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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*

##### **Expenditure for the eradication of diseases**

3.—(1) Without prejudice to any power conferred on it by any other enactment, the Department may, with the approval of the Department of Finance, expend such sums as the Department thinks fit with the object of eradicating or, so far as practicable, preventing diseases of animals and poultry in Northern Ireland.

(2) Without prejudice to paragraph (1), the Department may by order made with the approval of the Department of Finance, make a scheme under which the owner of any herd of cattle in Northern Ireland may be paid such sums as the Department thinks fit to be expended with the object of securing so far as practicable, that the herd will be free from tuberculosis.

(3) With a view to promoting the breeding and distribution of stocks of poultry free from disease and without prejudice of paragraph (1), the Department may, with the approval of the Department of Finance, make arrangements for persons carrying on, at any premises in Northern Ireland recognised by the Department for the purposes of this paragraph, the business of breeding and distributing stocks of poultry or of producing and distributing hatching eggs, to be afforded, free of charge, facilities for having poultry, whether alive or dead, inspected, tested and examined with the object of determining whether the birds are free from disease, or from what cause they have died.

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

##### **Eradication areas and attested areas**

4. The Department may by order—

- (a) where the Department is satisfied that a substantial majority of the animals or poultry in any area are free from any disease declare that area to be an eradication area for purposes connected with the control of that disease;
- (b) where the Department is satisfied that any disease of animals or poultry is for practical purposes non-existent in any area, declare that area to be an attested area for purposes connected with the control of that disease;
- (c) prohibit or regulate the movement of animals or poultry into, out of, or within any area which is an eradication area or an attested area and provide for exemptions from any such prohibition by means of the grant of licences<sup>[F1]</sup> subject to such conditions as may be specified in the licences].

**Status:** Point in time view as at 02/04/2012.

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**F1** 1984 NI 2

## [<sup>F2</sup> **Biosecurity guidance**

**4A.**—(1) The Department shall prepare guidance on the appropriate biosecurity measures to be taken in relation to any disease specified by order of the Department.

(2) After preparing a draft of the guidance the Department—

- (a) shall send a copy of the draft to such persons and organisations as it thinks are representative of those having an interest in biosecurity measures;
- (b) shall consider any representations made to it about the draft by such persons and organisations;
- (c) may amend the draft accordingly.

(3) After the Department has proceeded under paragraph (2) it shall publish the guidance in such manner as it thinks appropriate.

(4) The Department shall from time to time review the guidance and if it thinks it appropriate revise the guidance.

(5) Subject to paragraph (6), paragraphs (1) to (3) apply to a revision of the guidance as they apply to its preparation.

(6) If the Department thinks that it is necessary to revise the guidance urgently it may publish revised guidance without proceeding under paragraph (2).

(7) Biosecurity measures are measures taken to prevent the spread of causative agents of disease.

(8) In paragraph (7), “causative agent” includes any virus, bacterium and any other organism or infectious substance or particle which may cause or transmit disease.

(9) It is immaterial that anything done for the purposes of paragraphs (1) to (3) is done before the coming into operation of section 7 of the Diseases of Animals Act (Northern Ireland) 2010.

**F2** Arts. 4A, 4B inserted (12.3.2010) by Diseases of Animals Act (Northern Ireland) 2010 (c. 1), ss. 7, 22(1); S.R. 2010/70, art. 2

## **Biosecurity compliance**

**4B.**—(1) If a person to whom paragraph (2) applies fails to comply with guidance which has been published under Article 4A(3) and has not been withdrawn, that person is not by reason only of that failure liable in any civil or criminal proceedings but the guidance is admissible in evidence in such proceedings and a court may take account of any failure to act in accordance with it in deciding any question in the proceedings.

(2) This paragraph applies to—

- (a) any person having functions under this Order;
- (b) any person who is the owner or occupier of premises on which animals or poultry are kept;
- (c) any person who is the owner of, or has charge of, animals or poultry;
- (d) any person who is under the direction or control of a person mentioned in sub-paragraphs (a) to (c).

(3) The Department may by order prescribe the circumstances in which it may withhold, either wholly or partly, compensation or any other payment in respect of an animal slaughtered under this Order where—

- (a) the slaughter has been necessitated by brucellosis;
- (b) guidance relating to brucellosis has been published under Article 4A(3) and has not been withdrawn; and
- (c) the owner or person having charge of the animal has failed to comply with the guidance.]

**F2** Arts. 4A, 4B inserted (12.3.2010) by Diseases of Animals Act (Northern Ireland) 2010 (c. 1), ss. 7, 22(1); S.R. 2010/70, art. 2

### Prevention or checking of disease

- 5.—(1) <sup>F3</sup> . . . the Department may by order—
- (a) prescribe modes of cleansing and disinfection;
  - (b) prescribe and regulate the marking of animals or poultry<sup>F4</sup> and regulate the sale, supply, distribution, use and destruction of any article intended for use in such marking];
  - (c) prescribe and regulate the seizure, detention and disposal of a diseased or suspected animal or bird exposed, carried, kept or otherwise dealt with in contravention of an order of the Department;
  - (d) prescribe and regulate the liability of the owner, consignor or consignee of an animal or bird such as is mentioned in sub-paragraph (c) to the expenses connected with the seizure, detention and disposal;
  - (e) prescribe and regulate the destruction, burial, disposal or treatment of carcasses of animals or poultry dying while diseased or suspected;
  - (f) prohibit or regulate the digging up of carcasses which have been buried;
  - (g) prescribe and regulate the disinfection of the clothes of persons employed about, or coming in contact with, or likely to have been in contact with, diseased or suspected animals or poultry and the use of precautions against the spreading of disease by such persons;
  - (h) prohibit or regulate the [<sup>F5</sup>sale, supply or use] of any kind of fodder or litter by which disease might be spread;
  - (i) prescribe and regulate the use and distribution of any thing, whether animate or inanimate, by or by means of which it appears to the Department that any disease might be carried or transmitted;
  - (j) prohibit or regulate the collection, holding or processing of carcasses or of animal or poultry products or any thing, whether animate or inanimate, which has been in contact with such carcasses or products;
  - (k) prescribe and regulate the payment and recovery of expenses in respect of animals or poultry;
  - <sup>F6</sup>(kk) prescribe and regulate the circumstances in which expenses incurred by the Department may be recovered from any person who fails to comply with any provision of this Order or an order of the Department;]
  - (l) prescribe, regulate and secure the periodical treatment of all sheep by effective dipping or by the use of some other remedy for sheep scab;
  - (m) provide for exemptions from any such prohibitions by means of the grant of licences<sup>F4</sup> subject to such conditions as may be specified in the licences].

