
STATUTORY INSTRUMENTS

1981 No. 1115

The Diseases of Animals (Northern Ireland) Order 1981

[^{F1}PART 2A

TRANSMISSIBLE SPONGIFORM ENCEPHALOPATHIES

Restriction notice

[^{F1}Appeal

32D.—(1) A person to whom a restriction notice has been given may appeal against the notice to a person appointed by the Department for the purpose of dealing with appeals under this Part (“an assessor”).

(2) Subject to paragraph (3), an appeal may not be brought after the end of the period of 21 days beginning with the date on which the notice concerned was given to the appellant.

(3) The Department may, in a particular case, extend the period of 21 days if it considers that there are exceptional circumstances justifying the extension.

(4) If the restriction notice applies to more than one creature, the appeal may be limited to the creature or creatures specified by the appellant.

(5) If the assessor allows the appeal, in whole or in part, the assessor may—

- (a) revoke the notice,
- (b) revoke the notice so far as it applies to one or more creatures specified by the assessor, or
- (c) direct that a further test is carried out in relation to such livestock as may be specified by the assessor.

(6) A direction under paragraph (5)(c) may require—

- (a) a further sample to be taken,
- (b) the further test to be carried out by a different testing laboratory.

(7) The Department may by order supplement the provisions of this Article.

(8) An order under paragraph (7) may, in particular, make provision—

- (a) as to the procedure to be followed on an appeal,
- (b) extending the period mentioned in Article 32C(9)(a) or (b) where an appeal is brought against a restriction notice,
- (c) requiring the appellant to meet the reasonable costs of, and in connection with, the taking of a further sample or the carrying out of a further test as a result of a direction under paragraph (5)(c), and
- (d) as to the recovery of any such costs.

(9) The revocation of a restriction notice (in whole or in part) by an assessor does not prevent the issue of another restriction notice, following the testing of a further sample.]

Changes to legislation: *The Diseases of Animals (Northern Ireland) Order 1981, Section 32D is up to date with all changes known to be in force on or before 17 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

F1 Pt. 2A (arts. 32A-32J) inserted (12.3.2010) by Diseases of Animals Act (Northern Ireland) 2010 (c. 1), ss. 3, 22(1), **Sch. 1**; S.R. 2010/70, **art. 2**

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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](#)