methods of destruction to be used.

(3) Every place or area declared to be infected with a disease shall be an infected place or area for the purposes of this Order.

(4) Where, in accordance with the provisions of this Order, a place or an area or a portion of an area is declared free from a disease, then, from the time specified in that behalf by the Department, the place or area or that portion of the area shall cease to be, or to be in, an infected place or area.

(5) Any declaration or notice of the following description shall be conclusive evidence to all intents of the existence or past existence or cessation of the disease and of any other matter on which the declaration or notice proceeds—

- (a) a declaration of the Department declaring a place or area to be an infected place or area, or declaring a place or area, or a portion of an area, to be free from disease; or

- (b) a notice served in pursuance of directions of the Department under an order made under this Article.

**Annotations:**

**F10** 1994 NI 6

**Power to destroy wild life**

**13.**—(1) Without prejudice to any other powers conferred on the Department under this Order, where the Department is satisfied in the case of any area,—

- (a) that there exists among the wild members of one or more species in the area a disease, other than rabies, which has been or is being transmitted from members of that or those species to livestock of any kind in the area; and
- (b) that destruction of wild members of that or those species in that area is necessary in order to eliminate, or substantially reduce the incidence of, that disease in livestock of any kind in the area;

the Department may, after consultation with the Department of the Environment and subject to the following provisions of this Article, by order, provide for the destruction of wild members of that or those species in that area.

(2) An order under this Article shall specify the area to which it applies, the disease to which it applies, and the one or more species to which it relates.

(3) An order under this Article providing for the destruction of wild members of one or more species in any area may—

- (a) where the Department is satisfied, having regard to all relevant considerations and, in particular, the need to avoid causing unnecessary suffering to wild members of the species in question, that use of the method or methods in question is the most appropriate way of carrying out that destruction, authorise the use of methods of destruction which would otherwise be unlawful;
- (b) make provision for ensuring that destruction of wild members of any species to which the order relates is properly and effectively carried out, and in particular for preventing persons from taking into captivity, harbouring, concealing or otherwise protecting wild members of any such species with intent to prevent their destruction, or in any other way obstructing or interfering with any thing which has been, is being or is to be done or used in connection with that destruction;
- (c) regulate the ownership and disposal of the carcasses of members of any such species destroyed in the area to which the order relates.

(4) Before commencing the destruction of wild members of a species on any land within an area to which an order under this Article applies the Department shall take all reasonable steps to inform the occupier of the land and any other person who may be there of the Department's intention to carry out that destruction and of the methods of destruction to be used; and the Department shall ensure that destruction is carried out on any such land in as safe a manner as is possible in all the circumstances.

(5) Where an order under this Article is in force, the Department may take such measures (including the erection of fences or other obstacles) as the Department considers appropriate—

- (a) for preventing the movement of living creatures into or out of the area or any part of the area to which the order applies while destruction of wild members of any species to which the order relates is being carried out in the area; and

- (b) where destruction of wild members of any such species has been or is to be carried out in any part of that area, for preventing the recolonisation of that part by members of that species for as long as the Department considers necessary to prevent reappearance among them of the disease to which the order applies.

(6) As soon as may be after the Department is satisfied, in the case of any land, that any measures affecting that land which have been taken in connection with an order under this Article are no longer necessary, the Department shall remove from the land anything placed or erected on it and shall take such other steps as are reasonably practicable to reinstate the land.

(7) In this Article—

“livestock”, subject to paragraph (8), means cattle, sheep, goats and other ruminants, swine, horses, domestic fowl, turkeys, geese, ducks, guinea fowl, pigeons, pheasants and partridges;

“species” means any species of animals or poultry;

and references to wild members of any species in an area are references to members of the species in the area that are neither domesticated nor held in captivity.

(8) The Department may by order modify the definition of “livestock” in paragraph (7).

### **Orders relating to infected places and areas**

**14.** <sup>F11</sup>... the Department may by order—

- (a) prescribe and regulate the publication by placards, handbills or otherwise, in the immediate neighbourhood of a place or area declared infected, of the fact of such declaration;
- (b) prohibit or regulate the movement of animals or poultry and persons into, within or out of, an infected place or area;
- (c) prescribe and regulate the isolation or separation of animals or poultry being in an infected place or area;
- (d) prohibit or regulate the removal of carcasses or other things, whether animate or inanimate, into, within, or out of an infected place or area;
- (e) prescribe and regulate the destruction, burial, disposal or treatment of carcasses or other things, whether animate or inanimate, being in, or removed out of, an infected place or area;
- (f) prescribe and regulate the cleansing and disinfection—
  - (i) of infected places and areas;
  - (ii) of receptacles or vehicles used for the confinement or conveyance of animals or poultry;
- (g) prescribe and regulate the disinfection of the clothes of persons being in an infected place or area, and the use of precautions against the spreading of disease by such persons;
- (h) provide for exemptions from any such prohibitions by means of the grant of licences<sup>F12</sup> subject to such conditions as may be specified in the licences].

#### **Annotations:**

**F11** 1994 NI 6

**F12** 1984 NI 2

### **Power to exclude strangers**

**15.** A person owning or having charge of any animals or poultry, in a place or area declared infected with any disease may affix, at or near the entrance to a building or enclosure in which the

animals or poultry are, a notice forbidding persons to enter that building or enclosure without the permission mentioned in the notice, and thereupon it shall not be lawful for any person, not having by law a right of entry or way into, on, or over that building or enclosure, to enter or go into, on, or over the same without that permission.

#### *Slaughter of diseased and suspected animals and poultry*

### **Slaughter of diseased and suspected animals and poultry**

**16.**—(1) The functions of the Department in relation to the slaughter of animals and poultry affected or in contact with, or suspected of, any disease specified in Schedule 2 are set forth in that Schedule.

[<sup>F13</sup>(1A) The Department shall by order make provision for compensation in respect of the slaughter of animals or poultry under Schedule 2.

(1B) Without prejudice to the generality of paragraph (1A), an order under that paragraph may do either or both of the following—

- (a) require the Department to pay compensation not exceeding such amount as may be specified in the order;
- (b) provide for the calculation of compensation using such scales or such other basis of calculation as may be so specified.]

(2) Without prejudice to Article 2(3), the Department may, in relation to any disease, by order, modify the provisions of Schedule 2 if it appears to the Department that the modifications are necessary or expedient for the purposes of this Order.

#### **Annotations:**

**F13** 1994 NI 6

### **Additional officers and expenses for purposes of slaughter**

**17.** For the purposes of the execution of the provisions of this Order relating to the slaughter by the Department of animals or poultry on account of disease, the Department may—

- (a) with the consent of the Department of the Civil Service, employ at such remuneration such additional inspectors, valuers and other persons, and
- (b) with the consent of the Department of Finance, incur such expenses, as the Department thinks necessary.

### **General provisions relative to slaughter and compensation**

**18.**—(1) The Department may, notwithstanding anything in this Order, reserve for observation and treatment an animal or bird liable to be slaughtered under this Order at the direction of the Department but subject to payment of compensation by the Department as in case of actual slaughter.

(2) Where an animal or bird has been slaughtered under this Order at the direction of the Department the carcass shall belong to the Department and shall be buried or sold or otherwise disposed of by or at the direction of the Department, as the condition of the animal, bird or carcass and other circumstances may require or admit.

(3) If, in any case, the sum received by the Department on sale of a carcass under this Article exceeds the amount paid for compensation to the owner of the animal or bird slaughtered, the Department shall pay that excess to the owner, after deducting reasonable expenses.

(4) Where an animal or bird has been slaughtered under this Order at the direction of the Department, the Department may use for the burial of the carcass any ground in the possession or occupation of the owner of the animal or bird and suitable in that behalf, or any common or unenclosed land.

(5) If the owner of an animal or bird slaughtered under this Order at the direction of the Department has an insurance on the animal or bird, the amount of the compensation awarded to him under this Order may be deducted by the insurers from the amount of the money payable under the insurance before they make any payment in respect of the animal or bird.

(6) Notwithstanding anything in this Order, the Department may withhold, either wholly or partially, compensation or other payment in respect of an animal or bird slaughtered under this Order at its direction where, in the judgment of the Department

- (a) the owner or the person having charge of the animal or bird has been guilty of an offence against this Order tending to prejudice the due control of the disease necessitating the slaughter; or
- (b) the animal or bird, being an imported animal or bird, was diseased at the time of its landing or, before or while being brought from any member State, exposed to the infection of disease; or
- (c) the bird was hatched from an imported egg which carried disease or infection at the time of landing or came from the same source as eggs found to carry disease or infection.

(7) The Department may by order—

- (a) prescribe the mode of ascertainment of the value of an animal or bird slaughtered, or liable to be slaughtered, at the direction of the Department;
- (b) regulate applications for, and the mode of payment of, compensation;
- (c) prescribe and regulate the destruction, burial, disposal or treatment of carcasses of animals or poultry slaughtered at the direction of the Department.

**Annotations:**

**Modifications etc. (not altering text)**

- C3 [Art. 18\(6\)\(7\)](#) applied (23.2.2006) by [Foot-and-Mouth Disease \(Control of Vaccination\) Regulations \(Northern Ireland\) 2006 \(S.R. 2006/43\)](#), [reg. 40\(a\)](#)
- C4 [Art. 18\(6\)](#) applied (23.2.2006) by [Foot-and-Mouth Disease Regulations \(Northern Ireland\) 2006 \(S.R. 2006/42\)](#), [reg. 60\(a\)](#)
- C5 [Art. 18\(6\)](#) applied (10.2.2007) by [Avian Influenza and Influenza of Avian Origin in Mammals Regulations \(Northern Ireland\) 2007 \(S.R. 2007/68\)](#), [reg. 84\(b\)](#) (with [reg. 3](#))
- C6 [Art. 18\(6\)](#) applied (10.2.2007) by [Avian Influenza \(Vaccination\) Regulations \(Northern Ireland\) 2007 \(S.R. 2007/69\)](#), [reg. 22\(1\)\(a\)](#)
- C7 [Art. 18\(6\)](#) applied (10.2.2007) by [Avian Influenza \(Preventive Measures\) Regulations \(Northern Ireland\) 2007 \(S.R. 2007/70\)](#), [reg. 18\(a\)](#)
- C8 [Art. 18\(6\)\(7\)](#) applied (23.2.2006) by [Foot-and-Mouth Disease \(Control of Vaccination\) Regulations \(Northern Ireland\) 2006 \(S.R. 2006/43\)](#), [reg. 40\(a\)](#)

*Regulation of movement of animals and poultry, etc.*

**Regulation of movement of animals and poultry, etc.**

19. <sup>F14</sup>... the Department may by order—

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- (a) prohibit or regulate the exposure of diseased or suspected animals or poultry in markets, fairs or sale-yards, or other public or private places where animals or poultry are commonly exposed for sale, and the placing of such animals or poultry in lairs or other places adjacent to or connected with markets or fairs, or where animals or poultry are commonly placed before exposure for sale;
- (b) prohibit or regulate the sending or carrying of diseased or suspected animals or poultry, or of other things, whether animate or inanimate, likely to spread disease, or the causing of such animals or poultry or such other things to be sent or carried, on railways, canals, rivers, or inland navigations, or in coasting vessels, or in an aircraft which is engaged in a journey or a part of a journey beginning and ending in Northern Ireland, or otherwise;
- (c) prohibit or regulate the carrying, leading, or driving of diseased or suspected animals or poultry, or the causing of such animals or poultry to be carried, led or driven on highways or thoroughfares or elsewhere;
- (d) prohibit or regulate the placing or keeping of diseased or suspected animals or poultry on commons or unenclosed lands or in fields or other places insufficiently fenced, or on the sides of highways;
- (e) prohibit or regulate the movement of animals or poultry, and the removal of carcasses, or other things, whether animate or inanimate, and prescribe and regulate the isolation of animals or poultry newly purchased;
- (f) prescribe and regulate the issue and production of licences respecting movement and removal of animals, poultry and things;
- (g) prohibit or regulate the holding of markets, fairs, exhibitions and sales of animals or poultry;
- (h) prescribe and regulate the cleansing and disinfection of places used for the holding of markets, fairs, exhibitions or sales of animals or poultry, or for lairage of animals, and yards, sheds, stables and other places used for animals or poultry;
- (i) prescribe and regulate the cleansing and disinfection of vessels, aircraft, vehicles, and pens and other places, used for the carrying of animals or poultry or purposes connected with the carrying of animals or poultry;
- (j) prohibit, absolutely or conditionally, the use for the carrying of animals or poultry or for any purpose connected with the carrying of animals or poultry, of a vessel, aircraft, vehicle, or pen or other place in respect of which, or of the use of which, a penalty has been imposed on any person for an offence against this Order; and
- (k) provide for the exemptions from any such prohibitions by means of the grant of licences<sup>[F15]</sup> subject to such conditions as maybe specified in the licences].

**Annotations:**

**F14** 1994 NI 6

**F15** 1984 NI 2

**Disease found in animals in transit**

**20.**—(1) The Department shall by order make such provision as it thinks necessary or expedient in relation to animals or poultry found to be affected with disease—

- (a) while exposed for sale or exhibited in a market, fair, sale-yard, place of exhibition, or other place; or
- (b) while placed in a lair or other place before exposure for sale; or
- (c) while in transit or in course of being moved by land or water, or by air; or

- (d) while being in a slaughter-house or place where animals or poultry are slaughtered or are kept with a view to slaughter; or
- (e) while being on common or unenclosed land; or
- (f) generally, while being in a place not in the possession of occupation or under the control of the owner of the animals or poultry.

