
STATUTORY RULES OF NORTHERN IRELAND

1999 No. 434

Specified Animal Pathogens Order (Northern Ireland) 1999

Citation and commencement

1. This Order may be cited as the Specified Animal Pathogens Order (Northern Ireland) 1999 and shall come into operation on 15th November 1999.

Interpretation

2.—(1) In this Order—

“animal” includes poultry;

“carrier” means any living creature except man which may carry or transmit a specified animal pathogen or the tissue, cell culture, body fluid, excreta, carcase or part of a carcase of such creature by or by means of which a specified animal pathogen may be carried or transmitted;

“specified animal pathogen” means an animal pathogen listed in the Schedule including—

- (a) intact pathogens,
- (b) pathogens which have been attenuated or genetically modified by any means, and
- (c) any nucleic acid derived from an animal pathogen listed in the Schedule which could produce that pathogen when introduced into a biological system in which the nucleic acid is capable of replicating;

“the 1981 Order” means the Diseases of Animals (Northern Ireland) Order 1981.

(2) A licence or notice issued under this Order shall be in writing, may be subject to conditions and may be varied, suspended or revoked by a notice in writing served on the licensee or recipient of the original notice at any time.

Extension of definitions of “animals”, “poultry” and “disease”

3. For the purposes of the 1981 Order in its application to this Order—

- (a) the list of animals in Part I of Schedule 1 to the 1981 Order is hereby extended so as to comprise—
 - (i) any kind of mammal except man, and
 - (ii) any kind of four-footed beast which is not a mammal;
- (b) the list of poultry in Part II of Schedule 1 to the 1981 Order is hereby extended so as to comprise birds of any kind; and
- (c) the lists of diseases in Parts III and IV of Schedule 1 to the 1981 Order are hereby extended so as to comprise any disease of animals and poultry which may be caused by one or more specified animal pathogens

Prohibitions in relation to specified animal pathogens

4.—(1) Subject to Article 5, a person shall not have in his possession any specified animal pathogen listed in Part I of the Schedule, or any carrier in which he knows such a pathogen is present, except under the authority of a licence issued by the Department.

(2) Subject to Article 5, a person shall not deliberately introduce into any animal, any specified animal pathogen except under the authority of a licence issued by the Department.

(3) If any person has in his possession any thing in which he has reasonable grounds for suspecting that a specified animal pathogen listed in Part I of the Schedule is present, and does not have a licence in respect of that pathogen he shall, with all practicable speed, notify the Department.

Exceptions to prohibitions

5.—(1) Article 4 shall not apply to any person who is transporting a specified animal pathogen or carrier and who does not own or have any rights in that pathogen or carrier.

(2) Article 4 shall not apply in relation to any specified animal pathogen or carrier contained in a product—

(a) permitted to be placed on the market under the Marketing Authorisations for Veterinary Medicinal Products Regulations 1994(1) or the Medicine's for Human Use (Marketing Authorisations Etc.) Regulations 1994(2);

(b) licensed in accordance with the provisions of section 7(2) of the Medicines Act 1968(3); or

(c) in respect of which an animal test certificate has been issued in accordance with the provisions of section 32 of that Act.

(3) Article 4 shall not apply to any specified animal pathogen contained in an animal where—

(a) such pathogen was not deliberately introduced into the animal; and

(b) a notification has been made to the Department or to a member of the Royal Ulster Constabulary under Article 10 of the 1981 Order or any order made thereunder regarding the presence of disease, or suspicion of it, in the animal, or the Department is aware of the presence of such disease, or suspicion of it, in the said animal.

Powers of inspectors

6.—(1) Where an inspector has reasonable grounds for suspecting that a specified animal pathogen or a carrier is in the possession of a person who does not hold a licence permitting work with that pathogen in contravention of this Order or in contravention of a condition of a licence issued under this Order, he may at any time seize, or cause to be seized, such pathogen, carrier or any material in which he reasonably suspects such pathogen to have been kept or into which he reasonably suspects it to have been introduced.

(2) A veterinary inspector may, if he considers it expedient to do so for the purpose of preventing the introduction or spreading of disease into or within Northern Ireland, detain, treat or destroy any pathogen, carrier or material seized under paragraph (1).

(3) A veterinary inspector may, by notice in writing served upon the occupier of any premises (including a dwelling house) or place, or upon the owner or person in charge of any vehicle by which any specified animal pathogen, carrier or material is or has been present in contravention of this Order or of a licence issued under it, require the person on whom the notice was served to cleanse and disinfect such premises, place or vehicle in such manner as he may by such notice specify.

(1) S.I. 1994/3142 as amended by S.I. 1998/1048

(2) S.I. 1994/3144 as amended by S.I. 1998/3105

(3) 1968 c. 67

(4) A person upon whom a notice is served under paragraph (3) shall comply with the requirements of the notice.

(5) Where the requirements of a notice served under paragraph (3) have not been complied with, the Department may, without prejudice to any proceedings for an offence arising out of such default, carry out or cause to be carried out the cleansing and disinfection specified in the notice.

Production of licences

7. Any person acting under the authority of a licence issued under this Order shall, on demand made by an officer of Customs and Excise, an inspector or by a member of the Royal Ulster Constabulary produce the licence and allow a copy thereof or an extract therefrom to be taken and shall also, on such demand, furnish his name and address.

Sealed with the Official Seal of the Department of Agriculture on 25th October 1999.

L.S.

Evelyn Cummins
Assistant Secretary