(2) The Department may provide and maintain sheep dipping facilities and afford to the public, upon such terms and conditions (including conditions as to payment) as the Department may think proper, the use of those facilities and of any appliances and materials which are necessary to make

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that use effective, so, however, that nothing shall be done under this paragraph so as to affect injuriously the water in any stream, reservoir, aqueduct, well, pond or place constructed or used for the supply of water for any domestic purpose.

- F3** 1994 NI 6
- F4** 1984 NI 2
- F5** Words in [art. 5\(1\)\(h\)](#) substituted (12.3.2010) by [Diseases of Animals Act \(Northern Ireland\) 2010 \(c. 1\), ss. 8, 22\(1\)](#); S.R. 2010/70, [art. 2](#)
- F6** [Art. 5\(1\)\(kk\)](#) inserted (12.3.2010) by [Diseases of Animals Act \(Northern Ireland\) 2010 \(c. 1\), ss. 9\(1\), 22\(1\)](#); S.R. 2010/70, [art. 2](#)

### [<sup>F7</sup>Deliberate infection

**5A.—(1)** A person commits an offence if, without lawful authority or excuse (proof of which shall lie on him), he knowingly or recklessly does any act which causes or is intended to cause an animal or bird to be infected with a disease.

(2) A person commits an offence if, without lawful authority or excuse (proof of which shall lie on him), that person acquires or takes possession of an animal or bird which he knows, or ought reasonably to know, to be infected with a disease.

- F7** [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](#)

### 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—

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- (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.

- (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.]

**F7** 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

#### **Seizure and destruction of carcasses, etc., liable to spread disease**

6.—(1) The Department, if satisfied that it is expedient for the purpose of preventing the spread of disease, may seize any carcase, fodder, feeding stuffs, litter, milk, eggs, [<sup>F8</sup>fertilisers, or any other thing, whether animate or inanimate,] and destroy, bury, dispose of or treat any thing so seized.

(2) The Department shall pay compensation for any carcase (not being a carcase of an animal or bird which has died of disease or was infected with disease at the time of its slaughter by a person other than the Department), fodder, feeding stuffs, litter, milk, [<sup>F9</sup>fertilisers, or any other thing] seized under paragraph (1) and, subject in the case of imported eggs to any order made under Article 30, for eggs so seized.

(3) The compensation payable under paragraph (2) for any thing seized under paragraph (1) shall be the value of that thing at the time of seizure and shall be calculated as if it was not affected with disease at that time.

(4) Where any thing destroyed, buried or disposed of under an order made under sub-paragraph (e) of Article 14 could have been seized under paragraph (1) of this Article, the Department shall pay the like compensation, if any, for that thing as if it had been so seized at the time of the destruction, burial or disposal.

(5) Paragraph (7) of Article 18 shall have effect in relation to things seized under this Article as it has effect in relation to animals slaughtered at the direction of the Department and the carcasses of such animals.

**F8** Words in art. 6(1) substituted (12.3.2010) by Diseases of Animals Act (Northern Ireland) 2010 (c. 1), ss. 11(a), 22(1); S.R. 2010/70, art. 2

**F9** Words in art. 6(2) substituted (12.3.2010) by Diseases of Animals Act (Northern Ireland) 2010 (c. 1), ss. 11(b), 22(1); S.R. 2010/70, art. 2

#### **Modifications etc. (not altering text)**

**C1** Art. 6 applied (10.2.2007) by Avian Influenza and Influenza of Avian Origin in Mammals Regulations (Northern Ireland) 2007 (S.R. 2007/68), reg. 84(a) (with reg. 3)

**C2** Art. 6 applied (24.3.2007) by Avian Influenza (H5N1 in Wild Birds) Regulations (Northern Ireland) 2007 (S.R. 2007/208), reg. 22(a)

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### **Control of zoonoses**

7.—(1) The Department may by order designate any disease of, or organism carried in, animals or poultry which in the opinion of the Department constitutes a risk to human health.

(2) Where any disease or organism is for the time being designated under this Article, the Department may by order—

- (a) provide for any provision of this Order which has effect in relation to the disease to have effect subject to such modifications as may be specified in the order;
- (b) apply any provision of this Order, subject to any modifications so specified, in relation to the presence of the organism in an animal or bird as if the presence of the organism were a disease.

(3) The Department may by order require a person who in such circumstances as are specified by the order, knows or has reason to suspect that an animal or bird of such description as is specified in the order is or was—

- (a) affected with a disease designated under this Article; or
- (b) a carrier of an organism so designated,

to furnish to such person and in such form and within such period as are specified in the order such information relating to the animal or bird as is so specified.

(4) If it appears to the Department that a person may have information relating to an animal or bird affected with a disease designated under this Article or an animal or bird which is a carrier of an organism so designated, the Department may by notice require him to furnish to such person and in such form and within such period as are specified in the notice such information relating to the animal or bird as he possesses and is so specified.

