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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*

##### **Animal or poultry health schemes**

**8.**—(1) Without prejudice to the powers exercisable by the Department by virtue of any other provision of this Order, the Department may, by orders made with the approval of the Department of Finance after consultation with any bodies which appear to the Department to be substantially representative of interests concerned, make schemes for the purpose of—

- (a) keeping any animals or poultry, so far as practicable, free from disease and in good health; or
- (b) controlling, and, so far as practicable, reducing the incidence of, any disease of animals or poultry; or
- (c) compensating in whole or in part persons who incur loss or expense in consequence of the presence of any disease in any animal, bird or carcass.

(2) Without prejudice to the generality of paragraph (1), a scheme under this Article may provide for—

- (a) the examination, testing or treatment of animals or poultry, of a description to which the scheme applies, or the carcasses of such animals or poultry, by persons exercising powers under the scheme, including—
  - (i) the entry by such persons on or into any land, building, shed, pen or place where any such animals, poultry or carcasses are kept or are suspected on reasonable grounds to be kept;
  - (ii) the facilities to be made available to such persons by the owners or persons in charge of any such animals, poultry or carcasses or the owners or occupiers of, or persons employed on or in, any such land, building, shed, pen or place; and
  - (iii) the payments to be made to persons exercising such powers in respect of any such examination, testing or treatment, and the persons by whom, and the time, place or manner at or in which, such payments are to be made and the recovery of sums so payable;
- (b) the slaughter or the isolation and maintenance of any such animals or poultry;
- (c) the regulation of the movement or exposure for sale of such animals or poultry;
- (d) the cases in which compensation may be paid to persons incurring any loss or expense in consequence of—
  - (i) any treatment carried out under the scheme; or

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**Changes to legislation:** *The Diseases of Animals (Northern Ireland) Order 1981, Section 8 is up to date with all changes known to be in force on or before 17 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*

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- (ii) the presence of any disease to which the scheme relates in any animal, bird or carcase; and the manner in which the amounts of such compensation are to be determined;
  - (e) the raising of—
    - (i) all or any part of the money out of which such compensation is to be paid; and
    - (ii) the sums necessary to defray the expenses incurred in connection with the raising of that money and the payment of that compensation;
- by means of levies imposed in respect of animals, poultry or carcasses or the produce, produced in Northern Ireland of animals or poultry of a description to which the scheme applies on persons carrying on a business involving the rearing, buying, selling or slaughtering of such animals or poultry, or producing produce from such animals or poultry;
- (f) the duties of the persons by whom, under the terms of the scheme, any sum raised by means of that levy is to be paid, collected or remitted;
  - (g) the time, place or manner at or in which any such sum is to be paid and the recovery of sums so payable;
  - (h) the records, returns, notices and certificates which are to be kept, made or given for the purposes of the scheme, including the inspection, verification and copying of records by an officer of the Department.

(3) The persons upon whom duties may be imposed under paragraph (2) (f) in connection with the collection and remittance of sums raised by means of levies shall include any body established by or under any enactment for regulating the marketing of any agricultural product or otherwise for the benefit of, or any part of, the agricultural industry (including the livestock and livestock products industries), and such a body may collect any such sum under that paragraph (and may so collect it by deduction, set-off or otherwise).

(4) A scheme under this Article may be mandatory or subject to the voluntary participation of persons affected by the scheme.

(5) The prohibition in Article 49 on the making of charges by the Department for any thing under this Order or by inspection or other act precedent to such a thing shall not extend to prevent the imposition of levies in pursuance of paragraph (2) (e) or the making of charges in accordance with the provisions of a scheme under this Article in respect of any examination, testing, treatment or other service or facility whatsoever carried out or provided by or on behalf of the Department under the scheme.

(6) In this Article “disease” is not restricted by its definition in Article 2(2).

**Changes to legislation:**

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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](#)