(2) The Department shall by order under this Article make such provision as it thinks fit for the consequences under this Order of animals or poultry being found in any of the circumstances mentioned in paragraph (1), and any such order may, in addition to making provision with respect to the place where animals or poultry are so found make provision with respect to—

- (a) the animals or poultry so found;
- (b) other places;
- (c) other animals or poultry being or having been in contact with animals or poultry so found.

(3) Every order under this Article shall have full effect notwithstanding any provision of this Order requiring the declaration of a place infected with disease or relating to any consequence or, or to any matter connected with, such a declaration, and notwithstanding any other provision whatsoever of this Order.

#### **Protection of animals and poultry from suffering, etc.**

**21.** The Department may by order make provision—

- (a) for protecting animals and poultry from unnecessary suffering—
  - (i) during inland transit, or in an aircraft engaged in a journey or part of a journey or part of a journey beginning and ending in Northern Ireland;
  - (ii) during passage by sea or air and on landing;
  - (iii) in connection with their exposure for sale and their disposal after sale;
- (b) for securing a proper supply of water and food to animals and poultry during any period of their detention.

#### **Provision of water and food at railway stations**

**22.—**(1) Every person carrying on a railway undertaking (in this Article referred to as “the authority”) shall provide, to the satisfaction of the Department, water and food or either of them at such railway stations as the Department directs, for animals or poultry carried or about to be or having been carried on the railway of the authority.

(2) The water and food so provided, or either of them, shall be supplied by the authority to any such animals or poultry on the request of the consignor or of any person in charge of them.

(3) Subject to paragraph (4), as regards water, if as respects any animal or bird such a request is not made, so that the animal or bird remains without a supply of water for twenty-four consecutive hours, the consignor and the person in charge of the animal or bird shall each be guilty of an offence against this Order; and it shall lie on the person charged to prove such a request and the time within which the animal or bird had a supply of water.

(4) The Department may by order substitute for the period of twenty-four hours mentioned in paragraph (3) such other period being not less than twelve hours as may be specified in the order.

(5) The authority supplying water or food under this Article may make such reasonable charges, if any, as the Department by order approves, in addition to such charges as they are for the time being authorised to make in respect of the carriage of animals or poultry; and the amount of those additional charges shall be a debt recoverable summarily by the authority from the consignor and from the consignee.

(6) The authority shall have a lien for the amount of the additional charges mentioned in paragraph (5) on the animal or bird in respect of which those charges accrued due, and on any other animal or bird at any time consigned by or to the same consignor or consignee to be carried by the authority.

### **Carriage of animals and poultry by sea or air**

**23.** The Department may by order—

- (a) prohibit the conveyance of animals or poultry by any specified vessel or aircraft to or from any port or aerodrome in Northern Ireland for such time as the Department may consider expedient;
- (b) make provision for ensuring for animals and poultry carried by sea or air a proper supply of food and water and proper ventilation during the passage and on landing;
- (c) provide for exemptions from any such prohibition by means of the grant of licences<sup>[F16]</sup> subject to such conditions as maybe specified in the licences].

**Annotations:**

**F16** 1984 NI 2

### **[<sup>F17</sup>Animal welfare in exportation**

**23A.**—(1) The Department, in the interests of animal welfare, may by order—

- (a) regulate the exportation from Northern Ireland of animals or poultry, and, in particular, prohibit exportation without such licence or certificate as may be prescribed by the order;
- (b) make provision as to the circumstances in which, and the conditions on which, a certificate or licence may be obtained.

(2) Without prejudice to the generality of paragraph (1), an order under that paragraph may include provision for requiring persons proposing to export animals or poultry from Northern Ireland to furnish information about—

- (a) the intended ultimate destination of the animals or poultry;
- (b) the arrangements for conveying them to that destination; and
- (c) any other matters which may be specified in the order.]

**Annotations:**

**F17** 1984 NI 2

*Importation, etc.*

### **Orders prohibiting import of animals, etc.**

**24.**—(1) For the purpose of preventing the introduction of disease into Northern Ireland, the Department may, whenever it deems it expedient so to do, by order—

- (a) prohibit or regulate the importation of—
  - (i) animals, poultry, carcasses and eggs and
  - (ii) other things, whether animate or inanimate, by or by means of which it appears to the Department that any disease might be carried or transmitted,



- (b) provide for exemptions from any such prohibition by means of the grant of licences<sup>[F18]</sup> subject to such conditions as maybe specified in the licences].

[<sup>F18</sup>(1A) An order under paragraph (1) may apply, with or without modifications, any of the provisions of Schedule 3 (slaughter and quarantine) to imported animals and poultry.]

(2) An order under paragraph (1) which is expressed to be made for the purpose of preventing the introduction of rabies into Northern Ireland may include provision for the destruction in Northern Ireland, by such persons as may be prescribed by the order, of animals in respect of which the order or any licence granted under it is contravened.

(3) Whenever the Department is not satisfied, having regard to—

- (a) the sanitary conditions of animals or any specified kind of animals in, or imported from, any country or any specified part of any country; and
- (b) the laws made by that country for the regulation of the importation and exportation of animals, and for the prevention of the introduction or spreading of disease; and
- (c) the administration of such laws,

that the circumstances are such as to afford reasonable security against the importation from that country of animals affected with disease, the Department shall prohibit the importation of animals from that country.

(4) This Article shall apply to the importation in an aircraft of animals and other things not landed from the aircraft as it applies in relation to their landing from an aircraft.

(5) If an animal or other thing is imported in an aircraft in contravention of an order made under this Article, then (without prejudice to the liability of any other person under Article 52 (1) and (4) the person for the time being having possession and control of the aircraft, as owner, hirer or otherwise, shall be guilty of an offence against this Order.

**Annotations:**

**F18** 1984 NI 2

*Arts. 25#28 rep. by 1984 NI 2*

**Regulation of ports, aerodromes, landing places and imported animals, poultry, etc.**

**29.**—(1) <sup>F19</sup>... the Department may make such orders as it thinks fit, generally for the<sup>[F19]</sup> better execution of this Order in relation to, or for the purpose of, in any manner preventing the introduction or spreading of disease by—

- (a) imported animals and carcasses; and
- (b) other imported things, whether animate or inanimate, by or by means of which it appears to the Department that any disease might be carried or transmitted; and
- (c) persons, animals, poultry and other things, whether animate or inanimate, which have been or may have been in contact with such imported animals, carcasses or other things.

(2) Without prejudice to the generality of paragraph (1), an order made under that paragraph may—

- (a) prescribe—
  - (i) the ports, aerodromes and landing places at which alone imported animals may be landed;
  - (ii) the aerodromes which alone may be used by aircraft carrying imported animals;
- (b) define the limits of landing places for the purposes of this Order;

- (c) permit the detention on board any vessel, hovercraft, aircraft or vehicle of any other description of any consignment the landing of which would contravene an order of the Department;
- (d) permit the export of any such consignment or the export, treatment or destruction of any other consignment which has been landed in contravention of an order of the Department;
- (e) prohibit or regulate the movement of animals into, within, or out of a landing place and provide for exemptions from any such prohibition by means of the grant of licences<sup>F20</sup> subject to such conditions as maybe specified in the licences];
- (f) prescribe and regulate the inspection and examination and the mode, time and conditions of slaughter, of animals in a landing place;
- (g) prescribe and regulate the disposal of animals not being imported animals, and being in a landing place;
- (h) regulate the removal of carcases or other things, whether animate or inanimate, into, within, or out of a landing place, and the disposal or these things, when likely to introduce or spread disease;
- (i) prescribe and regulate the cleansing and disinfection of a landing place;
- (j) prescribe and regulate the disinfection or destruction of things being in, or removed out of, a landing place;
- (k) regulate the movement of persons into, within, or out of a landing place;
- (l) prescribe and regulate the disinfection of the clothes of persons employed or being in a landing place, and the use of precautions against the introduction or spreading by them of disease;
- (m) prescribe and regulate the seizure and detention of any imported animal, carcase or other things, whether animate or inanimate, by which disease may be introduced or spread;
- (n) require imported animals, whether as a condition of landing or otherwise, to be marked by tagging or in any other manner;
- (o) provide for the application to imported animals of any test for disease or of any treatment for disease.

**Annotations:**

**F19** 1994 NI 6

**F20** 1984 NI 2

**Orders prohibiting import of poultry and eggs**

**30.**—(1) For the purpose of<sup>F21</sup> in any manner] preventing contagious disease in poultry, the Department may, by order—

- (a) prohibit or regulate the importation of poultry or eggs;
- (b) authorise the destruction of imported eggs;
- (c) provide for exemptions from any such prohibitions by means of the grant of licences<sup>F22</sup> subject to such conditions as maybe specified in the licences];
- (d) apply and modify such of the provisions of Article 29 as appear to the Department to be necessary or expedient for the purposes of this Article.

(2) Without prejudice to paragraph (1), an order made under this Article authorising the destruction of imported eggs may provide that compensation shall not be payable where the eggs

carried disease or infection at the time of landing or came from the same source as eggs found to carry disease or infection.

- (3) An order under paragraph (1) may—
- (a) apply, to poultry any of the provisions of Schedule 3 or otherwise that does not so apply;
  - (b) apply, with or without modifications, to imported eggs and their destruction any of the provisions of Part II of Schedule 3 relating to animals and their slaughter that does not so apply;
  - (c) modify any of the provisions of Schedule 3 which does not apply as mentioned in subparagraph (a) and (b).

**Annotations:**

**F21** 1994 NI 6

**F22** 1984 NI 2

**Compensation not payable for animals temporarily in Northern Ireland for quarantine purposes**

**31.** Notwithstanding any other provision of this Order, no compensation shall be payable under this Order in respect of any imported animal which enters Northern Ireland for quarantine purposes in the course of transit to any place out of Northern Ireland.

**Export of animals and poultry**

- 32.** The Department, in the interests of animal health or of human health, may by order—
- (a) regulate the exportation from Northern Ireland to a member State of animals or poultry or carcasses of animals or poultry, and, in particular, prohibit exportation without such certificate or licence as may be prescribed by the order; and
  - (b) make provisions as to the circumstances in which, and the conditions on which, a certificate or licence may be obtained.

**PART III**

**RESTRICTIONS ON THE ADMINISTRATION OF  
CERTAIN SUBSTANCES TO ANIMALS OR POULTRY**

**Prohibition of unauthorised possession or administration of scheduled substances**

**33.—(1)** Subject to any exemptions for which provision may be made by an order of the Department and to the provisions of paragraph (2) of this Article and paragraph (6) of Schedule 4, it shall not be lawful for a person—

- (a) to have in his possession for administration to animals (whether by himself or by any other person), or
- (b) to administer to any animal,

a substance specified in Schedule 4, unless it—

- (i) is in his possession by virtue of prescription or supply by a registered veterinary surgeon or a registered veterinary practitioner for its administration by way of treatment to an animal under his care, or
- (ii) being so in his possession, is administered to the animal by him by way of such treatment.

(2) Paragraph (1) shall not be taken to prohibit the possession of a substance specified in Schedule 4 by a person of any of the following descriptions (in so far as is necessary for the practice or exercise of his profession, trade, function or employment as such) that is to say,—

- (a) a registered veterinary surgeon or a person employed by him;
- (b) a registered veterinary practitioner or a person employed by him;
- (c) a person carrying on the business of a manufacturer of, or wholesale dealer in, substances specified in Schedule 4 (excluding a manufacturer of or dealer in animal feeding stuffs);
- (d) a registered pharmaceutical chemist;
- (e) a person lawfully conducting a retail pharmacy business;
- (f) a person in charge of a laboratory the recognised activities of which consist in, or include, the conduct of scientific education or research;
- (g) a person acting in accordance with the directions of a person of a description specified in any of sub-paragraphs (c) to (f)
  - (i) on premises occupied for the purposes of the profession, trade, function or employment of the person so specified; or
  - (ii) for the purpose of delivering the substance after sale to a person who, under this Part, may lawfully have a substance of that kind in his possession.
- (h) Pharmacy Inspector appointed under Article 24 (1) of the Pharmacy (Northern Ireland) Order 1976<sup>F23</sup> or a Poisons Inspector appointed under Article 16 (1) of the Poisons (Northern Ireland) Order 1976<sup>F24</sup> or a person acting in accordance with the directions of a Pharmacy or Poisons Inspector;
- (i) an inspector or an authorised officer of the Department;

nor shall it be taken to prohibit the administration of such a substance to an animal under his care by—

- (i) a person acting in a capacity specified in sub-paragraphs (a) or (b) for therapeutic purposes: or
- (ii) a person acting in a capacity specified in sub-paragraph (f) or a person acting in accordance with his directions.

(3) The Department may, by order, modify the provisions of Schedule 4.

#### Annotations:

**F23** 1976 NI 22

**F24** 1976 NI 23

#### Records and returns

**34.** The Department may make orders for the purposes of—

- (a) ensuring the keeping of such records of the administration to animals (other than animals kept in a laboratory such as is referred to in Article 33 (2) (f)) of substances specified in Schedule 4 as may be required by the orders; and
- (b) providing for the inspection, verification and copying of such records by officers of the Department;

and orders made under this Article may require registered veterinary surgeons or registered veterinary practitioners or other persons specified in the orders to make such returns to the Department giving such details of any substances so specified which have been administered, directed to be administered or prescribed by them to or in respect of any animals (including details sufficient to identify the animals concerned) as may be so required.