(5) Where an inspector has reason to believe that an animal or bird such as is mentioned in paragraph (4) is or has been on any land he may, on production if required of his credentials,—

- (a) enter the land and make such tests and take such samples of any animal, bird, feeding stuff, litter, dung, vessel, pen, vehicle or other thing whatsoever which is on, or forms part of the land as he thinks appropriate for the purpose of ascertaining whether such an animal or bird is or has been on the land; and
- (b) require the owner or person having charge of any animals or poultry on the land to take such reasonable steps as the inspector may specify for the purpose of collecting or restraining them so as to facilitate the exercise in relation to them of the powers conferred on the inspector by sub-paragraph (a).

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

### **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 carcase.

(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
  - (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.

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(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).

### [<sup>F10</sup>Control of vaccines

**8A.**—(1) The Department may by order prohibit or regulate—

- (a) the manufacture, import, possession, sale or supply of such vaccines as may be specified in the order;
  - (b) the administration to any animal or bird of such vaccines as may be specified in the order.
- (2) Without prejudice to paragraph (1), an order under that paragraph may—
- (a) specify the persons who may manufacture, import, possess, sell, or supply vaccines;
  - (b) specify the persons who may administer vaccine to any animal or bird;
  - (c) provide for the issue of licences for the manufacture, import, possession, sale, supply or administration of vaccines, subject to such conditions as may be specified in the licences;
  - (d) require any person—
    - (i) to keep such records and retain such documents as may be specified in the order;
    - (ii) to furnish to the Department such information and returns as may be so specified;
    - (iii) to permit an inspector to inspect and take extracts from such records and documents;
  - (e) provide for the seizure, detention and disposal of any vaccine manufactured, imported, possessed, sold or supplied in contravention of the order;
  - (f) provide for the seizure, detention and disposal of any animal or bird to which vaccine has been administered in contravention of the order.]

**F10** Art. 8A inserted (12.3.2010) by Diseases of Animals Act (Northern Ireland) 2010 (c. 1), ss. 12, 22(1); S.R. 2010/70, art. 2

### Power to obtain information for the purpose of Article 3

**9.**—(1) For the purpose of obtaining information required for the purposes of Article 3, the Department may authorise any veterinary inspector or other officer of the Department to inspect animals or poultry.

(2) Any person authorised by the Department under paragraph (1) may, for the purpose of any inspection to be carried out by him, at all reasonable times, upon production of his authority on demand enter on any land and apply such tests and take such samples as he considers necessary.

### *Separation and treatment of diseased animals and poultry and notice of disease*

#### Separation of diseased animals and poultry and notice of disease

**10.**—(1) Every person having in his possession or under his charge an animal affected with disease shall—

- (a) as far as practicable keep that animal separate from animals not so affected; and

- (b) with all practicable speed give notice of the fact of the animal being so affected to the Department or to a member of the Royal Ulster Constabulary stationed in the district in which the animal so affected is.
- (2) Any person who knows or suspects that an animal (whether in captivity or not) is affected with rabies shall give notice of that fact to a member of the Royal Ulster Constabulary unless—
- (a) he believes on reasonable grounds that another person had given notice under this Article in respect of that animal, or
- (b) he is exempted from doing so by an order under Article 60.
- (3) A veterinary surgeon who examines any animal or the carcase of any animal and is of the opinion or suspects that the animal is diseased or was diseased when it died or when it was slaughtered shall with all practicable speed give notice of the disease or suspicion of disease to the Department or to a member of the Royal Ulster Constabulary stationed in the district in which the animal or carcase is.
- (4) The member of the Royal Ulster Constabulary to whom notice is given shall forthwith give information of it to such person or authority as the Department by order directs.
- (5) Where the Department is satisfied of the occurrence of any disease communicable to man, the Department shall forthwith notify the Health and Social Services Board established under Article 16 of the Health and Personal Social Services (Northern Ireland) Order 1972<sup>F11</sup> within whose area that disease has occurred.
- [<sup>F12</sup>(6) The Department may by order—
- (a) prescribe and regulate the notice to be given to or by any person or authority in case of any particular disease or suspicion of it or in case of the illness of an animal and supplement or vary for those purposes any of the provisions of this Article;
- (b) prescribe and regulate the separation of suspected or diseased animals and poultry from animals and poultry which are not suspected or affected with disease;
- (c) prescribe and regulate the notification of illness of, or disease or suspicion of disease in, poultry.]
- (7) This Article is subject to any provision in Part III of Schedule 1.

**F11** 1972 NI 14

**F12** 1994 NI 6

### [<sup>F13</sup>Treatment of animals or poultry

**11.**—(1) For the purpose of controlling disease or preventing the spread of disease, the Department may cause such treatment as it considers necessary to be given to any animal or bird.

(2) In paragraph (1), “treatment” includes treatment with serum or vaccine, or with both serum and vaccine.

(3) The powers conferred by this Article shall be construed as extending to the taking of any action—

- (a) which is required for enabling the appropriate treatment to be administered, or
- (b) which is otherwise required in connection with that treatment.]

**F13** Art. 11 substituted (12.3.2010) by Diseases of Animals Act (Northern Ireland) 2010 (c. 1), ss. 13, 22(1); S.R. 2010/70, art. 2

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### *Infected places and areas*

#### **General provisions as to infected places and areas**

**12.—**(1) <sup>F14</sup> . . . the Department may by order, prescribe—

- (a) the cases in which places and areas are to be declared to be infected with a disease,
- (b) the authority, mode, and conditions by, in, and on which such declarations are to be made;
- (c) the effect and consequence of such declarations;
- (d) the duration and discontinuance of such declarations; and
- (e) any other matters connected with such declarations.

