
STATUTORY INSTRUMENTS

1981 No. 1115

The Diseases of Animals (Northern Ireland) Order 1981

PART IV

MISCELLANEOUS AND GENERAL

General administrative provisions

[^{F1}Powers of entry: warrants

46B.—(1) If a lay magistrate is satisfied by complaint on oath that the first condition is satisfied and that the second or third condition is satisfied the lay magistrate may issue a warrant authorising an inspector to enter any premises, if necessary using reasonable force, for any of the purposes mentioned in Article 46, 46A or 47A.

(2) The complaint shall include—

- (a) a statement as to whether any representations have been made by the occupier of the premises to an inspector concerning the purpose for which the warrant is sought;
- (b) a summary of any such representations.

(3) The first condition is that there are reasonable grounds for an inspector to enter the premises for that purpose.

(4) The second condition is that the occupier of the premises—

- (a) has been informed of the decision to seek entry to the premises and of the reasons for that decision;
- (b) has failed to allow entry to the premises on being requested to do so by an inspector; and
- (c) has been informed of the decision to apply for the warrant.

(5) The third condition is that—

- (a) the premises are unoccupied or the occupier is absent and (in either case) notice of intention to apply for the warrant has been left in a conspicuous place on the premises; or
- (b) an application for admission to the premises or the giving of notice of intention to apply for the warrant would defeat the object of entering the premises.

(6) A warrant issued under this Article remains in force for one month starting with the date of its approval by the lay magistrate, which date shall be clearly visible on the warrant.

(7) A warrant issued under this Article shall be executed only at a reasonable hour unless the inspector thinks that the case is one of urgency.

(8) In relation to any premises to which entry is obtained by virtue of a warrant under this Article the Department shall retain for a period of not less than 3 years beginning with the day after entry—

- (a) a copy of the warrant;

Changes to legislation: *The Diseases of Animals (Northern Ireland) Order 1981, Section 46B is up to date with all changes known to be in force on or before 05 June 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](#)*

- (b) a copy of any record of the steps taken to effect entry to the premises and the actions taken on the premises by the inspector and any other person entering the premises with the inspector.]

F1 Arts. 46B-46D inserted (12.3.2010) by Diseases of Animals Act (Northern Ireland) 2010 (c. 1), ss. 4(3), 22(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](#)