### Offences under Part III

**35.**—(1) If any person has in his possession or administers to any animal a substance, in contravention of Article 33, he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding<sup>F25</sup> level 4 on the standard scale] or to imprisonment for a term not exceeding three months or to both.

(2) The court by which a person is convicted of a offence under paragraph (1) with respect to a substance shall order any quantity of it which has been found in his possession to be forfeited and to be—

- (a) destroyed, or
- (b) disposed of by sale to any person who, under this Part, may lawfully have a substance of that kind in his possession, or
- (c) delivered up to the Department,

as the court thinks fit.

#### Annotations:

F25 1984 NI 3

### Powers of entry, examination and seizure

**36.**—(1) For the purpose of ascertaining whether there has been any contravention of the provisions of this Part or of any order of the Department made under this Part, an inspector may, at any reasonable time and on production, if demanded, of his authority to act as such,—

- (a) enter any land, building (not being a building used only as a private dwelling-house), shed, pen, place, vehicle, aircraft, vessel or boat on which he has reasonable grounds for supposing that any animal or carcase or any animal feeding stuff or any substance specified in Schedule 4 is to be found; and
- (b) examine any animal or carcase or any such feeding stuff or substance so found, and for that purpose open any container; and
- (c) in relation to any such animal, carcase, feeding stuff or substance apply such tests, take such samples and apply such marks as may be reasonably necessary or as the Department may, by order, require.

(2) An inspector may seize and detain any substance which he has reasonable grounds for supposing is liable to be forfeited under this Part and any document referring to such a substance which he has reasonable grounds for supposing may be required as evidence in proceedings under this Part.

(3) Where an inspector seizes any substance or document in the exercise of his powers under this Article he shall inform the owner of the substance or document (if known to him).

(4) Where any substance or document is seized under this Article, the Department

- (a) at the request of any person who claims to be the owner and who, within the period of four months from the date of the seizure produces to the Department such evidence of his title as the Department may reasonably require, shall return the substance or document to that person, unless (whether before or after the expiration of that period)—
  - (i) some person is charged with an offence under this Part in relation to the substance; or
  - (ii) proceedings in which the document may be required as evidence are commenced under this Part; or
- (b) where a person is charged with an offence in relation to the substance or in proceedings such as are mentioned in sub-paragraph (a) (ii) and is acquitted, shall return the substance

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or document to any person who appears to the Department to be the owner and also, in the case of a substance, to be a person who, under this Part, may lawfully have a substance of that kind in his possession; or

(c) in any other case, may dispose of the substance or document as the Department thinks fit.

### Temporary prohibitions on disposal of certain animals

**37.** Where an inspector has reasonable grounds for supposing that a substance specified in Schedule 4 has been administered to any animal, the inspector may, by notice require the owner of that animal to retain it in his possession for such period not exceeding six months as may be specified in the notice and, where such a notice is given in respect of any animal, the owner of the animal or, in the event of his death, any successor in title of his who is aware of the restriction imposed by the notice shall retain the animal in his possession until the expiration of the period so specified or until the expiration of such other period as may be specified in a further notice under this Article so, however, that an owner who has received such a notice may after consultation with the Department dispose of the animal in any market acceptable to the Department.

### Interpretation of Part III

**38.** In this Part—

“animals” includes poultry;

“person lawfully conducting a retail pharmacy business” shall be construed in accordance with section 69 of the Medicines Act 1968

<sup>F26</sup>“registered pharmaceutical chemist” means a person registered in the register of pharmaceutical chemists in pursuance of Articles 6 and 9 of the Pharmacy (Northern Ireland) Order 1976;

“registered veterinary practitioner” means a person registered in the supplementary veterinary register in pursuance of the Veterinary Surgeons Act 1966

<sup>F27</sup>“registered veterinary surgeon” means a person registered in the register of veterinary surgeons in pursuance of the Veterinary Surgeons Act 1966;

“retail pharmacy business” has the meaning assigned to it by section 132(1) of the Medicines Act 1968.

#### Annotations:

**F26** 1968 c. 67

**F27** 1966 c. 36

## PART IV

### MISCELLANEOUS AND GENERAL

#### *Provisions as to district councils*

#### **Provision of wharves, etc.**

**39.**—(1) The Department may by order empower a district council to provide, erect, and fit up wharves, stations, lairs, sheds, and other places for the landing, reception, keeping, sale, slaughter or disposal of imported or other animals, carcasses, fodder, litter, dung and other things.

(2) An order made under paragraph (1) may, without prejudice to the generality of that paragraph, make provisions for—

- (a) the making by the district council of bye-laws for the regulation and control of any wharf or other place provided under the order and prescribing charges or tolls approved by the Department after consultation with the Department of Finance for the use of any such wharf or place;
- (b) in default of such bye-laws, the prescribing of such charges or tolls by an order of the Department made after consultation with the Department of Finance;
- (c) the application, with or without such modification as may be specified in the order, of the Markets and Fairs Clauses Act 1847<sup>F28</sup> to or in relation to any such wharf or place;
- (d) the application by the district council of any money so received by it;
- (e) the making by the district council of such periodical returns of its receipts and expenditure in respect of any such wharf or place as may be prescribed by the order.

(3) Where a district council—

- (a) is unable or unwilling to perform such functions as are referred to in paragraph (1): or
- (b) satisfies the Department that it is impracticable or inexpedient that such functions should in its area be performed by the district council;

the Department may by order empower some other authority or person to perform those functions, and paragraph (2) shall have effect accordingly.

(4) An order under paragraph (3) may make such modifications in Article 41 as appear to the Department to be necessary to give effect to the order.

**Annotations:**

**F28** 1847 c. 14

**Burial of carcasses**

*Para. (1) rep. by SR 2003/495*

(2) Where a carcass washed ashore is buried or destroyed under the direction of a receiver of wreck with authority from the Secretary of State, the expenses of that<sup>F29</sup>... destruction shall be expenses of the district council and shall be paid by the district council to the receiver on demand, and in default of payment shall be a debt recoverable summarily by the receiver from the district council.

(3) Where a district council has incurred any expenses under paragraph (2) on account of the... destruction of the carcass of any animal or bird which, or the carcass of which was thrown or washed from any vessel or fell from an aircraft, the owner of the vessel or aircraft shall be liable to repay such expenses to the district council.

**Annotations:**

**F29** SR 2003/495

**Reports for Department**

**41.** Every district council and its inspectors and officers shall furnish to the Department such notices, reports, returns and information as the Department may require.

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Police

**Functions of constables**

42.—(1) It shall be the duty of the Royal Ulster Constabulary to execute the provisions of this Order and of every order of the Department; and such provisions shall be enforceable by any constable.

(2) Where a person is seen or found committing, or is reasonably suspected of being engaged in committing, an offence against this Order, a constable may, without warrant, stop and detain him.

*Para. (3) rep. by 1989 NI 12*

(4) A constable may,<sup>F30</sup> whether stopping or detaining a person as mentioned in paragraph (2) or arresting under [<sup>F31</sup>Article 26] of the Police and Criminal Evidence (Northern Ireland) Order 1989 a person stopped or detained under that paragraph, or not],—

- (a) stop, detain, and examine any animal, poultry, vehicle, boat, or thing to which the offence or suspected offence relates; and
- (b) require the same to be forthwith taken back to or into any place or district from where it was unlawfully removed; and
- (c) execute and enforce that requisition.

(5) <sup>F32</sup> .....

(6) The foregoing provisions of this Article respecting a constable extend and apply to any person called by a constable to his assistance.

(7) A constable shall forthwith make a report in writing to his superior officer of every case in which he stops any person, animal, poultry, vehicle, boat, or thing under this Article, and of his consequent proceedings.

(8) [<sup>F33</sup>The offences to which this paragraph applies for the purposes of Article 19(1)(bb) of the Police and Criminal Evidence (Northern Ireland) Order 1989 are offences against this Order consisting of—]

- (a) the landing or attempted landing of any animal in contravention of an order made under this Order and expressed to be made for the purpose of preventing the introduction of rabies into Northern Ireland; or
- (b) the failure by the person having the charge or control of any vessel, boat or hovercraft to discharge any obligation imposed on him in that capacity by such an order; or
- (c) the movement, in contravention of an order under Article 12 or 14, of any animal into, within or out of a place or area declared to be infected with rabies.

(9) <sup>F34</sup> .....

(10) For the purpose of exercising any power to seize an animal or cause an animal to be seized which is conferred on constables by an order made under this Order and expressed to be made for the purpose of preventing the introduction of rabies into Northern Ireland, a constable may enter (if need be, by force) and search any vessel, boat, hovercraft, aircraft or vehicle of any other description in which there is, or in which he, with reasonable cause, suspects that there is, an animal to which that power applies.

(11) Nothing in this Article shall take away or abridge any power or authority that a constable would have had if this Article had not been made.

**Annotations:**  
**F30** 1989 NI 12



- F31** Words in art. 42(4) substituted (1.3.2007) by Police and Criminal Evidence (Amendment) (Northern Ireland) Order 2007 (S.I. 2007/288 (N.I. 2)), arts. 1(2), 15(4), **Sch. 1 para. 19(a)**
- F32** Art. 42(5) omitted (1.3.2007) by virtue of Police and Criminal Evidence (Amendment) (Northern Ireland) Order 2007 (S.I. 2007/288 (N.I. 2)), arts. 1(2), 15(4), **Sch. 1 para. 19(b)**
- F33** Words in art. 42(8) substituted (1.3.2007) by Police and Criminal Evidence (Amendment) (Northern Ireland) Order 2007 (S.I. 2007/288 (N.I. 2)), arts. 1(2), 15(4), **Sch. 1 para. 19(c)**
- F34** Art. 42(9) repealed (1.3.2007) by Police and Criminal Evidence (Amendment) (Northern Ireland) Order 2007 (S.I. 2007/288 (N.I. 2)), arts. 1(2), 15(4), 41(2), Sch. 1 para. 19(d), **Sch. 2**

#### Modifications etc. (not altering text)

- C9** Art. 42 applied (23.2.2006) by Foot-and-Mouth Disease Regulations (Northern Ireland) 2006 (S.R. 2006/42), **reg. 60(b)**;  
Art. 42 applied (23.2.2006) by Foot-and-Mouth Disease (Control of Vaccination) Regulations (Northern Ireland) 2006 (S.R. 2006/43), **reg. 40(b)**
- C10** Art. 42 applied (10.2.2007) by Avian Influenza and Influenza of Avian Origin in Mammals Regulations (Northern Ireland) 2007 (S.R. 2007/68), **reg. 84(c)** (with reg. 3)
- C11** Art. 42 applied (10.2.2007) by Avian Influenza (Vaccination) Regulations (Northern Ireland) 2007 (S.R. 2007/69), **reg. 22(1)(b)**
- C12** Art. 42 applied (10.2.2007) by Avian Influenza (Preventive Measures) Regulations (Northern Ireland) 2007 (S.R. 2007/70), **reg. 18(b)**
- C13** Art. 42 applied (24.3.2007) by Avian Influenza (H5N1 in Wild Birds) Regulations (Northern Ireland) 2007 (S.R. 2007/208), **reg. 22(b)**

#### General administrative provisions

##### Agricultural marketing boards to furnish information to the Department

**43.** It shall be the duty of every board administering a scheme under<sup>F35</sup> the Agricultural Marketing Act (Northern Ireland) 1964<sup>F36</sup> [F37 or the Agricultural Marketing (Northern Ireland) Order 1982] to furnish to the Department at any time such information as the Department may reasonably require for the purposes of its functions under this Order.

#### Annotations:

- F35** prosp. rep. by 1982 NI 12 but in force in relation to Pig Marketing Board (see SR 1984/422) and the Milk Marketing Board (see SR 1989/47)
- F36** 1964 c. 13
- F37** 1982 NI 12

#### Records and returns

**44.** The Department may by order require any owner of animals or poultry and any person engaged in the purchase, sale, dispatch, transit or delivery of animals, poultry or the products of animals or poultry—

- (a) to keep such records and retain such documents as may be specified in the order; and
- (b) to furnish to the Department such information and returns as may be so specified; and
- (c) to permit an inspector to inspect and take extracts from such records and documents.

### Seizure of records

**45.**—(1) For the purpose of inspecting records and documents under Article 44 (c) an inspector may, at any time, enter any premises and seize and detain any such records and document found in the premises.

- (2) A power of entry under paragraph (1) shall not be exercisable except—
- (a) with the consent given by or on behalf of the occupier of the premises; or
  - (b) after at least twenty-four hours' notice of the entry has been served on the occupier of the premises; or
  - (c) under the authority of a warrant granted under paragraph (3).
- (3) Where a justice of the peace is satisfied by complaint on oath—
- (a) that admission to premises is reasonably required for the purpose specified in the complaint; and
  - (b) that an authorised person would, apart from paragraph (2), be entitled for that purpose to exercise in respect of the premises a power of entry under paragraph (1); and
  - (c) that—
    - (i) admission to the premises has been refused, or that a refusal is apprehended, and (in either case) that notice of the intention to apply for a warrant has been served on the occupier; or
    - (ii) the requirements of paragraph (2) (b) have been complied with; or
    - (iii) an application for admission, or the serving of a notice under paragraph (2) (b), would defeat the object of the entry;
- he may issue a warrant under his hand authorising an inspector to enter the premises, by force if necessary.
- (4) A warrant granted under this Article shall continue in force for a period of one month.
- (5) Where an inspector seizes any records or documents under paragraph (1), he shall inform the person from whom they are seized.
- (6) Where, in pursuance of a power of entry under paragraph (1), entry is made on any premises by an inspector, he shall ensure that the premises are not left less secure by reason of the entry, and the Department shall make good or pay compensation for any damage caused by the inspector in entering the premises, in carrying out any inspection or in making the premises secure.
- (7) Any question of disputed compensation under this Article shall be referred to and determined by the Lands Tribunal.