(2) An order under paragraph (1) prescribing the cases in which areas are to be declared to be infected with rabies may—

- (a) provide for the destruction in an area declared to be so infected, by persons authorised in accordance with the order, of foxes and such other wild animals as may be prescribed by the order (not in either case being animals held in captivity);
- (b) authorise any person to enter any land (other than a dwelling-house) for the purpose of carrying out, or of deciding whether to carry out, the destruction there of animals in accordance with the order;
- (c) authorise the erection of fences or other obstacles to restrict the movement of animals into and out of an area where destruction is or will be carried out;
- (d) regulate the ownership and disposal of the carcasses of animals destroyed in accordance with the order;
- (e) prohibit any person from obstructing the destruction of animals in accordance with the order and from interfering with the carcasses of animals destroyed;
- (f) authorise the use of methods of destruction which would otherwise be unlawful;
- (g) require notice to be served, in such circumstances as may be prescribed by the order, of the death in an area declared to be so infected of such domestic or wild animals as may be prescribed;
- (h) regulate the ownership and disposal of the carcasses of animals whose deaths are required to be notified under sub-paragraph (g);
- (i) require and regulate the vaccination, confinement and control in such an area of such domestic animals and animals held in captivity as may be prescribed by the order;
- (j) authorise the seizure and detention and the disposal or destruction of any animal in respect of which any provision made under sub-paragraph (i) is not complied with;
- (k) authorise any person to enter any land for the purpose of seizing or destroying any animal in pursuance of the order; and
- (l) provide for the division of an area into zones (whether defined by reference to distance from the places within the area where diseased animals have been found or otherwise) and for the consequences which may follow a declaration to be different for different zones;

and such an order shall make provision as to the steps to be taken to inform the occupier of any land where it is proposed that animals should be destroyed and other persons who may be there, of the proposal and of the methods of destruction to be used.

(3) Every place or area declared to be infected with a disease shall be an infected place or area for the purposes of this Order.

(4) Where, in accordance with the provisions of this Order, a place or an area or a portion of an area is declared free from a disease, then, from the time specified in that behalf by the Department, the place or area or that portion of the area shall cease to be, or to be in, an infected place or area.

(5) Any declaration or notice of the following description shall be conclusive evidence to all intents of the existence or past existence or cessation of the disease and of any other matter on which the declaration or notice proceeds—

- (a) a declaration of the Department declaring a place or area to be an infected place or area, or declaring a place or area, or a portion of an area, to be free from disease; or
- (b) a notice served in pursuance of directions of the Department under an order made under this Article.

F14 1994 NI 6

### **Power to destroy wild life**

**13.**—(1) Without prejudice to any other powers conferred on the Department under this Order, where the Department is satisfied in the case of any area,—

- (a) that there exists among the wild members of one or more species in the area a disease, other than rabies, which has been or is being transmitted from members of that or those species to livestock of any kind in the area; and
- (b) that destruction of wild members of that or those species in that area is necessary in order to eliminate, or substantially reduce the incidence of, that disease in livestock of any kind in the area;

the Department may, after consultation with the Department of the Environment and subject to the following provisions of this Article, by order, provide for the destruction of wild members of that or those species in that area.

(2) An order under this Article shall specify the area to which it applies, the disease to which it applies, and the one or more species to which it relates.

(3) An order under this Article providing for the destruction of wild members of one or more species in any area may—

- (a) where the Department is satisfied, having regard to all relevant considerations and, in particular, the need to avoid causing unnecessary suffering to wild members of the species in question, that use of the method or methods in question is the most appropriate way of carrying out that destruction, authorise the use of methods of destruction which would otherwise be unlawful;
- (b) make provision for ensuring that destruction of wild members of any species to which the order relates is properly and effectively carried out, and in particular for preventing persons from taking into captivity, harbouring, concealing or otherwise protecting wild members of any such species with intent to prevent their destruction, or in any other way obstructing or interfering with any thing which has been, is being or is to be done or used in connection with that destruction;
- (c) regulate the ownership and disposal of the carcasses of members of any such species destroyed in the area to which the order relates.

(4) Before commencing the destruction of wild members of a species on any land within an area to which an order under this Article applies the Department shall take all reasonable steps to inform the occupier of the land and any other person who may be there of the Department's intention to carry out that destruction and of the methods of destruction to be used; and the Department shall

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ensure that destruction is carried out on any such land in as safe a manner as is possible in all the circumstances.

(5) Where an order under this Article is in force, the Department may take such measures (including the erection of fences or other obstacles) as the Department considers appropriate—

- (a) for preventing the movement of living creatures into or out of the area or any part of the area to which the order applies while destruction of wild members of any species to which the order relates is being carried out in the area; and
- (b) where destruction of wild members of any such species has been or is to be carried out in any part of that area, for preventing the recolonisation of that part by members of that species for as long as the Department considers necessary to prevent reappearance among them of the disease to which the order applies.

(6) As soon as may be after the Department is satisfied, in the case of any land, that any measures affecting that land which have been taken in connection with an order under this Article are no longer necessary, the Department shall remove from the land anything placed or erected on it and shall take such other steps as are reasonably practicable to reinstate the land.

(7) In this Article—

“livestock”, subject to paragraph (8), means cattle, sheep, goats and other ruminants, swine, horses, domestic fowl, turkeys, geese, ducks, guinea fowl, pigeons, pheasants and partridges;

“species” means any species of animals or poultry;

and references to wild members of any species in an area are references to members of the species in the area that are neither domesticated nor held in captivity.

(8) The Department may by order modify the definition of “livestock” in paragraph (7).

### **Orders relating to infected places and areas**

14. <sup>F15</sup> . . . the Department may by order—

- (a) prescribe and regulate the publication by placards, handbills or otherwise, in the immediate neighbourhood of a place or area declared infected, of the fact of such declaration;
- (b) prohibit or regulate the movement of animals or poultry and persons into, within or out of, an infected place or area;
- (c) prescribe and regulate the isolation or separation of animals or poultry being in an infected place or area;
- (d) prohibit or regulate the removal or carcasses or other things, whether animate or inanimate, into, within, or out of an infected place or area;
- (e) prescribe and regulate the destruction, burial, disposal or treatment of carcasses or other things, whether animate or inanimate, being in, or removed out of, an infected place or area;
- (f) prescribe and regulate the cleansing and disinfection—
  - (i) of infected places and areas;
  - (ii) of receptacles or vehicles used for the confinement or conveyance of animals or poultry;
- (g) prescribe and regulate the disinfection of the clothes of persons being in an infected place or area, and the use of precautions against the spreading of disease by such persons;
- (h) provide for exemptions from any such prohibitions by means of the grant of licences<sup>F16</sup> subject to such conditions as may be specified in the licences].

