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STATUTORY INSTRUMENTS

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**1981 No. 1115**

**The Diseases of Animals (Northern Ireland) Order 1981**

**PART II**

**DISEASES OF ANIMALS AND POULTRY**

*Eradication of disease*

**[<sup>F1</sup>Deliberate infection: disqualification**

**5B.**—(1) If a person is convicted of an offence under Article 5A the court may by order disqualify that person, for such period as it thinks fit, from keeping or dealing in—

- (a) any animals or poultry, or
- (b) any animals or poultry of a specified kind.

(2) If a person is convicted of an offence under Article 5A and, at any time after the date of that conviction, that person is convicted of a further offence under that Article, the court shall by order disqualify that person, for such period as it thinks fit, from keeping or dealing in—

- (a) any animals or poultry; or
- (b) any animals or poultry of a specified kind.

(3) The court may suspend the operation of an order made under paragraph (1) or (2)—

- (a) for such period as it thinks necessary to enable arrangements to be made for the keeping of any animals or poultry to which the disqualification relates;
- (b) pending an appeal.

(4) A person who is disqualified under paragraph (1) or (2) may from time to time apply to the court which imposed the disqualification to remove it or vary it.

(5) On an application under paragraph (4) the court may by order—

- (a) refuse the application,
- (b) remove the disqualification, or
- (c) vary the disqualification to apply it only to such animals or poultry or such kind of animals or poultry as it specifies.

(6) In considering an application under paragraph (4) the court may have regard to—

- (a) the nature of the offence in respect of which the disqualification was imposed;
- (b) the character of the applicant;
- (c) the conduct of the applicant since the disqualification was imposed.

(7) The first application under paragraph (4) must not be made before the end of the period of one year starting with the date the disqualification starts.

(8) A further application shall not be made before the end of the period of one year starting with the date of the court's last order.

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**Changes to legislation:** *The Diseases of Animals (Northern Ireland) Order 1981, Section 5B is up to date with all changes known to be in force on or before 10 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*

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- (9) For the purposes of this Article keeping or dealing in an animal or bird includes—
- (a) having custody, control or possession of an animal or bird;
  - (b) being concerned in the management or control of a body (whether or not incorporated) whose activities include keeping or dealing in animals or poultry.]

**F1** Arts. 5A, 5B inserted (12.3.2010) by Diseases of Animals Act (Northern Ireland) 2010 (c. 1), ss. 10(1), 22(1); S.R. 2010/70, art. 2

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[View outstanding changes](#)

**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](#)