
STATUTORY INSTRUMENTS

1981 No. 1115

The Diseases of Animals (Northern Ireland) Order 1981

PART IV

MISCELLANEOUS AND GENERAL

General administrative provisions

Seizure of records

45.—(1) For the purpose of inspecting records and documents under Article 44 (c) an inspector may, at any time, enter any premises and seize and detain any such records and document found in the premises.

- (2) A power of entry under paragraph (1) shall not be exercisable except—
- (a) with the consent given by or on behalf of the occupier of the premises; or
 - (b) after at least twenty-four hours' notice of the entry has been served on the occupier of the premises; or
 - (c) under the authority of a warrant granted under paragraph (3).
- (3) Where a justice of the peace is satisfied by complaint on oath—
- (a) that admission to premises is reasonably required for the purpose specified in the complaint; and
 - (b) that an authorised person would, apart from paragraph (2), be entitled for that purpose to exercise in respect of the premises a power of entry under paragraph (1); and
 - (c) that—
 - (i) admission to the premises has been refused, or that a refusal is apprehended, and (in either case) that notice of the intention to apply for a warrant has been served on the occupier; or
 - (ii) the requirements of paragraph (2) (b) have been complied with; or
 - (iii) an application for admission, or the serving of a notice under paragraph (2) (b), would defeat the object of the entry;

he may issue a warrant under his hand authorising an inspector to enter the premises, by force if necessary.

(4) A warrant granted under this Article shall continue in force for a period of one month.

(5) Where an inspector seizes any records or documents under paragraph (1), he shall inform the person from whom they are seized.

(6) Where, in pursuance of a power of entry under paragraph (1), entry is made on any premises by an inspector, he shall ensure that the premises are not left less secure by reason of the entry, and the Department shall make good or pay compensation for any damage caused by the inspector in entering the premises, in carrying out any inspection or in making the premises secure.

Changes to legislation: *The Diseases of Animals (Northern Ireland) Order 1981, Section 45 is up to date with all changes known to be in force on or before 15 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](#)*

(7) Any question of disputed compensation under this Article shall be referred to and determined by the Lands Tribunal.

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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](#)