**F15** 1994 NI 6

**F16** 1984 NI 2

### Power to exclude strangers

**15.** A person owning or having charge of any animals or poultry, in a place or area declared infected with any disease may affix, at or near the entrance to a building or enclosure in which the animals or poultry are, a notice forbidding persons to enter that building or enclosure without the permission mentioned in the notice, and thereupon it shall not be lawful for any person, not having by law a right of entry or way into, on, or over that building or enclosure, to enter or go into, on, or over the same without that permission.

### *Slaughter of diseased and suspected animals and poultry*

### Slaughter of diseased and suspected animals and poultry

**16.**—<sup>F17</sup>(1) Schedule 2 has effect as to the slaughter of animals and poultry in relation to any disease specified in that Schedule.]

<sup>F18</sup>(1A) The Department shall by order make provision for compensation in respect of the slaughter of animals or poultry under Schedule 2.

(1B) Without prejudice to the generality of paragraph (1A), an order under that paragraph may do either or both of the following—

- (a) require the Department to pay compensation not exceeding such amount as may be specified in the order;
- (b) provide for the calculation of compensation using such scales or such other basis of calculation as may be so specified.]

(2) Without prejudice to Article 2(3), the Department may, in relation to any disease, by order, modify the provisions of Schedule 2 if it appears to the Department that the modifications are necessary or expedient for the purposes of this Order.

<sup>F19</sup>(3) An order under paragraph (2) may, in particular, include provision authorising or requiring the slaughter of animals or poultry which the Department thinks should be slaughtered with a view to preventing the spread of any disease whether or not the animals or poultry—

- (a) are affected with the disease or suspected of being so affected;
- (b) are or have been in contact with animals or poultry so affected;
- (c) have been in any way exposed to the disease;
- (d) have been treated with serum or vaccine (or both) against the disease.]

**F17** Art. 16(1) substituted (12.3.2010) by Diseases of Animals Act (Northern Ireland) 2010 (c. 1), ss. 1(a), 22(1); S.R. 2010/70, art. 2

**F18** 1994 NI 6

**F19** Art. 16(3) added (12.3.2010) by Diseases of Animals Act (Northern Ireland) 2010 (c. 1), ss. 1(b), 22(1); S.R. 2010/70, art. 2

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## [<sup>F20</sup>Slaughter of animals and poultry treated with serum or vaccine

**16A.**—(1) This Article applies to any animal or bird which has been treated with serum or vaccine (or both) for the purpose of controlling disease or preventing the spread of any disease specified for the purposes of this Article by order of the Department.

(2) The Department may cause to be slaughtered any animal or bird to which this Article applies.

(3) The Department shall, by order, make provision for compensation in respect of the slaughter of any animal or bird under this Article.]

**F20** Art. 16A inserted (12.3.2010) by Diseases of Animals Act (Northern Ireland) 2010 (c. 1), ss. 2, 22(1); S.R. 2010/70, art. 2

## Additional officers and expenses for purposes of slaughter

**17.** For the purposes of the execution of the provisions of this Order relating to the slaughter by the Department of animals or poultry on account of disease, the Department may—

- (a) with the consent of the Department of the Civil Service, employ at such remuneration such additional inspectors, valuers and other persons, and
- (b) with the consent of the Department of Finance, incur such expenses, as the Department thinks necessary.

## General provisions relative to slaughter and compensation

**18.**—(1) The Department may, notwithstanding anything in this Order, reserve for observation and treatment an animal or bird liable to be slaughtered under this Order at the direction of the Department but subject to payment of compensation by the Department as in case of actual slaughter.

(2) Where an animal or bird has been slaughtered under this Order at the direction of the Department the carcase shall belong to the Department and shall be buried or sold or otherwise disposed of by or at the direction of the Department, as the condition of the animal, bird or carcase and other circumstances may require or admit.

(3) If, in any case, the sum received by the Department on sale of a carcase under this Article exceeds the amount paid for compensation to the owner of the animal or bird slaughtered, the Department shall pay that excess to the owner, after deducting reasonable expenses.

(4) Where an animal or bird has been slaughtered under this Order at the direction of the Department, the Department may use for the burial of the carcase any ground in the possession or occupation of the owner of the animal or bird and suitable in that behalf, or any common or unenclosed land.

(5) If the owner of an animal or bird slaughtered under this Order at the direction of the Department has an insurance on the animal or bird, the amount of the compensation awarded to him under this Order may be deducted by the insurers from the amount of the money payable under the insurance before they make any payment in respect of the animal or bird.

(6) Notwithstanding anything in this Order, the Department may withhold, either wholly or partially, compensation or other payment in respect of an animal or bird slaughtered under this Order at its direction where, in the judgment of the Department

- (a) the owner or the person having charge of the animal or bird has been guilty of an offence against this Order tending to prejudice the due control of the disease necessitating the slaughter; or

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- (b) the animal or bird, being an imported animal or bird, was diseased at the time of its landing or, before or while being brought from any member State, exposed to the infection of disease; or
  - (c) the bird was hatched from an imported egg which carried disease or infection at the time of landing or came from the same source as eggs found to carry disease or infection.
- (7) The Department may by order—
- (a) prescribe the mode of ascertainment of the value of an animal or bird slaughtered, or liable to be slaughtered, at the direction of the Department;
  - (b) regulate applications for, and the mode of payment of, compensation;
  - (c) prescribe and regulate the destruction, burial, disposal or treatment of carcasses of animals or poultry slaughtered at the direction of the Department.