### General powers of inspectors

**46.**—(1) An inspector shall have, for the purposes of this Order, all the powers which a constable has, under this Order or otherwise (except the powers conferred on a constable by Article 42(8), (9) or (10)); and those powers shall be exercisable throughout Northern Ireland.

- (2) An inspector may at any time enter any land, building, shed, pen or place—
- (a) in which he has reasonable grounds for supposing—
    - (i) that disease exists or has within fifty-six days existed; or
    - (ii) that the carcass of a diseased or suspected animal or bird is or has been kept, or has been buried, destroyed, or otherwise disposed of; or

- (iii) that there is to be found any pen, place, vehicle or thing in respect of which any person has on any occasion failed to comply with the provisions of this Order, or of an order of the Department; or
    - (iv) that this Order or an order of the Department has not been or is not being complied with;
  - (b) for the purpose of ascertaining whether any disease exists or has within fifty-six days existed;
  - (c) in which he has reasonable grounds for supposing that there is any thing, whether animate or inanimate, by or by means of which it appears to the inspector that any disease might be carried or transmitted, being a thing—
    - (i) which has been imported and the importation of which is prohibited or regulated by an order under this Order; or
    - (ii) the use or distribution of which is prescribed and regulated by an order under this Order; or
    - (iii) the collection, holding or processing of which is prohibited or regulated by an order under this Order.
- (3) An inspector may at any time, for the purpose of enforcing any order for protecting animals or poultry from unnecessary suffering,—
  - (a) examine animals or poultry in any circumstances to which the order relates; and
  - (b) examine any receptacle or vehicle used for their conveyance or exposure for sale; and
  - (c) enter any premises, vessel, or aircraft in which the inspector has reasonable ground for supposing that there are animals or poultry exposed for sale, or in course of conveyance, or packed for conveyance or exposure for sale.
- (4) For the purpose of ascertaining whether the provisions of this Order or an order of the Department have been or are being complied with, an inspector may at any time enter any pen, vessel, boat, hovercraft, aircraft or vehicle of any other description.
- (5) An inspector entering under this Article shall, if required by the owner or occupier or person in charge of the land, building, place, pen, vehicle, vessel, boat or aircraft, state in writing his reasons for entering.
- (6) A certificate of a veterinary inspector to the effect that an animal or bird is or was affected with a disease specified in the certificate shall, for the purposes of this Order, be conclusive evidence in all courts of justice of the matter certified.
- <sup>F38</sup>(7) An inspector may—
  - (a) examine—
    - (i) any animals or poultry on or in any land, building, place, pen, vehicle, vessel, boat or aircraft entered by him under this Article, and
    - (ii) any thing found there, whether animate or inanimate, by or by means of which it appears to him that any disease might be carried or transmitted;
  - (b) for the purpose of any examination under this Article, apply such tests, take such samples and apply such marks as he considers necessary;
  - (c) prohibit the movement of any animals, poultry or thing examined by him under this Order or an order of the Department pending the results of any tests or samples applied or taken by him, except in accordance with a licence granted by the Department and subject to such conditions as may be specified in the licence.
- (7A) The Department may by order—

- (a) require an inspector to examine—
  - (i) any animals or poultry on or in any land, building, place, pen, vehicle, vessel, boat or aircraft entered by him under this Article, and
  - (ii) any thing found there, whether animate or inanimate, by or by means of which it appears to the Department that any disease might be carried or transmitted;
- (b) require an inspector to apply such tests, take such samples and apply such marks for the purpose of any examination under this Article or an order of the Department as may be specified in an order under this paragraph;
- (c) prohibit or regulate the movement of any animals, poultry or thing examined by an inspector under this Order or an order of the Department pending the results of any tests or samples so specified;
- (d) provide for exemptions from any such prohibition by means of the grant of licences subject to such conditions as may be specified in the licences.

(7B) For the purpose of any examination by an inspector under this Order or an order of the Department (including the applying of tests, the taking of samples and the applying of marks), the owner or person in charge of any animals, poultry or thing which may be so examined shall comply with all reasonable requirements of the inspector and afford him all other reasonable facilities for that purpose.]

**Annotations:**

**F38** 1994 NI 6

**Modifications etc. (not altering text)**

- C14** Art. 46 applied (23.2.2006) by [Foot-and-Mouth Disease \(Control of Vaccination\) Regulations \(Northern Ireland\) 2006 \(S.R. 2006/43\)](#), **reg. 36(1)(a)**
- C15** Art. 46 applied (10.2.2007) by [Avian Influenza and Influenza of Avian Origin in Mammals Regulations \(Northern Ireland\) 2007 \(S.R. 2007/68\)](#), **reg. 84(d)** (with reg. 3)
- C16** Art. 46 applied (10.2.2007) by [Avian Influenza \(Vaccination\) Regulations \(Northern Ireland\) 2007 \(S.R. 2007/69\)](#), **reg. 22(1)(c)**
- C17** Art. 46 applied (10.2.2007) by [Avian Influenza \(Preventive Measures\) Regulations \(Northern Ireland\) 2007 \(S.R. 2007/70\)](#), **reg. 18(c)**
- C18** Art. 46 applied (14.8.2007) by [Export Restrictions \(Foot-and-Mouth Disease\) Regulations \(Northern Ireland\) 2007 \(S.R. 2007/357\)](#), **reg. 13(3)(a)**
- C19** Art. 46 applied (24.3.2007) by [Avian Influenza \(H5N1 in Wild Birds\) Regulations \(Northern Ireland\) 2007 \(S.R. 2007/208\)](#), **reg. 22(c)**

**[<sup>F39</sup>Powers of inspectors relating to Community obligations**

**46A.** In addition to the powers conferred by Article 46, an inspector (on producing, if required to do so, some duly authenticated document showing his authority) may at all reasonable hours—

- (a) enter—
  - (i) any land, building, shed, pen or other place, or
  - (ii) any receptacle, container, ship, vessel, boat, aircraft, hovercraft or vehicle of any other description,
 for the purpose of ascertaining whether the provisions of any order made under this Order in implementation of any Community obligation have been or are being complied with, and
- (b) carry out such inspections (including documentary inspections) as may be necessary for that purpose.<sup>F40</sup>]

**Annotations:**

**F39** SR 1994/161

**F40** SR 1994/161

**Modifications etc. (not altering text)**

**C20** Art. 46A applied (23.2.2006) by [Foot-and-Mouth Disease \(Control of Vaccination\) Regulations \(Northern Ireland\) 2006 \(S.R. 2006/43\)](#), **reg. 36(1)(b)**

**C21** Art. 46A applied (10.2.2007) by [Avian Influenza and Influenza of Avian Origin in Mammals Regulations \(Northern Ireland\) 2007 \(S.R. 2007/68\)](#), **reg. 84(e)** (with reg. 3)

**C22** Art. 46A applied (10.2.2007) by [Avian Influenza \(Vaccination\) Regulations \(Northern Ireland\) 2007 \(S.R. 2007/69\)](#), **reg. 22(1)(d)**

**C23** Art. 46A applied (10.2.2007) by [Avian Influenza \(Preventive Measures\) Regulations \(Northern Ireland\) 2007 \(S.R. 2007/70\)](#), **reg. 18(d)**

**C24** Art. 46A applied (24.3.2007) by [Avian Influenza \(H5N1 in Wild Birds\) Regulations \(Northern Ireland\) 2007 \(S.R. 2007/208\)](#), **reg. 22(d)**

**C25** Art. 46A applied (14.8.2007) by [Export Restrictions \(Foot-and-Mouth Disease\) Regulations \(Northern Ireland\) 2007 \(S.R. 2007/357\)](#), **reg. 13(3)(b)**

**Powers of entry, etc., in connection with Article 13**

47.—(1) In relation to any disease to which Article 13 applies the following persons are authorised officers for the purposes of this Article, namely—

- (a) an officer of the Department;
- (b) a veterinary inspector; and
- (c) any person who, not being such an officer or inspector, is authorised by the Department to exercise the powers conferred by this Article.

(2) Where an authorised officer has reasonable grounds for suspecting, in the case of any area, that there exists among the wild members of any species in the area a disease to which Article 13 applies, he may enter any land in the area and—

- (a) take samples of the wild members of that species, or of their excreta, or of any materials (whether or not forming part of the land) with which wild members of that species may have been in contact;
- (b) carry out any other investigations which he considers necessary for the purpose of determining, as regards that species and that disease, whether an order under Article 13 should be made in respect of the whole or part of the area in question.

(3) An authorised officer may at any time enter any land in the area to which an order under Article 13 applies for any of the following purposes, namely—

- (a) to carry out the destruction of any wild members of a species to which the order relates that may be on that land;
- (b) to take any such measures as are mentioned in paragraph (5) of that Article;
- (c) to ascertain, as regards any wild members of a species to which the order relates, whether destruction has been effectively carried out.

(4) Where in pursuance of an order under Article 13 destruction of wild members of any species to which the order relates has been carried out on any land in the area to which the order applies, then, for the purpose of ascertaining—

- (a) whether the land has been, or is being, recolonised by wild members of that species; and, if so,

- (b) whether there exists among them the disease to which the order applies (or, if the order has been revoked, to which it previously applied),

an authorised officer may enter the land and take such samples of, or relating to, that species as are mentioned in paragraph (2) (a); so, however, that an authorised officer shall not enter the land or take samples under this paragraph at any time more than two years after the revocation of the order in question.

- (5) Nothing in this Article shall authorise any person to enter a dwelling house.

(6) A person entering any land in the exercise of powers conferred on him by this Article shall, if so required by the owner or occupier or person in charge of the land—

- (a) produce to him some duly authenticated document showing his authority; and  
(b) state in writing his reasons for entering.

(7) Without prejudice to paragraph (6), an authorised officer—

- (a) shall not demand admission as of right to any land forming part of a nature reserve (within the meaning of<sup>F41</sup> Article 2(2) of the Nature Conservation and Amenity Lands (Northern Ireland) Order 1985) maintained or managed by the Department of the Environment under that Act unless seven days' notice of the intended entry has been given to that Department; and  
(b) in exercising any of his powers under paragraph (2), (3) or (4) on any such land shall, as far as possible, do so in accordance with such reasonable requirements for minimising damage to flora, fauna or geological or physiographical features within the reserve as may have been notified by the Department of the Environment to the Department.

(8) In this Article, “species” means any species of animals or poultry; and reference to wild members of any species in an area are references to members of the species in the area that are neither domesticated nor held in captivity.

(9) The preceding provisions of this Article are without prejudice to any other powers conferred on inspectors or others under this Order.

**Annotations:**

**F41** 1985 NI 1

**Power to detain vessels and aircraft**

**48.**—(1) Where an inspector is satisfied that this Order or an order of the Department has not been or is not being complied with on board a vessel in a port or an aircraft in an aerodrome, then, on the representation in writing to that effect of the inspector, stating particulars of non-compliance, the vessel or aircraft may be detained until the Department otherwise directs.

(2) The officer detaining the vessel or aircraft shall forthwith deliver a copy of the representation to the master of the vessel or pilot of the aircraft or other person having the command or charge of the vessel or aircraft as the case may be.

(3) [<sup>F42</sup>Section 284 of the Merchant Shipping Act 1995], shall apply in the case of such detention of a vessel as if it were authorised or ordered under that Act, and the Department may by order modify that section or may make such other provision instead of it as the Department thinks expedient, for the purpose of such detention of an aircraft.

**Annotations:**

**F42** 1995 c.21

**Modifications etc. (not altering text)**

- C26** Art. 48 applied (23.2.2006) by [Foot-and-Mouth Disease \(Control of Vaccination\) Regulations \(Northern Ireland\) 2006 \(S.R. 2006/43\)](#), **reg. 36(1)(c)**
- C27** Art. 48 applied (10.2.2007) by [Avian Influenza and Influenza of Avian Origin in Mammals Regulations \(Northern Ireland\) 2007 \(S.R. 2007/68\)](#), **reg. 84(f)** (with reg. 3)
- C28** Art. 48 applied (24.3.2007) by [Avian Influenza \(H5N1 in Wild Birds\) Regulations \(Northern Ireland\) 2007 \(S.R. 2007/208\)](#), **reg. 22(e)**
- C29** Art. 48 applied (14.8.2007) by [Export Restrictions \(Foot-and-Mouth Disease\) Regulations \(Northern Ireland\) 2007 \(S.R. 2007/357\)](#), **reg. 13(3)(c)**

**Exemption from stamp duty and fees**

**49.** No stamp duty shall be payable on, and save as otherwise expressly provided in this Order, no fee or other charge shall be demanded or made for, any appointment, certificate, declaration, licence, or thing under this Order or an order of the Department, or for any inspection or other act precedent to the granting, making, or doing of a certificate, declaration, licence or other thing.

**Payment of fees and expenses**

**50.—(1)** Notwithstanding anything in Article 49 the Department may by order made with the approval of the Department of Finance—

- (a) prescribe fees, expenses or other charges to be paid with respect to such business transacted or to be transacted under this Order as may be specified in the order; and
- (b) specify the persons by whom, the time at which and the manner in which such fees and expenses are to be paid.

