
STATUTORY INSTRUMENTS

1981 No. 1115

The Diseases of Animals (Northern Ireland) Order 1981

PART II

DISEASES OF ANIMALS AND POULTRY

Infected places and areas

General provisions as to infected places and areas

- 12.—(1) ^{F1} . . . 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;

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- (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.

F1 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;

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- (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. ^{F2} . . . 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 or carcasses or other things, whether animate or inanimate, into, within, or out of an infected place or area;

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- (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^{F3} subject to such conditions as may be specified in the licences].

F2 1994 NI 6

F3 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.

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Changes and effects yet to be applied to :

- Instrument am (pt prosp) by [S.I. 1994/1891 \(N.I.\) arts.19-23](#)
- Instrument rep in pt by [S.I. 1994/1891 \(N.I.\) art.24\(1\)Sch](#)