#### Modifications etc. (not altering text)

- C3** Art. 18(6)(7) applied (23.2.2006) by Foot-and-Mouth Disease (Control of Vaccination) Regulations (Northern Ireland) 2006 (S.R. 2006/43), **reg. 40(a)**
- C4** Art. 18(6) applied (23.2.2006) by Foot-and-Mouth Disease Regulations (Northern Ireland) 2006 (S.R. 2006/42), **reg. 60(a)**
- C5** Art. 18(6) applied (10.2.2007) by Avian Influenza and Influenza of Avian Origin in Mammals Regulations (Northern Ireland) 2007 (S.R. 2007/68), **reg. 84(b)** (with reg. 3)
- C6** Art. 18(6) applied (10.2.2007) by Avian Influenza (Vaccination) Regulations (Northern Ireland) 2007 (S.R. 2007/69), **reg. 22(1)(a)**
- C7** Art. 18(6) applied (10.2.2007) by Avian Influenza (Preventive Measures) Regulations (Northern Ireland) 2007 (S.R. 2007/70), **reg. 18(a)**
- C8** Art. 18(6)(7) applied (30.6.2009) by Swine Vesicular Disease Regulations (Northern Ireland) 2009 (S.R. 2009/223), **reg. 45(a)**
- C9** Art. 18(6)(7) applied (23.2.2006) by Foot-and-Mouth Disease (Control of Vaccination) Regulations (Northern Ireland) 2006 (S.R. 2006/43), **reg. 40(a)**

#### *Regulation of movement of animals and poultry, etc.*

#### **Regulation of movement of animals and poultry, etc.**

- 19.** <sup>F21</sup> . . . the Department may by order—
- (a) prohibit or regulate the exposure of <sup>F22</sup> . . . animals or poultry in markets, fairs or sale-yards, or other public or private places where animals or poultry are commonly exposed for sale, and the placing of such animals or poultry in lairs or other places adjacent to or connected with markets or fairs, or where animals or poultry are commonly placed before exposure for sale;
  - (b) prohibit or regulate the sending or carrying of diseased or suspected animals or poultry, or of other things, whether animate or inanimate, likely to spread disease, or the causing of such animals or poultry or such other things to be sent or carried, on railways, canals, rivers, or inland navigations, or in coasting vessels, or in an aircraft which is engaged in a journey or a part of a journey beginning and ending in Northern Ireland, or otherwise;
  - (c) prohibit or regulate the carrying, leading, or driving of diseased or suspected animals or poultry, or the causing of such animals or poultry to be carried, led or driven on highways or thoroughfares or elsewhere;

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- (d) prohibit or regulate the placing or keeping of diseased or suspected animals or poultry on commons or unenclosed lands or in fields or other places insufficiently fenced, or on the sides of highways;
- (e) prohibit or regulate the movement of animals or poultry, and the removal of carcasses, or other things, whether animate or inanimate, and prescribe and regulate the isolation of animals or poultry<sup>F23</sup> . . . ;
- (f) prescribe and regulate the issue and production of licences respecting movement and removal of animals, poultry and things;
- (g) prohibit or regulate the holding of markets, fairs, exhibitions and sales of animals or poultry;
- (h) prescribe and regulate the cleansing and disinfection of places used for the holding of markets, fairs, exhibitions or sales of animals or poultry, or for lairage of animals, and yards, sheds, stables and other places used for animals or poultry;
- (i) prescribe and regulate the cleansing and disinfection of vessels, aircraft, vehicles, and pens and other places, used for the carrying of animals or poultry or purposes connected with the carrying of animals or poultry;
- (j) prohibit, absolutely or conditionally, the use for the carrying of animals or poultry or for any purpose connected with the carrying of animals or poultry, of a vessel, aircraft, vehicle, or pen or other place in respect of which, or of the use of which, a penalty has been imposed on any person for an offence against this Order; and
- (k) provide for the exemptions from any such prohibitions by means of the grant of licences<sup>F24</sup> subject to such conditions as maybe specified in the licences].

**F21** 1994 NI 6

**F22** Words in art. 19(a) repealed (12.3.2010) by Diseases of Animals Act (Northern Ireland) 2010 (c. 1), ss. 14(a), 21(2), 22(1), **Sch. 3**; S.R. 2010/70, **art. 2**

**F23** Words in art. 19(e) repealed (12.3.2010) by Diseases of Animals Act (Northern Ireland) 2010 (c. 1), ss. 14(b), 21(2), 22(1), **Sch. 3**; S.R. 2010/70, **art. 2**

**F24** 1984 NI 2

## <sup>F25</sup>Registration and approval of livestock dealers

**19A.**—(1) The Department may by order—

- (a) regulate the possession, purchase, sale or supply of animals or poultry by livestock dealers for the purpose of preventing the outbreak or spread of disease or for the purpose of preventing injury or suffering to animals or poultry;
  - (b) provide for the approval and registration of livestock dealers and premises owned or occupied by livestock dealers.
- (2) In paragraph (1), “livestock dealer” means any person who—
- (a) buys and sells animals or poultry commercially, either on his own behalf or on behalf of another;
  - (b) does not generally retain such animals or poultry in his ownership for a period of more than 30 days; and
  - (c) in the course of his business moves animals or poultry purchased by him from premises owned or occupied by him to premises not owned or occupied by him.]

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**F25** Art. 19A inserted (12.3.2010) by Diseases of Animals Act (Northern Ireland) 2010 (c. 1), ss. 15, 22(1); S.R. 2010/70, art. 2

### Disease found in animals in transit

**20.**—(1) The Department shall by order make such provision as it thinks necessary or expedient in relation to animals or poultry found to be affected with disease—

- (a) while exposed for sale or exhibited in a market, fair, sale-yard, place of exhibition, or other place; or
- (b) while placed in a lair or other place before exposure for sale; or
- (c) while in transit or in course of being moved by land or water, or by air; or
- (d) while being in a slaughter-house or place where animals or poultry are slaughtered or are kept with a view to slaughter; or
- (e) while being on common or unenclosed land; or
- (f) generally, while being in a place not in the possession of occupation or under the control of the owner of the animals or poultry.

