
STATUTORY INSTRUMENTS

1981 No. 1115

The Diseases of Animals (Northern Ireland) Order 1981

PART IV

MISCELLANEOUS AND GENERAL

Offences and legal proceedings

Defences and evidence

54.—(1) Where the owner or person in charge of any animal or bird is charged with an offence against this Order relative to disease or to any illness of that animal or bird, he shall be presumed to have known of the existence of the disease or illness, unless and until he shows to the satisfaction of the court that he had no knowledge of it, and could not with reasonable diligence have obtained that knowledge.

(2) Where a person is charged with an offence under Article 52(2) (a) and he satisfies the court that he had no reason to suppose the thing to have been unlawfully imported, and that he took all reasonable precautions and exercised all due diligence to avoid the commission of such an offence, the charge against him shall be dismissed.

(3) Where a person is charged with an offence under Article 52(2) (d), and he satisfies the court that he did not know of the incompleteness of the licence or that it untruly purported or appeared to be a licence and that he could not with reasonable diligence have attained knowledge of it, the charge against him shall be dismissed.

(4) Where a person is charged with an offence under Article 52(2) (f), (g), (h) or (n) (false statements, pretences or particulars) and he satisfies the court that he did not know of, and in the case of an offence under Article 52(2)(n) that he had no reason to suspect, that falsity and that he could not with reasonable diligence have obtained knowledge of it, the charge against him shall be dismissed.

(5) Where a person is charged with an offence under Article 52(2) (k) and he satisfies the court that he did not know that the instrument had been issued in blank and that he could not with reasonable diligence have obtained knowledge of it, the charge against him shall be dismissed.

(6) Where a person is charged with an offence against this Order in not having duly cleansed or disinfected any place, vessel, aircraft, vehicle, or thing belonging to him or under his charge, and a presumption against him on the part of the prosecution is raised, it shall lie on him to prove the due cleansing and disinfection.

Modifications etc. (not altering text)

- C1** [Art. 54](#) applied (23.2.2006) by [Foot-and-Mouth Disease \(Control of Vaccination\) Regulations \(Northern Ireland\) 2006 \(S.R. 2006/43\)](#), [reg. 40\(d\)](#)
- C2** [Art. 54](#) applied (10.2.2007) by [Avian Influenza and Influenza of Avian Origin in Mammals Regulations \(Northern Ireland\) 2007 \(S.R. 2007/68\)](#), [reg. 84\(h\)](#) (with [reg. 3](#))

Changes to legislation: *The Diseases of Animals (Northern Ireland) Order 1981, Section 54 is up to date with all changes known to be in force on or before 12 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](#)*

- C3** Art. 54 applied (10.2.2007) by Avian Influenza (Vaccination) Regulations (Northern Ireland) 2007 (S.R. 2007/69), **reg. 22(1)(e)**
- C4** Art. 54 applied (10.2.2007) by Avian Influenza (Preventive Measures) Regulations (Northern Ireland) 2007 (S.R. 2007/70), **reg. 18(f)**
- C5** Art. 54 applied (24.3.2007) by Avian Influenza (H5N1 in Wild Birds) Regulations (Northern Ireland) 2007 (S.R. 2007/208), **reg. 22(g)**
- C6** Art. 54 applied (30.6.2009) by Swine Vesicular Disease Regulations (Northern Ireland) 2009 (S.R. 2009/223), **reg. 45(c)**

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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](#)