(2) Where an order under this Article provides for the payment of a fee or expenses before the transaction of the business with respect to which it is payable and the business is not transacted or not wholly transacted, the Department may repay the whole or part of the fee or expenses.

**Evidence and service of instruments**

**51.—(1)** In any proceeding under this Order, no proof shall be required of the appointment or handwriting of an inspector or other officer of the Department.

(2) The Department may by order prescribe and regulate the form and mode of service or delivery of notices and other instruments.

*Offences and legal proceedings*

**Offences**

**52.—(1)** Any person who without lawful authority or excuse, proof of which shall lie on him,—

- (a) contravenes any provision of this Order, or of an order of the Department; or
- (b) refuses to an inspector or other officer, acting in execution of this Order or of an order of the Department, admission to any land, building, place, vessel, aircraft, pen, vehicle, or boat which the inspector or officer is entitled to enter or examine, or obstructs or impedes him in so entering or examining, or otherwise in any respect obstructs or impedes an inspector or constable or other officer in the execution of his duty, or
- (c) in purported compliance with a requirement to furnish information which is imposed on him under Article 7, knowingly or recklessly furnishes information which is false in a material particular, or

- (d) throws or places, or causes or suffers to be thrown or placed, into or in any river, stream, canal, navigation or other water, or into or in the sea within 4.8 kilometres of the shore, the carcass of an animal or bird which has died of disease, or been slaughtered as diseased or suspected,

shall be guilty of an offence against this Order.

(2) Subject to Article 54, any person who—

- (a) has in his possession any thing which has been imported in contravention of an order of the Department, or
- [<sup>F43</sup>(aa) has in his possession any animal or poultry which is marked in contravention of an order of the Department or any other thing which is specified by order of the Department for the purposes of this sub-paragraph, or]
- (b) with intent unlawfully to evade this Order or an order of the Department, does anything for which a licence is requisite under this Order or an order of the Department without having obtained a licence, or
- (c) where a licence is requisite, having obtained a licence with the like intent, does the thing licensed after the licence has expired, or
- (d) uses or offers as such a licence an instrument not being a complete licence, or an instrument untruly purporting or appearing to be a licence, or
- (e) with intent unlawfully to evade this Order or an order of the Department, alters, falsely makes, ante-dates, counterfeits, offers or utters, knowing the same to be altered, falsely made, ante-dated or counterfeited, a licence, declaration, certificate, or instrument made or issued, or purporting to be made or issued, under or for any purpose of this Order or of an order of the Department, or
- (f) for the purpose of obtaining a licence, certificate, or instrument, makes a declaration or statement false in any material particular, or
- (g) obtains or endeavours to obtain such a licence, certificate, or instrument by means of a false pretence, or
- (h) grants or issues such a licence, certificate, or instrument, being false in any date or other material particular, or
- (i) grants or issues such a licence, certificate, or instrument, having and knowing that he has, no lawful authority to grant or issue the same, or
- (j) with intent unlawfully to evade or defeat this Order or an order of the Department, grants or issues an instrument being in form a licence, certificate, or instrument made or issued under this Order or an order of the Department for permitting or regulating the movement of a particular animal or bird, or the doing of any other particular thing, but being issued in blank, that is to say, not being before the issue filled up so as to specify any particular animal, bird or thing, or
- (k) uses or offers for any purpose of this Order or of an order of the Department, an instrument so issued in blank, or
- Sub#para. (l) rep. by SR 2003/495*
- (m) where the Department has by order prohibited, absolutely or conditionally, the use for the carrying of animals, or for any purpose connected with the carrying of animals, of a vessel, aircraft, vehicle or pen, or other place, without lawful authority or excuse, proof of which shall lie on him, does anything so prohibited, or
- (n) in any record or return required under this Order to be kept or made by him, or in any application for compensation made by him in pursuance of a scheme under Article 8, makes any statement which is false in a material respect,



shall be guilty of an offence against this Order.

(3) Subject to paragraphs (5) and (6), a person guilty of an offence against this Order shall be liable on summary conviction—

(a) to a fine—

- (i) not exceeding<sup>[F44]</sup> level 5 on the standard scale]; or
- (ii) in the case of an offence committed with respect to more than five animals or birds, not exceeding<sup>[F44]</sup> level 3 on the standard scale] for each animal or bird; or
- (iii) in the case of an offence committed in relation to carcasses or other inanimate things, not exceeding<sup>[F44]</sup> level 5 on the standard scale] together with a further fine not exceeding<sup>[F44]</sup> level 3 on the standard scale] in respect of every 508 kilogrammes in weight of the carcasses or other things after the first 508 kilogrammes; or

(b) in the case of an offence under paragraph (2) (b) to (n), to imprisonment for a term not exceeding two months.

(4) Where a person is convicted of an offence under sub-paragraphs (a), (b), (c) or (d) of paragraph (1) and is guilty of an offence against that sub-paragraph within one year after the conviction he shall be guilty of a further offence and shall be liable either to the fine mentioned in paragraph (3) (a) or to imprisonment for a term not exceeding one month.

(5) <sup>[F43]</sup>A person guilty of an offence against this Order by reason of the contravention of any provision in Article 24, 29 or 30 or any order made under any such provision] shall be liable—

- (a) on summary conviction, to the fine mentioned in paragraph (3) (a); or
- (b) on conviction on indictment, to imprisonment for a term not exceeding twelve months, or to a fine or both.

(6) A person guilty of an offence against this Order which is declared to be such by an order made under this Order and expressed to be made for the purpose of preventing the introduction or spreading of rabies into or within Northern Ireland shall, if that order so directs, be liable on summary conviction to a fine not exceeding<sup>[F44]</sup> level 5 on the standard scale].

**Annotations:**

**F43** 1984 NI 2

**F44** 1984 NI 3

**Modifications etc. (not altering text)**

**C30** Art. 52 applied (23.2.2006) by [Foot-and-Mouth Disease Regulations \(Northern Ireland\) 2006 \(S.R. 2006/42\)](#), **reg. 60(c)**;

Art. 52 applied (23.2.2006) by [Foot-and-Mouth Disease \(Control of Vaccination\) Regulations \(Northern Ireland\) 2006 \(S.R. 2006/43\)](#), **reg. 40(c)**

**C31** Art. 52 applied (10.2.2007) by [Avian Influenza and Influenza of Avian Origin in Mammals Regulations \(Northern Ireland\) 2007 \(S.R. 2007/68\)](#), **reg. 84(g)** (with reg. 3)

**C32** Art. 52 applied (with modifications) (10.2.2007) by [Avian Influenza \(Vaccination\) Regulations \(Northern Ireland\) 2007 \(S.R. 2007/69\)](#), **reg. 22(2)**

**C33** Art. 52 applied (10.2.2007) by [Avian Influenza \(Preventive Measures\) Regulations \(Northern Ireland\) 2007 \(S.R. 2007/70\)](#), **reg. 18(e)**

**C34** Art. 52 applied (24.3.2007) by [Avian Influenza \(H5N1 in Wild Birds\) Regulations \(Northern Ireland\) 2007 \(S.R. 2007/208\)](#), **reg. 22(f)**

### Offences in respect of Article 3

**53.**—(1) Any person who knowingly or recklessly makes any false statement for the purpose of obtaining for himself or any other person any sum payable under Article 3 shall, unless in the case of an indictable offence he is indicted for the offence, be guilty of an offence and shall be liable on summary conviction to a fine not exceeding<sup>F45</sup> level 3 on the standard scale] or to imprisonment for a term not exceeding three months, or to both.

(2) Any person who obstructs or impedes any person duly authorised under Article 9 to make any inspection shall be guilty of an offence and shall be liable on summary conviction—

- (a) in the case of a first offence to a fine not exceeding<sup>F45</sup> level 3 on the standard scale]; and
- (b) in the case of a second or subsequent offence, to a fine not exceeding £50 or to imprisonment for a term not exceeding one month, or to both.

(3) In considering for the purposes of paragraph (2) or subsection (3) of section 40 of the Agriculture Act (Northern Ireland) 1949<sup>F46</sup>, whether an offence is or is not a first offence, references to an offence punishable under this paragraph or that subsection shall be taken as including references to offences punishable under that subsection or this paragraph, as the case may be, or under subsection (2) of section 30 of the Agriculture Act 1937<sup>F47</sup>.

#### Annotations:

**F45** 1984 NI 3

**F46** 1949 c. 2 (NI)

**F47** 1937 c. 70

#### Modifications etc. (not altering text)

**C35** Art. 53 applied (23.2.2006) by [Foot-and-Mouth Disease Regulations \(Northern Ireland\) 2006 \(S.R. 2006/42\)](#), [reg. 60\(d\)](#)

### Defences and evidence

**54.**—(1) Where the owner or person in charge of any animal or bird is charged with an offence against this Order relative to disease or to any illness of that animal or bird, he shall be presumed to have known of the existence of the disease or illness, unless and until he shows to the satisfaction of the court that he had no knowledge of it, and could not with reasonable diligence have obtained that knowledge.

(2) Where a person is charged with an offence under Article 52(2) (a) and he satisfies the court that he had no reason to suppose the thing to have been unlawfully imported, and that he took all reasonable precautions and exercised all due diligence to avoid the commission of such an offence, the charge against him shall be dismissed.

(3) Where a person is charged with an offence under Article 52(2) (d), and he satisfies the court that he did not know of the incompleteness of the licence or that it untruly purported or appeared to be a licence and that he could not with reasonable diligence have attained knowledge of it, the charge against him shall be dismissed.

(4) Where a person is charged with an offence under Article 52(2) (f), (g), (h) or (n) (false statements, pretences or particulars) and he satisfies the court that he did not know of, and in the case of an offence under Article 52(2)(n) that he had no reason to suspect, that falsity and that he could not with reasonable diligence have obtained knowledge of it, the charge against him shall be dismissed.

(5) Where a person is charged with an offence under Article 52(2) (k) and he satisfies the court that he did not know that the instrument had been issued in blank and that he could not with reasonable diligence have obtained knowledge of it, the charge against him shall be dismissed.

(6) Where a person is charged with an offence against this Order in not having duly cleansed or disinfected any place, vessel, aircraft, vehicle, or thing belonging to him or under his charge, and a presumption against him on the part of the prosecution is raised, it shall lie on him to prove the due cleansing and disinfection.

**Annotations:**

**Modifications etc. (not altering text)**

- C36** Art. 54 applied (23.2.2006) by [Foot-and-Mouth Disease \(Control of Vaccination\) Regulations \(Northern Ireland\) 2006 \(S.R. 2006/43\)](#), **reg. 40(d)**
- C37** Art. 54 applied (10.2.2007) by [Avian Influenza and Influenza of Avian Origin in Mammals Regulations \(Northern Ireland\) 2007 \(S.R. 2007/68\)](#), **reg. 84(h)** (with reg. 3)
- C38** Art. 54 applied (10.2.2007) by [Avian Influenza \(Vaccination\) Regulations \(Northern Ireland\) 2007 \(S.R. 2007/69\)](#), **reg. 22(1)(e)**
- C39** Art. 54 applied (10.2.2007) by [Avian Influenza \(Preventive Measures\) Regulations \(Northern Ireland\) 2007 \(S.R. 2007/70\)](#), **reg. 18(f)**
- C40** Art. 54 applied (24.3.2007) by [Avian Influenza \(H5N1 in Wild Birds\) Regulations \(Northern Ireland\) 2007 \(S.R. 2007/208\)](#), **reg. 22(g)**

**Extension of time for bringing summary proceedings**

**55.**—(1) Summary proceedings for an offence under this Order other than such an offence which is also triable upon indictment by virtue of Article 52(5) may be commenced at any time within the period of three years from the commission of the offence or within the period of six months from the date on which evidence sufficient to justify a prosecution for the offence comes to the knowledge of the Department, whichever period first expires.

(2) For the purposes of paragraph (1) a certificate purporting to be signed by the Head of the Department or a secretary or assistant secretary of the Department as to the date on which such evidence came to the knowledge of the Department shall be prima facie evidence of that fact.

**Annotations:**

**Modifications etc. (not altering text)**

- C41** Art. 55 applied (23.2.2006) by [Foot-and-Mouth Disease Regulations \(Northern Ireland\) 2006 \(S.R. 2006/42\)](#), **reg. 60(e)**;  
Art. 55 applied (23.2.2006) by [Foot-and-Mouth Disease \(Control of Vaccination\) Regulations \(Northern Ireland\) 2006 \(S.R. 2006/43\)](#), **reg. 40(e)**
- C42** Art. 55 applied (10.2.2007) by [Avian Influenza and Influenza of Avian Origin in Mammals Regulations \(Northern Ireland\) 2007 \(S.R. 2007/68\)](#), **reg. 84(i)** (with reg. 3)
- C43** Art. 55 applied (10.2.2007) by [Avian Influenza \(Vaccination\) Regulations \(Northern Ireland\) 2007 \(S.R. 2007/69\)](#), **reg. 22(1)(f)**
- C44** Art. 55 applied (10.2.2007) by [Avian Influenza \(Preventive Measures\) Regulations \(Northern Ireland\) 2007 \(S.R. 2007/70\)](#), **reg. 18(g)**
- C45** Art. 55 applied (24.3.2007) by [Avian Influenza \(H5N1 in Wild Birds\) Regulations \(Northern Ireland\) 2007 \(S.R. 2007/208\)](#), **reg. 22(h)**

**Venue**

**56.** Every offence against this Order shall be deemed to have been committed, and every cause of complaint or matter for summary proceedings under this Order or an order of the Department shall be deemed to have arisen, either in any place where the same actually was committed or arose, or

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in any place where the person charged or complained of or proceeded against happens to be at the time of the institution or commencement of the charge, complaint, or proceedings.