(2) The Department shall by order under this Article make such provision as it thinks fit for the consequences under this Order of animals or poultry being found in any of the circumstances mentioned in paragraph (1), and any such order may, in addition to making provision with respect to the place where animals or poultry are so found make provision with respect to—

- (a) the animals or poultry so found;
- (b) other places;
- (c) other animals or poultry being or having been in contact with animals or poultry so found.

(3) Every order under this Article shall have full effect notwithstanding any provision of this Order requiring the declaration of a place infected with disease or relating to any consequence or, or to any matter connected with, such a declaration, and notwithstanding any other provision whatsoever of this Order.

### [<sup>F26</sup>Protection of animals and poultry from suffering, etc.

**21.** The Department may by order make provision—

- (a) for protecting animals and poultry from unnecessary suffering—
  - (i) during inland transit, or in an aircraft engaged in a journey or part of a journey or part of a journey beginning and ending in Northern Ireland;
  - (ii) during passage by sea or air and on landing;
  - (iii) in connection with their exposure for sale and their disposal after sale;
- (b) for securing a proper supply of water and food to animals and poultry during any period of their detention.]

**F26** Arts. 21-23A repealed (2.4.2012 for art. 22 and otherwise prosp.) by Welfare of Animals Act (Northern Ireland) 2011 (c. 16), s. 59, Sch. 5 (with ss. 1(2), 52(1), 53, 54); S.R. 2012/154, art. 2(b), Sch. 2

### Provision of water and food at railway stations

<sup>F26</sup>**22.** . . . . .

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**F26** Arts. 21-23A repealed (2.4.2012 for art. 22 and otherwise prosp.) by [Welfare of Animals Act \(Northern Ireland\) 2011 \(c. 16\)](#), s. 59, [Sch. 5](#) (with ss. 1(2), 52(1), 53, 54); S.R. 2012/154, art. 2(b), Sch. 2

### [<sup>F26</sup>Carriage of animals and poultry by sea or air

**23.** The Department may by order—

- (a) prohibit the conveyance of animals or poultry by any specified vessel or aircraft to or from any port or aerodrome in Northern Ireland for such time as the Department may consider expedient;
- (b) make provision for ensuring for animals and poultry carried by sea or air a proper supply of food and water and proper ventilation during the passage and on landing;
- (c) provide for exemptions from any such prohibition by means of the grant of licences[<sup>F27</sup> subject to such conditions as maybe specified in the licences].]

**F26** Arts. 21-23A repealed (2.4.2012 for art. 22 and otherwise prosp.) by [Welfare of Animals Act \(Northern Ireland\) 2011 \(c. 16\)](#), s. 59, [Sch. 5](#) (with ss. 1(2), 52(1), 53, 54); S.R. 2012/154, art. 2(b), Sch. 2

**F27** 1984 NI 2

### [<sup>F26</sup>[<sup>F28</sup>Animal welfare in exportation

**23A.**—(1) The Department, in the interests of animal welfare, may by order—

- (a) regulate the exportation from Northern Ireland of animals or poultry, and, in particular, prohibit exportation without such licence or certificate as may be prescribed by the order;
- (b) make provision as to the circumstances in which, and the conditions on which, a certificate or licence may be obtained.

(2) Without prejudice to the generality of paragraph (1), an order under that paragraph may include provision for requiring persons proposing to export animals or poultry from Northern Ireland to furnish information about—

- (a) the intended ultimate destination of the animals or poultry;
- (b) the arrangements for conveying them to that destination; and
- (c) any other matters which may be specified in the order.]]

**F26** Arts. 21-23A repealed (2.4.2012 for art. 22 and otherwise prosp.) by [Welfare of Animals Act \(Northern Ireland\) 2011 \(c. 16\)](#), s. 59, [Sch. 5](#) (with ss. 1(2), 52(1), 53, 54); S.R. 2012/154, art. 2(b), Sch. 2

**F28** 1984 NI 2

### *Importation, etc.*

#### **Orders prohibiting import of animals, etc.**

**24.**—(1) For the purpose of preventing the introduction of disease into Northern Ireland, the Department may, whenever it deems it expedient so to do, by order—

- (a) prohibit or regulate the importation of—

- (i) animals, poultry, carcasses and eggs and
  - (ii) other things, whether animate or inanimate, by or by means of which it appears to the Department that any disease might be carried or transmitted,
- (b) provide for exemptions from any such prohibition by means of the grant of licences<sup>F29</sup> subject to such conditions as maybe specified in the licences].

[<sup>F29</sup>(1A) An order under paragraph (1) may apply, with or without modifications, any of the provisions of Schedule 3 (slaughter and quarantine) to imported animals and poultry.]

(2) An order under paragraph (1) which is expressed to be made for the purpose of preventing the introduction of rabies into Northern Ireland may include provision for the destruction in Northern Ireland, by such persons as may be prescribed by the order, of animals in respect of which the order or any licence granted under it is contravened.

- (3) Whenever the Department is not satisfied, having regard to—
- (a) the sanitary conditions of animals or any specified kind of animals in, or imported from, any country or any specified part of any country; and
  - (b) the laws made by that country for the regulation of the importation and exportation of animals, and for the prevention of the introduction or spreading of disease; and
  - (c) the administration of such laws,

that the circumstances are such as to afford reasonable security against the importation from that country of animals affected with disease, the Department shall prohibit the importation of animals from that country.

(4) This Article shall apply to the importation in an aircraft of animals and other things not landed from the aircraft as it applies in relation to their landing from an aircraft.

(5) If an animal or other thing is imported in an aircraft in contravention of an order made under this Article, then (without prejudice to the liability of any other person under Article 52 (1) and (4) the person for the time being having possession and control of the aircraft, as owner, hirer or otherwise, shall be guilty of an offence against this Order.

