
STATUTORY INSTRUMENTS

1981 No. 1115

The Diseases of Animals (Northern Ireland) Order 1981

PART IV

MISCELLANEOUS AND GENERAL

Provisions as to district councils

Provision of wharves, etc.

39.—(1) The Department may by order empower a district council to provide, erect, and fit up wharves, stations, lairs, sheds, and other places for the landing, reception, keeping, sale, slaughter or disposal of imported or other animals, carcasses, fodder, litter, dung and other things.

(2) An order made under paragraph (1) may, without prejudice to the generality of that paragraph, make provisions for—

- (a) the making by the district council of bye-laws for the regulation and control of any wharf or other place provided under the order and prescribing charges or tolls approved by the Department after consultation with the Department of Finance for the use of any such wharf or place;
 - (b) in default of such bye-laws, the prescribing of such charges or tolls by an order of the Department made after consultation with the Department of Finance;
 - (c) the application, with or without such modification as may be specified in the order, of the Markets and Fairs Clauses Act 1847^{F1} to or in relation to any such wharf or place;
 - (d) the application by the district council of any money so received by it;
 - (e) the making by the district council of such periodical returns of its receipts and expenditure in respect of any such wharf or place as may be prescribed by the order.
- (3) Where a district council—
- (a) is unable or unwilling to perform such functions as are referred to in paragraph (1): or
 - (b) satisfies the Department that it is impracticable or inexpedient that such functions should in its area be performed by the district council;

the Department may by order empower some other authority or person to perform those functions, and paragraph (2) shall have effect accordingly.

(4) An order under paragraph (3) may make such modifications in Article 41 as appear to the Department to be necessary to give effect to the order.

F1 1847 c. 14

Burial of carcasses

Para. (1) rep. by SR 2003/495

Status: Point in time view as at 01/01/2006.

Changes to legislation: The Diseases of Animals (Northern Ireland) Order 1981, Cross Heading: Provisions as to district councils is up to date with all changes known to be in force on or before 24 July 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)

(2) Where a carcass washed ashore is buried or destroyed under the direction of a receiver of wreck with authority from the Secretary of State, the expenses of that^{F2} . . . destruction shall be expenses of the district council and shall be paid by the district council to the receiver on demand, and in default of payment shall be a debt recoverable summarily by the receiver from the district council.

(3) Where a district council has incurred any expenses under paragraph (2) on account of the^{F2} . . . destruction of the carcass of any animal or bird which, or the carcass of which was thrown or washed from any vessel or fell from an aircraft, the owner of the vessel or aircraft shall be liable to repay such expenses to the district council.

F2 SR 2003/495

Reports for Department

41. Every district council and its inspectors and officers shall furnish to the Department such notices, reports, returns and information as the Department may require.

Status:

Point in time view as at 01/01/2006.

Changes to legislation:

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