
STATUTORY INSTRUMENTS

1981 No. 1115

The Diseases of Animals (Northern Ireland) Order 1981

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 [^{F1}Article 11 and 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^{F2} or a Poisons Inspector appointed under Article 16 (1) of the Poisons

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(Northern Ireland) Order 1976^{F3} 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.

F1 Words in art. 33(1) substituted (12.3.2010) by Diseases of Animals Act (Northern Ireland) 2010 (c. 1), ss. 21(1), 22(1), Sch. 2 para. 2; S.R. 2010/70, art. 2

F2 1976 NI 22

F3 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^{F4} 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.

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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 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—

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“animals” includes poultry;

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

^{F5}“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

^{F6}“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 [^{F7}regulation 8(1) of the Human Medicines Regulations 2012].

F5 1968 c. 67

F6 1966 c. 36

F7 Words in art. 38 substituted (14.8.2012) by [The Human Medicines Regulations 2012 \(S.I. 2012/1916\)](#), reg. 1(2), [Sch. 34 para. 49](#) (with Sch. 32)

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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](#)