**F29** 1984 NI 2

*Arts. 25#28 rep. by 1984 NI 2*

### **Regulation of ports, aerodromes, landing places and imported animals, poultry, etc.**

**29.**—(1) <sup>F30</sup> . . . the Department may make such orders as it thinks fit, generally for the<sup>F30</sup> better] execution of this Order in relation to, or for the purpose of, in any manner preventing the introduction or spreading of disease by—

- (a) imported animals and carcasses; and
- (b) other imported things, whether animate or inanimate, by or by means of which it appears to the Department that any disease might be carried or transmitted; and
- (c) persons, animals, poultry and other things, whether animate or inanimate, which have been or may have been in contact with such imported animals, carcasses or other things.

(2) Without prejudice to the generality of paragraph (1), an order made under that paragraph may—

- (a) prescribe—
  - (i) the ports, aerodromes and landing places at which alone imported animals may be landed;

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- (ii) the aerodromes which alone may be used by aircraft carrying imported animals;
- (b) define the limits of landing places for the purposes of this Order;
- (c) permit the detention on board any vessel, hovercraft, aircraft or vehicle of any other description of any consignment the landing of which would contravene an order of the Department;
- (d) permit the export of any such consignment or the export, treatment or destruction of any other consignment which has been landed in contravention of an order of the Department;
- (e) prohibit or regulate the movement of animals into, within, or out of a landing place and provide for exemptions from any such prohibition by means of the grant of licences<sup>F31</sup> subject to such conditions as maybe specified in the licences];
- (f) prescribe and regulate the inspection and examination and the mode, time and conditions of slaughter, of animals in a landing place;
- (g) prescribe and regulate the disposal of animals not being imported animals, and being in a landing place;
- (h) regulate the removal of carcasses or other things, whether animate or inanimate, into, within, or out of a landing place, and the disposal of these things, when likely to introduce or spread disease;
- (i) prescribe and regulate the cleansing and disinfection of a landing place;
- (j) prescribe and regulate the disinfection or destruction of things being in, or removed out of, [<sup>F32</sup>a port, aerodrome or landing place];
- (k) regulate the movement of persons into, within, or out of a landing place;
- (l) prescribe and regulate the disinfection of the clothes of persons employed or being in a landing place, and the use of precautions against the introduction or spreading by them of disease;
- (m) prescribe and regulate the [<sup>F33</sup>seizure, detention and disposal] of any imported animal, carcass or other things, whether animate or inanimate<sup>F34</sup> . . . ;
- (n) require imported animals, whether as a condition of landing or otherwise, to be marked by tagging or in any other manner;
- (o) provide for the application to imported animals of any test for disease or of any treatment for disease.

**F30** 1994 NI 6

**F31** 1984 NI 2

**F32** Words in art. 29(2)(j) substituted (12.3.2010) by Diseases of Animals Act (Northern Ireland) 2010 (c. 1), ss. 18(2)(a), 22(1); S.R. 2010/70, art. 2

**F33** Words in art. 29(2)(m) substituted (12.3.2010) by Diseases of Animals Act (Northern Ireland) 2010 (c. 1), ss. 18(2)(b)(i), 22(1); S.R. 2010/70, art. 2

**F34** Words in art. 29(2)(m) repealed (12.3.2010) by Diseases of Animals Act (Northern Ireland) 2010 (c. 1), ss. 18(2)(b)(ii), 21(2), 22(1), Sch. 3; S.R. 2010/70, art. 2

### Orders prohibiting import of poultry and eggs

**30.**—(1) For the purpose of [<sup>F35</sup> in any manner] preventing contagious disease in poultry, the Department may, by order—

- (a) prohibit or regulate the importation of poultry or eggs;
- (b) authorise the destruction of imported eggs;

- (c) provide for exemptions from any such prohibitions by means of the grant of licences<sup>F36</sup> subject to such conditions as maybe specified in the licences];
  - (d) apply and modify such of the provisions of Article 29 as appear to the Department to be necessary or expedient for the purposes of this Article.
- (2) Without prejudice to paragraph (1), an order made under this Article authorising the destruction of imported eggs may provide that compensation shall not be payable where the eggs carried disease or infection at the time of landing or came from the same source as eggs found to carry disease or infection.
- (3) An order under paragraph (1) may—
- (a) apply, to poultry any of the provisions of Schedule 3 or otherwise that does not so apply;
  - (b) apply, with or without modifications, to imported eggs and their destruction any of the provisions of Part II of Schedule 3 relating to animals and their slaughter that does not so apply;
  - (c) modify any of the provisions of Schedule 3 which does not apply as mentioned in sub-paragraph (a) and (b).

**F35** 1994 NI 6

**F36** 1984 NI 2

### **Compensation not payable for animals temporarily in Northern Ireland for quarantine purposes**

**31.** Notwithstanding any other provision of this Order, no compensation shall be payable under this Order in respect of any imported animal which enters Northern Ireland for quarantine purposes in the course of transit to any place out of Northern Ireland.

### **Export of animals and poultry**

- 32.** The Department, in the interests of animal health or of human health, may by order—
- (a) regulate the exportation from Northern Ireland<sup>F37</sup> . . . of animals or poultry or carcasses of animals or poultry, and, in particular, prohibit exportation without such certificate or licence as may be prescribed by the order; and
  - (b) make provisions as to the circumstances in which, and the conditions on which, a certificate or licence may be obtained.

**F37** Words in art. 32(a) repealed (12.3.2010) by Diseases of Animals Act (Northern Ireland) 2010 (c. 1), ss. 16, 21(2), 22(1), **Sch. 3**; S.R. 2010/70, **art. 2**

**Status:**

Point in time view as at 02/04/2012.

**Changes to legislation:**

The Diseases of Animals (Northern Ireland) Order 1981, PART II is up to date with all changes known to be in force on or before 08 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.