
STATUTORY INSTRUMENTS

1975 No. 418 (N.I. 3)

NORTHERN IRELAND

The Diseases of Animals (Northern Ireland) Order 1975

Laid before Parliament in draft

Made 18th March 1975

Coming into Operation 1st April 1975

At the Court at Buckingham Palace, the 18th day of March 1975

Present,

The Queen's Most Excellent Majesty in Council

Whereas a draft of this Order has been approved by a resolution of each House of Parliament:

Now, therefore, Her Majesty, in exercise of the powers conferred by paragraph 1 of Schedule 1 to the Northern Ireland Act 1974 (a) and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

Title and commencement

1. This Order may be cited as the Diseases of Animals (Northern Ireland) Order 1975 and shall come into operation on the fourteenth day after the day on which it is made.

Interpretation

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

Infected areas—destruction of foxes and other wild animals

3.—(1) An order under section 7 of the Diseases of Animals Act (Northern Ireland) 1958 (c) (“the principal Act”) prescribing the cases in which areas are to be declared to be infected with rabies may include provision 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).

(a) 1974 c. 28.

(b) 1954 c. 33 (N.I.).

(c) 1958 c. 13 (N.I.).

(2) An order made under paragraph (1) may make provision for—

- (a) authorising 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;
- (b) authorising 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;
- (c) regulating the ownership and disposal of the carcasses of animals destroyed in accordance with the order;
- (d) prohibiting any person from obstructing the destruction of animals in accordance with the order and from interfering with the carcasses of animals destroyed;
- (e) authorising the use of methods of destruction which would otherwise be unlawful.

(3) An order made under paragraph (1) shall include 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.

Infected areas—additional powers

4.—(1) An order under section 7 of the principal Act prescribing the cases in which areas are to be declared to be infected with rabies may include provision for—

- (a) requiring 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;
- (b) regulating the ownership and disposal of the carcasses of animals whose deaths are required to be notified under sub-paragraph (a);
- (c) requiring and regulating 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;
- (d) authorising the seizure and detention and the disposal or destruction of any animal in respect of which any provision made under sub-paragraph (c) is not complied with;
- (e) authorising any person to enter any land for the purpose of seizing or destroying any animal in pursuance of the order.

(2) An order under section 7 of the principal Act prescribing the cases in which areas are to be declared to be infected with rabies may 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.

Powers as to quarantine and control of rabies virus

5. The provision which may be made by order under section 53 of the principal Act shall include provision—

- (a) for requiring 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 prescribed by the order;
- (b) for prohibiting or regulating the keeping and importation of rabies virus in any form and the deliberate introduction of the virus into animals.

Notice of animals affected with rabies

6. In section 4 of the principal Act (separation of diseased animals and poultry, and notice of disease) there shall be inserted after subsection (1)—

“(1A) 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 has given notice under this section in respect of that animal, or

(b) he is exempted from doing so by an order under section 53;

and, if the animal is in his possession or under his charge, shall as far as practicable keep the animal separate from other animals.”

Destruction of imported animals

7. An order under section 18 of the principal Act (orders prohibiting import of animals etc.) 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.

Proceedings for offences connected with importation

8. Without prejudice to section 47 of the principal Act (summary proceedings) an offence against that Act which is declared to be such by an order made under section 18 and expressed to be made for the purpose of preventing the introduction of rabies into Northern Ireland may be prosecuted on indictment; and a person convicted on indictment shall be liable to imprisonment for a term not exceeding twelve months or to a fine or to both.

Control of zoonoses

9.—(1) After section 26 of the principal Act there shall be inserted—

“Control of Zoonoses

27.—(1) The Department may by order designate any disease of, or organism carried in, animals 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 section, the Department may by order—

(a) provide for any provision of this Act which has effect in relation to the disease to have effect in relation thereto subject to such modifications as may be specified in the order;

(b) apply any provision of this Act, subject to any modifications so specified, in relation to the presence of the organism in an animal as if the presence of the organism were a disease to which this Act applied.

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

(a) affected with a disease designated under this section; 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 as is so specified.

(4) If it appears to the Department that a person may have information relating to an animal affected with a disease designated under this section or an animal which is a carrier of an organism so designated, the Department may by notice in writing 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 as he possesses and is so specified.

(5) Where an inspector has reason to believe that an animal such as is mentioned in subsection (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, 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 is or has been on the land; and

(b) require the owner or person having charge of any animals 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 paragraph (a).

(6) This section shall have effect in relation to poultry as it has effect in relation to animals.

(7) In this section the expression "disease" is not restricted by its definition in section 52 and the First Schedule."

(2) In section 45 (1) of the principal Act after paragraph (f) there shall be inserted—

"(ff) if he—

(i) fails to comply with a requirement imposed on him under section 27; or

(ii) in purported compliance with a requirement to furnish information which is imposed on him under section 27 knowingly or recklessly furnishes information which is false in a material particular; or"

Amendments of the Diseases of Animals Act (Northern Ireland) 1958

10.—(1) Section 46 (1) of the principal Act shall be amended as follows:—

(a) in paragraph (a) for "£200" substitute "£500";

(b) in paragraph (b) for "£40" substitute "£100";

(c) in paragraph (c) for "£200" substitute "£500" and for "£50" substitute "£100".

(2) In section 47 (2) of the principal Act (as amended by section 14 of the Agriculture (Miscellaneous Provisions) Act (Northern Ireland) 1965 (a))—

(a) the words "in relation to the importation of animals, poultry or eggs" shall be omitted;

(b) for "five years" there shall be substituted "three years".

Repeals

11. The enactments set out in the Schedule are hereby repealed to the extent specified in column 3 of the Schedule.

N. E. Leigh

SCHEDULE

Article 11

REPEALS

Chapter	Short title	Extent of Repeal
10 & 11 Vict. c. 89.	The Town Police Clauses Act 1847 (and that Act as incorporated with any other Act).	In section 28, the paragraph beginning "Every owner" and the following paragraph.
34 & 35 Vict. c. 56.	The Dogs Act 1871.	Sections 3 and 5. The Schedule.
1958 c. 13.	The Diseases of Animals Act (Northern Ireland) 1958.	In section 47 (2) (as amended by section 14 of the Agriculture (Miscellaneous Provisions) Act (Northern Ireland) 1965), the words "in relation to the importation of animals, poultry or eggs".
1966 c. 23.	The Diseases of Animals (Amendment) Act (Northern Ireland) 1966.	Section 4.
1967 c. 29.	The Increase of Fines Act (Northern Ireland) 1967.	In Part I of the Schedule the entry relating to section 46 (1) of the Diseases of Animals Act (Northern Ireland) 1958.
1970 c. 20.	The Agriculture (Miscellaneous Provisions) Act (Northern Ireland) 1970.	Section 6.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order makes further provision for the prevention and control of rabies and the control of zoonoses; and increases certain penalties in the Diseases of Animals Act (Northern Ireland) 1958.