**Annotations:**

**Modifications etc. (not altering text)**

- C46** Art. 56 applied (23.2.2006) by [Foot-and-Mouth Disease Regulations \(Northern Ireland\) 2006 \(S.R. 2006/42\)](#), [reg. 60\(f\)](#);  
 Art. 56 applied (23.2.2006) by [Foot-and-Mouth Disease \(Control of Vaccination\) Regulations \(Northern Ireland\) 2006 \(S.R. 2006/43\)](#), [reg. 40\(f\)](#)
- C47** Art. 56 applied (10.2.2007) by [Avian Influenza and Influenza of Avian Origin in Mammals Regulations \(Northern Ireland\) 2007 \(S.R. 2007/68\)](#), [reg. 84\(j\)](#) (with reg. 3)
- C48** Art. 56 applied (10.2.2007) by [Avian Influenza \(Vaccination\) Regulations \(Northern Ireland\) 2007 \(S.R. 2007/69\)](#), [reg. 22\(1\)\(g\)](#)
- C49** Art. 56 applied (10.2.2007) by [Avian Influenza \(Preventive Measures\) Regulations \(Northern Ireland\) 2007 \(S.R. 2007/70\)](#), [reg. 18\(h\)](#)
- C50** Art. 56 applied (24.3.2007) by [Avian Influenza \(H5N1 in Wild Birds\) Regulations \(Northern Ireland\) 2007 \(S.R. 2007/208\)](#), [reg. 22\(i\)](#)

**Proceedings under Customs Acts for unlawful landing or shipping**

57.—(1) If any person lands or ships or attempts to land or ship an animal, bird or thing in contravention of this Order or of an order of the Department, he shall be liable, under and according to the Customs Acts, to the penalties imposed on persons importing or exporting or attempting to import or export goods the importation or exportation of which is prohibited by or under the Customs Acts, without prejudice to any proceeding against him under this Order for an offence against this Order.

(2) The animal, bird or thing in respect of which the offence is committed shall be forfeited under and according to the Customs Acts in like manner as goods the importation of which is prohibited by or under the Customs Acts.

**Annotations:**

**Modifications etc. (not altering text)**

- C51** Art. 57 applied (23.2.2006) by [Foot-and-Mouth Disease Regulations \(Northern Ireland\) 2006 \(S.R. 2006/42\)](#), [reg. 60\(g\)](#);  
 Art. 57 applied (23.2.2006) by [Foot-and-Mouth Disease \(Control of Vaccination\) Regulations \(Northern Ireland\) 2006 \(S.R. 2006/43\)](#), [reg. 40\(g\)](#)
- C52** Art. 57 applied (10.2.2007) by [Avian Influenza and Influenza of Avian Origin in Mammals Regulations \(Northern Ireland\) 2007 \(S.R. 2007/68\)](#), [reg. 84\(k\)](#) (with reg. 3)
- C53** Art. 57 applied (10.2.2007) by [Avian Influenza \(Vaccination\) Regulations \(Northern Ireland\) 2007 \(S.R. 2007/69\)](#), [reg. 22\(1\)\(h\)](#)
- C54** Art. 57 applied (24.3.2007) by [Avian Influenza \(H5N1 in Wild Birds\) Regulations \(Northern Ireland\) 2007 \(S.R. 2007/208\)](#), [reg. 22\(j\)](#)

### *Payment of compensation, etc., and liabilities of persons other than owners*

#### **Persons to whom compensation, etc., may be paid and liabilities of persons other than owners**

**58.**—(1) Where the Department is authorised or required by any provision of this Order to make any payment by way of compensation or otherwise in respect of animals or poultry, the Department may make the payment to the person appearing to it to be the owner of the animals or poultry and the payment to such person shall be a complete discharge of the Department's liability to make the payment.

(2) Where, under paragraph (1), any payment is made in respect of animals or poultry to a person who is not the owner of the animals or poultry, that person shall, subject to any agreement to the contrary between him and the owner, be liable to pay to the owner an amount equal to the amount of that payment and any amount which a person is liable to pay to an owner under this paragraph shall be a debt recoverable summarily by the owner from that person.

(3) Where animals or poultry are hired under a hire-purchase agreement—

- (a) the Department may, where a payment is authorised or required to be made under Article 3, otherwise than in respect of animals or poultry which have been slaughtered, treat the hirer as the owner of those animals or poultry;
- (b) the provisions of Articles 5(1) (d), 18(4), 40(1) and 46(7) shall apply to those animals and poultry as if references in those provisions to the owner included references to the hirer.

### *Functions of the Department*

#### **Yearly return by Department**

**59.**—(1) The Department shall once in every year make and lay before the Assembly a return stating the proceedings and expenditure of the Department under this Order, and showing the number of imported animals landed and found diseased in the last preceding financial year, specifying separately—

- (a) the different kinds of disease; and
- (b) the ports, aerodromes and landing places of exportation and landing; and
- (c) the mode of disposal of the animals;

and containing such other information respecting the operation of this Order as the Department thinks fit.

(2) The return under this Article may be made and laid before the Assembly as part of the yearly report required by section 26 of the Agriculture and Technical Instruction (Ireland) Act 1899<sup>F48</sup>.

#### **Annotations:**

**F48** 1899 c. 50

#### **General power to make orders**

**60.**—<sup>F49</sup>(1) The Department may make such orders as it thinks fit—

- (a) generally for the better execution of this Order or for the purpose of in any manner preventing the spreading of disease; and
- (b) in particular for the several purposes specified in this Order.]

(2) An order under paragraph (1) may—

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- (a) require animals which may be carriers of rabies to be kept in quarantine in such cases, for such periods and under such conditions as may be specified in the order;
- (b) prohibit or regulate the keeping and importation of rabies virus in any form and the deliberate introduction of the virus into animals and provide for exemptions from any such prohibition by means of the grant of licences<sup>F50</sup> subject to such conditions as may be specified in the licences].

**Annotations:****F49** 1994 NI 6**F50** 1984 NI 2*Supplemental***Orders**

**61.**—(1) Orders made under Articles 3(2), 8(1), 13, 16<sup>F51</sup> (1A) or] (2),<sup>F52</sup> ... 33(3), 34, 36(1) (c), 39(3) and 50(1) and any order made under Article 2(3) which modifies Schedule 2 so as to extend the provisions of this Order shall be subject to negative resolution.

(2) An order of the Department in relation to the landing or conveyance of imported animals or poultry shall be laid before the Assembly.

(3) Where the Department makes an order under this Order which is not subject to negative resolution under paragraph<sup>F51</sup> (1)], the Department shall publish in the Belfast Gazette a notice stating that the order has been made and the place where copies of the order may be obtained; but the validity or effect of such an order or of any licence or other instrument issued by the Department shall not be affected by want of, or defect or irregularity in, any publication.

**Annotations:****F51** 1994 NI 6**F52** 1984 NI 2**Amendments, transitional provisions and repeals***Para. (1)—Amendments*

(2) The transitional provisions contained in Schedule 6 shall have effect for the purposes of this Order.

*Para. (3)—Repeals*

## SCHEDULES

### SCHEDULE 1

Article 2(2), (3), 10(7); Schedule 3  
paragraph 7.

### DEFINITIONS

F53

### PART I

### ANIMALS

**Annotations:**

**F53** mod. by SR 1998/366; 1999/433, 434; 2000/293; 2001/286;

**Modifications etc. (not altering text)**

**C55** Sch. 1 Pt. I applied (with modifications) (30.8.2008) by [Specified Animal Pathogens Order \(Northern Ireland\) 2008 \(S.R. 2008/336\)](#), [art. 3\(a\)](#)

1. All species of the following orders of mammals except *Homo sapiens* (man)—
  1. Chiroptera.
  2. Carnivora.
  3. Dermoptera.
  4. Edentata.
  5. Hyracoidea.
  6. Insectivora.
  7. Lagomorpha.
  8. Marsupialia.
  9. Primates.
  10. Rodentia.
  11. Artiodactyla.
  12. Monotremata.
  13. Perissodactyla.
  14. Pholidota.
  15. Proboscidea.
  16. Tubulidentata.

F54

## PART II POULTRY

**Annotations:**

**F54** mod. by SR 1998/366; 1999/433, 434; 2000/293; 2001/286;

**Modifications etc. (not altering text)**

**C56** Sch. 1 Pt. II applied (with modifications) (30.8.2008) by [Specified Animal Pathogens Order \(Northern Ireland\) 2008 \(S.R. 2008/336\)](#), **art. 3(b)**

Birds belonging to the following orders—

1. Anseriformes (including swans, geese and ducks).
2. Apodiformes (including swifts and humming birds).
3. Apterygiformes (kiwis).
4. Caprimulgiformes (including nightjars).
5. Casuariiformes (including emus and cassowaries).
6. Charadriiformes (including waders, gulls and snipes).
7. Ciconiiformes (including storks and flamingoes).
8. Coliiformes (mousebirds).
9. Columbiformes (including pigeons and doves).
10. Coraciiformes (including kingfishers and hornbills).
11. Cuculiformes (including cuckoos).
12. Falconiformes (including hawks and eagles).
13. Galliformes (including fowls, turkeys, pheasants, partridges and quails).
14. Gaviiformes (divers).
15. Gruiformes (including cranes).
16. Passeriformes (including sparrows, finches and myna birds).
17. Pelecaniformes (including pelicans).
18. Piciformes (including toucans and woodpeckers).
19. Podicipitiformes (grebes).
20. Procellariiformes (including petrels and albatrosses).
21. Psittaciformes (including parrots, budgerigars, love-birds, macaws and cockatoos).
22. Rheiformes (rheas).
23. Strigiformes (owls).
24. Struthioniformes (ostriches).
25. Sphenisciformes (penguins).



26. Tinamiformes (tinamous).
27. Trogoniformes (trogons).

F55

## PART III

### DISEASES OF ANIMALS

**Annotations:**

F55 mod. by SR 1999/433, 434; 2000/293;2001/286;

**Modifications etc. (not altering text)**

C57 Sch. 1 Pt. III applied (with modifications) (30.8.2008) by Specified Animal Pathogens Order (Northern Ireland) 2008 (S.R. 2008/336), art. 3(c)

1. Rinderpest (otherwise known as cattle plague).
2. Contagious pleuro-pneumonia (otherwise known as pleuro-pneumonia).
3. Foot-and-mouth disease.
4. Bovine tuberculosis.
5. Anthrax.
6. Warble fly infestation.
7. Brucellosis.
8. Bovine leucosis.
9. Johne's disease.
10. Lumpy skin disease.
11. Blue tongue.
12. Infectious bovine rhinotracheitis.
13. Sheep pox.
14. Sheep scab.
15. Teschen disease.
16. Swine fever.
17. African swine fever.
18. Atrophic rhinitis.
19. Swine vesicular disease.
20. Vesicular exanthema.
21. African horse sickness.
22. Infectious equine anaemia.
23. Dourine.
24. Equine encephalomyelitis.

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- 25. Glanders.
- 26. Transmissible gastro-enteritis.
- 27. Rabies.
- 28. Influenza A infection.
- 29. Trichinosis.

*Entry rep. by SR 1985/64*

- 31. Epizootic lymphangitis.
- 32. Aujeszky's disease.
- 33. Visna-Maedi complex.
- 34. Jaagsiekte complex.
- [<sup>F56</sup>35. Contagious equine metritis.]

**Annotations:**

F56 SR 1988/287

- [<sup>F57</sup>36. Bovine spongiform encephalopathy.]

**Annotations:**

F57 SR 1990/135

- [<sup>F58</sup>37. Blue eared pig disease.]

**Annotations:**

F58 SR 1991/250

- [<sup>F59</sup>38. Vesicular stomatitis.]

**Annotations:**

F59 SR 1991/456

- 39. Peste des petits ruminants.
- 40. Rift valley fever.
- 41. Viral haemorrhagic disease.
- 42. Goat pox.<sup>F60</sup>

**Annotations:**

F60 SR 1991/456

- [<sup>F61</sup>43. Scrapie.]

**Annotations:**

F61 SR 1992/552

[<sup>F62</sup>44. Contagious agalactia.]

**Annotations:**

**F62** SR 1993/43

[<sup>F63</sup>45. Porcine respiratory corona virus.]

**Annotations:**

**F63** SR 1994/11

46. Epizootic haemorrhagic disease.<sup>F64</sup>

**Annotations:**

**F64** SR 1994/11

[<sup>F65</sup>47. Spongiform encephalopathy.]

**Annotations:**

**F65** SR 1995/44

48. Caseous lymphadenitis.<sup>F66</sup>

**Annotations:**

**F66** SR 1995/44

[<sup>F67</sup>49. Equine viral arteritis.]

**Annotations:**

**F67** SR 1996/273

Article 10(1) (separation of diseased animals and notice of disease) shall not apply in the case of atrophic rhinitis (18)<sup>F68</sup> ... [<sup>F69</sup> and spongiform encephalopathy (47)].

**Annotations:**

**F68** SR 1993/43

**F69** SR 1995/44

**Annotations:**

**F68** SR 1993/43

**F69** SR 1995/44

**F70**

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## PART IV

### DISEASES OF POULTRY

**Annotations:**

**F70** mod. by SR 1999/433, 434; 2000/293;2001/286;

**Modifications etc. (not altering text)**

**C58** Sch. 1 Pt. IV applied (with modifications) (30.8.2008) by Specified Animal Pathogens Order (Northern Ireland) 2008 (S.R. 2008/336), art. 3(c)

1. Newcastle disease.
2. Fowl cholera.
3. Infectious bronchitis.
4. Infectious laryngo-tracheitis.
5. Fowl pox.
6. Ornithosis (including psittacosis).
7. Arizona disease.
- [<sup>F71</sup>8. Avian influenza.]

**Annotations:**

**F71** SR 1995/466

9. Paramyxovirus 1 infection in pigeons.<sup>F72</sup>

**Annotations:**

**F72** SR 1995/466

10. Avian leucosis.
11. Marek's disease.
12. Goose hepatitis.
13. Infectious avian encephalomyelitis.
14. Mycoplasmosis.
15. Tuberculosis.
16. Duck plague (herpes virus infection).
17. Duck viral hepatitis.
18. Duck septicaemia (anatipestifer infection).
19. Infectious bursal disease (gumboro disease).
20. Salmonellosis.
- [<sup>F73</sup>21. Avian rhinotracheitis.]

**Annotations:**

F73 SR 1996/591

[<sup>F74</sup>22. Spongiform encephalopathy.]

**Annotations:**

F74 SR 1995/44

SCHEDULE 2

Articles 2(3), 16(1), (2), 61(2)

FUNCTIONS OF THE DEPARTMENT IN RELATION TO SLAUGHTER

PART I

POWER TO SLAUGHTER

**Cattle Plague:**

1.—(1) The Department shall cause to be slaughtered all animals affected with cattle plague.

(2) The Department may cause to be slaughtered any animal which is or which has been in contact with an animal affected with cattle plague, where the Department is satisfied that such slaughter is necessary for preventing the spreading of cattle plague.

(3) The Department may in any case cause to be slaughtered—

- (a) any animals suspected of being affected with cattle plague, or being in a place infected with cattle plague;
- (b) subject to such regulations (if any) as may be made by the Department of Finance, any animals being in such parts of an area infected with cattle plague as are not comprised in a place infected with cattle plague.

**Pleuro-pneumonia:**

2.—(1) The Department shall cause to be slaughtered all cattle affected with pleuro-pneumonia.

(2) The Department may in any case cause to be slaughtered—

- (a) any cattle suspected of being affected with pleuro-pneumonia; and
- (b) any cattle which are or which have been in contact with cattle affected with pleuro-pneumonia, or which appear to the Department to have been in any way exposed to the infection of pleuro-pneumonia.

(3) Where the Department has decided that any head of cattle is to be slaughtered under this paragraph, the Department shall, if the owner of such head of cattle by notice so requires, cause the same to be slaughtered within twenty-one days after the receipt of the notice.

**Foot-and-mouth Disease:**

3. The Department may in any case cause to be slaughtered—

- (a) any animals affected with foot-and-mouth disease, or suspected of being so affected; and

- (b) any animals which are of have been in contact with animals affected with foot-and-mouth disease, or which appear to the Department to have been in any way exposed to the infection of foot-and-mouth disease.

**[<sup>F75</sup>3A.**—(1) This paragraph applies to any premises which are declared by the Department to be infected premises under any provision which gives effect in relation to Northern Ireland to Council Directive [2003/85/EC](#) of 29 September 2003 on Community measures for the control of foot-and-mouth disease.

(2) Subject to sub-paragraphs (3) and (5), the Department must cause to be slaughtered all susceptible animals on the premises.

(3) The Department may decide not to slaughter susceptible animals kept in—

- (a) a laboratory, zoo, wildlife park or other premises keeping animals principally for the purposes of display or education of the public, or an enclosed area principally used for shooting; or
- (b) the premises of a body, institute or centre which—
  - (i) keeps animals only for the purposes of conservation, display and education of the public, or scientific research or breeding of such animals for research, and
  - (ii) is approved by the Department in relation to those animals in accordance with any provision which gives effect in relation to Northern Ireland to Article 13(2) of Council Directive [92/65/EEC](#) of 13 July 1992 laying down animal health requirements governing trade in certain animals, semen, ova and embryos not subject to animal health requirements laid down in specific Community rules referred to in Annex A(1) to Directive [1990/425/EEC](#); or
- (c) other premises keeping susceptible animals for scientific purposes or purposes related to conservation of species or farm animal genetic resources.

(4) The Department shall not make a decision under sub-paragraph (3) unless it is satisfied that—

- (a) basic European Community interests are not endangered (and in particular it shall take into account any threat of the spread of foot-and-mouth disease to other member States); and
- (b) the measures in place to prevent any risk of spreading foot-and-mouth disease virus are adequate.

(5) If the premises consist of two or more separate production units (by virtue of a declaration under sub-paragraph (6)), the Department may decide not to slaughter susceptible animals on free units of those premises.

(6) The Department may by notice served on the occupier declare in respect of any premises that those premises are to be regarded as two or more separate production units and may declare every separate unit which is free from disease to be a free unit.

(7) A declaration under sub-paragraph (6) shall not be made unless the Chief Veterinary Officer advises at the time of a veterinary inquiry into the premises that in his opinion—

- (a) the structure, including the administration, and size of the premises allow for each separate unit, a complete separation of housing and keeping for their susceptible animals, including air space;
- (b) the operations on each separate unit, and in particular stable and pasture management, milking, feeding, and removal of dung or manure are completely separated and carried out by different personnel;
- (c) the machinery, non-susceptible working animals, equipment, installations, instruments and disinfection facilities used in each separate unit are completely separate; and
- (d) each of sub-paragraphs (a) to (c) has applied continuously for at least—

- (i) 28 days immediately prior to the earliest date on which the premises were infected with foot-and-mouth disease, if only bovine animals or swine have been on the premises within that period, or
  - (ii) 42 days immediately prior to that date, in any other case.
- (8) A declaration under sub-paragraph (6) shall identify, and designate the boundaries of, each separate unit and shall declare every separate unit which is free of disease to be a free unit.
- (9) A unit shall cease to be a free unit on revocation of the notice declaring it.
- (10) In this paragraph—
- “susceptible animal” means cattle, sheep, goats, all other ruminating animals, swine, camels, llamas, alpacas, elephants and any other domestic or wild animal of the orders *Rodentia* and *Proboscidae* or of the suborders *Ruminantia*, *Suina* and *Tylopoda* of the order *Artiodactyla*.

**Annotations:**

**F75** Sch. 2 Pt. 1 paras. 3A, 3B inserted (23.2.2006) by [Diseases of Animals \(Amendment\) Regulations \(Northern Ireland\) 2006 \(S.R. 2006/41\)](#), **reg. 3**

**3B.** The Department may cause to be slaughtered any animal which has been treated with vaccine for suppressive purposes.]

**Annotations:**

**Modifications etc. (not altering text)**

**C59** Sch. 2 Pt. 1 para. 3B modified (23.2.2006) by [Foot-and-Mouth Disease \(Control of Vaccination\) Regulations \(Northern Ireland\) 2006 \(S.R. 2006/43\)](#), **reg. 35**

[<sup>F76</sup>**Bovine tuberculosis**

4.—(1) Subject and according to the provisions of this Order, the Department may by order provide for the slaughter of—

- (a) any animal affected with bovine tuberculosis or suspected of being so affected; or
- (b) any animal of a susceptible species which is or has been in contact with any animal referred to in paragraph (a), or which appears to the Department to have been in any way exposed to the infection of bovine tuberculosis.

(2) An order under sub-paragraph (1) may provide for the slaughter of any animal under that sub#paragraph to be made subject to such conditions as may be prescribed by or under the order.

(3) In sub-paragraph (1)—

- (a) any reference to bovine tuberculosis includes any such form of the disease, or any such stage of its development, as may be prescribed by order made under that sub#paragraph; and
- (b) “animal of a susceptible species” means any animal or bird—
  - (i) of a species kept for human consumption or the production of milk for human consumption; or
  - (ii) of any other species which presents a serious risk of transmitting bovine tuberculosis to animals or poultry of the species referred to in sub-paragraph (i) or to humans.]

**Annotations:**

F76 SR 1999/204

**Brucellosis:**

5.—<sup>[F77]</sup>(1) Subject and according to the provisions of this Order, the Department may by order provide, in the case of the existence or suspected existence of brucellosis in cattle, and subject to such conditions as the Department may prescribe, for the slaughter of cattle.

<sup>[F77]</sup>(2) The Department may cause to be slaughtered—

- (a) any animal (other than cattle) affected or suspected of being affected with brucellosis; or
- (b) any animal (including cattle) which is or has been in contact with an animal affected with brucellosis, or which appears to the Department to have been in any way exposed to the infection of brucellosis.]

**Annotations:**

F77 SR 1994/11

**Sheep-pox:**

6.—(1) The Department shall cause to be slaughtered all sheep affected with sheep-pox.

(2) The Department may cause to be slaughtered—

- (a) any sheep suspected of being affected with sheep-pox; and
- (b) any sheep which are or have been in contact with sheep affected with sheep-pox or which appear to the Department to have been in any way exposed to the infection of sheep-pox.

**Swine-fever:**

7. The Department may in any case cause to be slaughtered—

- (a) any swine affected with swine-fever or suspected of being so affected; and
- (b) any swine which are or have been in contact with swine affected with swine-fever, or which appear to the Department to have been in any way exposed to the infection of swine-fever.

**Glanders:**

8. The Department may cause to be slaughtered—

- (a) any horse affected with glanders, or suspected of being so affected; and
- (b) any horse which is or has been in contact with horses affected with glanders or which appears to the Department to have been in any way exposed to the infection of glanders.

**Rabies:**

9. The Department may cause to be slaughtered—

- (a) any animal affected with rabies or suspected of being so affected;
- (b) any animal which is or has been in contact with an animal affected with or suspected of being affected with rabies; and
- (c) any animal which has in any way been exposed to the infection of rabies.



**10.** <sup>F78</sup>... <sup>F79</sup>... *Lumpy skin disease, Blue tongue, Teschen disease, African swine fever, Swine vesicular disease, Vesicular exanthema, African horse sickness, Dourine, Equine encephalomyelitis, Transmissible gastro-enteritis, Influenza A infection, Epizootic lymphangitis, Visna-Maedi complex, Jaagsiekte complex* [<sup>F80</sup>*Infectious Bovine Rhinotracheitis*][<sup>F81</sup>*Aujeszky's disease, Porcine respiratory corona virus, Contagious agalactia, Peste des petits ruminants, Goat pox, Vesicular stomatitis, Rift valley fever, Epizootic haemorrhagic disease.*][<sup>F82</sup>*Caseous lymphadenitis.*]:

The Department may in any case cause to be slaughtered—

- (a) any animal affected with any of the above diseases, or suspected of being so affected; and
- (b) any animal which is or has been in contact with an animal affected with any of the above diseases, or which appears to the Department to have been in any way exposed to the infection of any of the diseases.

**Annotations:**

- F78** SR 1995/368
- F79** SR 1996/399
- F80** SR 1986/79
- F81** SR 1994/11
- F82** SR 1995/44

*Para. 10A rep. by SR 2002/225*

**Bovine leucosis:**

[<sup>F83</sup>**10B.**—(1) Subject to sub#paragraph (2) the Department—

- (a) shall cause to be slaughtered, under the supervision of a veterinary inspector—
  - (i) any bovine animal affected with enzootic bovine leucosis; and
  - (ii) where the animal is a cow any calf of that animal; and
- (b) may cause to be slaughtered—
  - (i) any bovine animal suspected of being affected with enzootic bovine leucosis;
  - (ii) any other animal affected or suspected of being affected with enzootic bovine leucosis or any animal affected or suspected of being affected with any other form of bovine leucosis; and
  - (iii) any animal which has been in contact with an animal affected with any form of bovine leucosis or in any other way exposed to the infection of that disease.

(2) The Department may exempt any calf from the requirements of sub#paragraph (1)(a)(ii) where it was separated from its mother after calving.]

**Annotations:**

- F83** SR 1995/368

*Para. 10C rep. by SR 2002/225*

**Diseases of Poultry:**

**11.** The Department may cause to be slaughtered—

- (a) any diseased or suspected poultry; or
- (b) any poultry which are or have been in contact with diseased poultry or which appear to the Department to have been in any way exposed to the infection of disease.

## PART II

F84

### COMPENSATION IN RESPECT OF THE SLAUGHTER OF ANIMALS AND POULTRY

**Annotations:**

F84 prosp. rep. by 1994 NI 6

**Cattle Plague:**

1. The compensation shall—
  - (a) where the animal slaughtered was affected with cattle plague, by one-half of its value immediately before it became so affected; and
  - (b) in every other case, be the value of the animal immediately before it was slaughtered.

**Pleuro-pneumonia:**

2. The compensation shall—
  - (a) where the animal slaughtered was affected with pleuro-pneumonia be three-fourths of its value immediately before it became so affected; and
  - (b) in every other case, be the value of the animal immediately before it was slaughtered.

**Foot-and-mouth Disease:**

3. The compensation shall—
  - (a) where the animal slaughtered was affected with foot-and-mouth disease, be the value of the animal immediately before it became so affected; and
  - (b) in every other case, be the value of the animal immediately before it was slaughtered.

**Bovine Tuberculosis:**

4. The compensation in all or any cases shall be such as is provided in the relevant order.

**Brucellosis:**

[<sup>F85</sup>5.—(1) The compensation shall, in all or any cases where cattle are slaughtered in pursuance of an order under paragraph 5(1) of Part I, be such as is provided in that Order.

(2) The compensation shall, in all or any cases where animals are slaughtered in pursuance of paragraph 5(2) of Part I, be—

- (a) if the animal was affected with brucellosis, one half of its value immediately before it became so affected; and
- (b) in every other case, the value of the animal immediately before it was slaughtered.]

**Annotations:**

F85 SR 1994/11

**Sheep-pox:**

6. The compensation shall—
- (a) where the sheep slaughtered was affected with sheep-pox, be one-half of its value immediately before it became so affected; and
  - (b) in every other case, be the value of the sheep immediately before it was slaughtered.

**Swine-fever:**

7. The compensation shall—
- (a) where the animal slaughtered was affected with swine-fever, be one-half of its value immediately before it became so affected; and
  - (b) in every other case, be the value of the animal immediately before it was slaughtered.

**Glanders:**

8. The compensation shall—
- (a) where the horse was affected with glanders, be one-half of its value immediately before it became so affected; and
  - (b) in every other case, be the value of the horse immediately before it was slaughtered.

**Rabies:**

9. The compensation shall—
- (a) where the animal slaughtered was affected with rabies, be one-half of its value immediately before it became so affected; and
  - (b) in every other case, be the value of the animal immediately before it was slaughtered.

*Para. 10 rep. by SR 1996/399*

**Swine vesicular disease:**

11. The compensation shall—
- (a) where the animal slaughtered was affected with swine vesicular disease, be the value of the animal immediately before it became so affected; and
  - (b) in every other case, be the value of the animal immediately before it was slaughtered.

12. *Bovine leucosis, Lumpy skin disease, Blue tongue, Teschen disease, African swine-fever, Vesicular exanthema, African horse sickness, Dourine, Equine encephalomyelitis, Transmissible gastro-enteritis, Influenza A infection, Epizootic lymphangitis, Visna-Maedi complex, Jaagsiekte complex [F86 Infectious Bovine Rhinotracheitis][F87 Aujeszky's disease, Porcine respiratory corona virus, Contagious agalactia, Goat pox.][F88 Caseous lymphadenitis.]:*

**Annotations:**

F86 SR 1986/79

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**F87** SR 1994/11  
**F88** SR 1995/44

The compensation shall—

- (a) where the animal slaughtered was affected with any of the above diseases be one-half of its value immediately before it became so affected; and
- (b) in every other case, be the value of the animal immediately before it was slaughtered.

*Para. 12A rep. by SR 2002/225*

**Peste des petits ruminants, Vesicular stomatitis, Rift valley fever, Epizootic haemorrhagic disease:**

[<sup>F89</sup>**12B.** The compensation shall—

- (a) where the animal slaughtered was affected with any of the above diseases, be the value of the animal immediately before it became so affected; and
- (b) in every other case be the value of the animal immediately before it was slaughtered.]

**Annotations:**

**F89** SR 1994/11

*Para. 12C rep. by SR 2002/225*

**Diseases of poultry:**

**13.** The compensation for any poultry slaughtered shall be the value of the poultry immediately before slaughter so, however, that where the poultry were hatched from imported eggs and were slaughtered while kept or detained for quarantine purposes, the compensation if any, payable for that poultry shall be the value at the time of importation of the eggs from which such poultry were hatched.

SCHEDULE 3

Articles 25, 26, 27, 28, 30(1).

IMPORTED ANIMALS

PART I

*Slaughter at landing place*

1. The animals shall be landed only at a landing place as defined by this Order.
2. The animals shall be landed in such manner, at such times, and subject to such supervision and control as the Commissioners of Customs and Excise direct.
3. The animals shall not be moved alive out of the landing place.

## PART II

### Quarantine

**1**<sup>F90</sup>. The animals shall be landed only at a landing place as defined by this Order.

**Annotations:**

**F90** mod. by SR 1986/253

**2**<sup>F91</sup>. The animals shall be landed in such manner, at such times, and subject to such supervision and control as the Commissioners of Customs and Excise direct, and subject to such conditions in respect of the animals, or the vessel, aircraft or vehicle from which they are landed, as the Department by order prescribes.

**Annotations:**

**F91** mod. by SR 1986/253

**3**<sup>F92</sup>. When landed the animals shall immediately be conveyed in such manner and subject to such precautions as the Department may by order prescribe, to a quarantine station.

**Annotations:**

**F92** mod. by SR 1986/253

**4.** The animals shall not be moved out of the quarantine station except on conditions prescribed by order of the Department.

**5**<sup>F93</sup>. Notwithstanding anything in the foregoing provisions of this Part the provisions of this Order relating to slaughter in the case of existence of suspicion of disease or in the case of contact with diseased stock and to the ownership of carcasses of such animals, shall apply to animals, poultry or imported eggs within a quarantine station.

**Annotations:**

**F93** mod. by SR 1986/253

**6**<sup>F94</sup>. The provisions of this Order relating to compensation or other payments in respect of animals compulsorily slaughtered shall not apply to animals which while in a quarantine station are found to be affected with disease, or to have been in contact with diseased stock, or are suspected of being diseased, except where the Department is satisfied that such slaughter was necessary due to the existence of disease which originated from a source unconnected with the animals in the quarantine station.

**Annotations:**

**F94** mod. by SR 1986/253

**7**<sup>F95</sup>. Without prejudice to paragraph 5, the Department may—  
(a) cause to be slaughtered any imported animals or poultry; and  
(b) cause to be destroyed any imported eggs;

in a quarantine station which appear to the Department to have been in any way exposed to the infection of—

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- (i) any disease not endemic in Northern Ireland, not being a disease specified in Part III or IV of Schedule 1; or
- (ii) any other disease not being a disease specified in Part III or IV of Schedule 1 which in the opinion of the Department would constitute a hazard to the health of animals or poultry in Northern Ireland.

**Annotations:**

**F95** mod. by SR 1986/253

## PART III

### Ancillary provisions

**1** <sup>F96</sup>. The Department may by order make such further or other provision as the Department thinks necessary or expedient with regard to animals or poultry which, while in a landing place or quarantine station—

- (a) are found to be affected with disease; or
- (b) are suspected of being diseased; or
- (c) are found to have been in contact with diseased stock; or
- (d) do not pass disease tests;

and the provisions of paragraphs (2) and (3) of Article 20 shall have effect as if an order under this Part were an order made under paragraph (1) of that Article.

**Annotations:**

**F96** mod. by SR 1986/253

**2** <sup>F97</sup>. In this Schedule, a “quarantine station” means—

- (a) premises or accommodation approved by the Department for quarantine purposes; and
- (b) premises or accommodation approved by the Department for the holding of animals for a further period of isolation following release from premises or accommodation such as is mentioned in sub-paragraph (a).

**Annotations:**

**F97** mod. by SR 1986/253

## SCHEDULE 4

Articles 33, 34, 36(1).

### SUBSTANCES TO WHICH PART III APPLIES

*Paras. 1#3 rep. by SR 1981/408*

**4.** Any of the following substances to be administered to swine:-

- (a) Para-aminophenylarsonic acid.

Sodium Para-aminophenylarsonic acid.

4-Hydroxy-3-Nitrophenylarsonic acid.

4-Nitrophenylarsonic acid.

4-Ureidophenylarsonic acid.

Arsenosobenzene.

(b) Any other form of arsenic.

5. Any substance containing any proportion of any of the substance specified in paragraph 4 if such substance is to be administered to swine.

6. The prohibition in Article 33 shall not apply to any person who has in his possession a substance specified in paragraphs 4 and 5 for administration to animals other than swine (whether by himself or by any other person) or who administers any such substance to any animal other than swine.

#### *Schedule 5—Amendments*

### SCHEDULE 6

Article 62(2).

#### TRANSITIONAL PROVISIONS

1. For the purposes of an order under the Diseases of Animals Act (Northern Ireland) 1958<sup>F98</sup> made before the coming into operation of section 55(6) of the Criminal Law Act 1977<sup>F99</sup> and expressed to be made for the purpose of preventing the introduction or spreading of rabies into or within Northern Ireland, Article 52(3) (a)(i) shall have effect as if for “£500” there were substituted “£1,000”.

**Annotations:**

**F98** 1958 c. 13 (NI)

**F99** 1977 c. 45

2. Without prejudice to section 17 of the Interpretation Act (Northern Ireland) 1954 an order under the Diseases of Animals Act (Northern Ireland) 1958 imposing prohibitions or restrictions shall be deemed always to have been enabled to provide that the Department may do so by means of the issue of licences in such form and subject to such conditions as may be specified in the Order.

#### *Schedule—Repeals*

### **Changes to legislation:**

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### **Changes and effects yet to be applied to :**

- art. 2(2) text amended by 2010 c. 1 (N.I.) Sch. 2 para. 1(a)(b)
- art. 5(1)(h) text amended by 2010 c. 1 (N.I.) s. 8
- art. 5(1)(kk) inserted by 2010 c. 1 (N.I.) s. 9(1)
- art. 6(1) text amended by 2010 c. 1 (N.I.) s. 11(a)
- art. 6(2) text amended by 2010 c. 1 (N.I.) s. 11(b)
- art. 11 substituted by 2010 c. 1 (N.I.) s. 13
- art. 16(1) substituted by 2010 c. 1 (N.I.) s. 1(a)
- art. 16(3) added by 2010 c. 1 (N.I.) s. 1(b)
- art. 18(6)(7) applied by S.R. 2009/223 reg. 45(a)
- art. 19(a) text amended by 2010 c. 1 (N.I.) s. 14(a) Sch. 3
- art. 19(e) text amended by 2010 c. 1 (N.I.) s. 14(b) Sch. 3
- art. 21-23A repealed by 2011 c. 16 (N.I.) Sch. 5
- art. 29(2)(j) text amended by 2010 c. 1 (N.I.) s. 18(2)(a)
- art. 29(2)(m) text amended by 2010 c. 1 (N.I.) s. 18(2)(b) Sch. 3
- art. 32(a) text amended by 2010 c. 1 (N.I.) s. 16 Sch. 3
- art. 33(1) text amended by 2010 c. 1 (N.I.) Sch. 2 para. 2
- art. 42 applied by S.R. 2009/223 reg. 45(b)
- art. 44 text amended by 2010 c. 1 (N.I.) s. 17
- art. 46 applied by S.R. 2009/223 reg. 37(5)(a)
- art. 46(2) text amended by 2010 c. 1 (N.I.) s. 4(1)(a)(i)
- art. 46(2)(a)(iii) text amended by 2010 c. 1 (N.I.) s. 4(1)(a)(ii)
- art. 46(2A)-(2C) inserted by 2010 c. 1 (N.I.) s. 4(1)(b)
- art. 46(3)(c) text amended by 2010 c. 1 (N.I.) s. 4(1)(c) Sch.03
- art. 46(4) text amended by 2010 c. 1 (N.I.) s. 4(1)(d)
- art. 46(5) text amended by 2010 c. 1 (N.I.) s. 4(1)(e)
- art. 46(5A) inserted by 2010 c. 1 (N.I.) s. 4(1)(f)
- art. 46(7)(a)(i) text amended by 2010 c. 1 (N.I.) s. 4(1)(g)
- art. 46(7A)(a)(i) text amended by 2010 c. 1 (N.I.) s. 4(1)(g)
- art. 46(7B) substituted by 2010 c. 1 (N.I.) s. 4(1)(h)
- art. 46A applied by S.R. 2009/223 reg. 37(5)(b)
- art. 46A(a) text amended by 2010 c. 1 (N.I.) s. 4(2)
- art. 48 applied by S.R. 2009/223 reg. 37(5)(c)
- art. 50(1)(a) text amended by 2010 c. 1 (N.I.) s. 9(2)
- art. 52(1)(b) text amended by 2010 c. 1 (N.I.) s. 4(4)
- art. 52(3) text amended by 2010 c. 1 (N.I.) Sch. 2 para. 3
- art. 52(7) added by 2010 c. 1 (N.I.) s. 10(2)
- art. 52(8) added by 2010 c. 1 (N.I.) s. 5
- art. 54 applied by S.R. 2009/223 reg. 45(c)
- art. 55 applied by S.R. 2009/223 reg. 45(d)
- art. 55(1) text amended by 2010 c. 1 (N.I.) s. 6
- art. 61(1) text amended by 2010 c. 1 (N.I.) s. 20

### **Changes and effects yet to be applied to the whole Order, associated Parts and Chapters:**

- Blanket Amendment text amended by 2009 c. 1 (N.I.) Sch. 6 para. 1(1)(a)

Whole provisions yet to be inserted into this Order (including any effects on those provisions):

- Pt. 2A inserted by 2010 c. 1 (N.I.) Sch. 1
- art. 4A-4B inserted by 2010 c. 1 (N.I.) s. 7



- art. 5A-5B inserted by 2010 c. 1 (N.I.) s. 10(1)
- art. 8A inserted by 2010 c. 1 (N.I.) s. 12
- art. 16A inserted by 2010 c. 1 (N.I.) s. 2
- art. 19A inserted by 2010 c. 1 (N.I.) s. 15
- art. 46B-46D inserted by 2010 c. 1 (N.I.) s. 4(3)
- art. 47A inserted by 2010 c. 1 (N.I.) s. 18(1)
- art. 48A inserted by 2010 c. 1 (N.I.) s. 19

**Commencement Orders yet to be applied to the The Diseases of Animals (Northern Ireland) Order 1981:**

Commencement Orders bringing legislation that affects this Order into force:

- S.R. 2010/70 art. 2 commences (2010 c. 1)
- S.R. 2011/245 art. 2 Sch. 1 commences (2011 c. 16 (N.I.))