
STATUTORY INSTRUMENTS

1994 No. 1891

The Agriculture (Miscellaneous Provisions) (Northern Ireland) Order 1994

Introductory

Title and commencement

1.—(1) This Order may be cited as the Agriculture (Miscellaneous Provisions) (Northern Ireland) Order 1994.

(2) Except as provided by paragraphs (3) and (4), this Order shall come into operation on the expiration of two months from the day on which it is made.

(3) Article 12 (sale of animals as pets in street or public place) and the Schedule so far as it relates to the definition of “petshop” in section 12(1) of the 1972 Act shall come into operation on the expiration of six months from the day on which this Order is made.

(4) Article 21 (replacement of provision for compensation for slaughter) and the Schedule so far as it relates to Part II of Schedule 2 to the 1981 Order shall come into operation on such day or days as the Head of the Department may by order appoint.

Interpretation

2.—(1) The Interpretation Act (Northern Ireland) 1954(1) shall apply to Article 1 and the following provisions of this Order as it applies to a Measure of the Northern Ireland Assembly.

(2) In this Order—

“the Department” means the Department of Agriculture;

“the 1972 Act” means the Welfare of Animals Act (Northern Ireland) 1972(2);

“the 1981 Order” means the Diseases of Animals (Northern Ireland) Order 1981(3).

General

Duty of Department to balance interests

3. In discharging its functions in relation to any land the Department shall, so far as is consistent with the proper and efficient discharge of those functions, have regard to and endeavour to achieve a reasonable balance between the following considerations—

(a) the promotion and maintenance of a stable and efficient agricultural industry;

(b) the economic and social interest of rural areas;

(c) the conservation and enhancement of the natural beauty and amenity of the countryside (including its flora and fauna and geological and physiographical features) and of any features of archaeological interest there; and

(1) 1954 c. 33 (N.I.)

(2) 1972 c. 7 (N.I.)

(3) 1981 NI 22

- (d) the promotion of the enjoyment of the countryside by the public.

Rural development

Grants for rural development

4. The Department may, with the approval of the Department of Finance and Personnel, make grants for the purpose of encouraging rural development.

Suckler cows

Additional grants for persons entitled to Community suckler cow premiums

5.—(1) In this Article “suckler cow premium” and “additional premium” have the same meanings as in paragraph 1 and paragraph 7 of Article 4d of Council Regulation (EEC) No. 805/68(4)

(2) The Department may by regulations made with the consent of the Department of Finance and Personnel make provision for the payment of a grant—

- (a) to any person entitled to receive a suckler cow premium; and
- (b) of an amount not exceeding the maximum payable by way of an additional premium.

(3) Regulations under this Article may in particular—

- (a) require applications for a grant to be made within a specified period and at specified times;
- (b) make provision as to the amount of any grant;
- (c) make the payment of a grant subject to compliance with conditions, including conditions requiring repayment (or repayment with interest) in specified circumstances;
- (d) confer powers of entry and inspection and impose requirements as to the keeping, preservation and production of records and other documents for the purpose of verifying entitlement to grants;
- (e) in connection with any provision made by virtue of sub-paragraph (d) or the making of false statements for the purpose of obtaining a grant create offences punishable on summary conviction with a fine not exceeding level 5 on the standard scale;
- (f) make such further incidental and supplementary provision as the Department thinks necessary or expedient for the purposes of this Article.

(4) Regulations under this Article shall be subject to negative resolution.

Contributions and levy in respect of pigs

Abolition of contribution payable on sale of pigs to the Pigs Marketing Board

6.—(1) Section 4 of the Pig Production Development Act (Northern Ireland) 1964(5) (contribution payable on sale of pigs to the Pigs Marketing Board) shall cease to have effect.

(2) In section 2(2) of that Act (recommendations as to amount of levy under section 4), for the words “section 4” there shall be substituted the words “section 5”.

(3) In section 12 of that Act (interpretation), in the definition of “the Board” for the words “has the meaning assigned to it by section 4(1)” there shall be substituted the words “means the Pigs Marketing Board”.

(4) O.J. No. L148

(5) 1964 c. 25 (N.I.)

Levy on pigs sold for slaughter or exported

7.—(1) In section 5 of the Pig Production Development Act (Northern Ireland) 1964 (power to impose levy on pigs sold to, or exported by, persons other than the Pigs Marketing Board), for subsection (1) there shall be substituted the following subsection—

“(1) For the purpose of enabling the Committee to meet expenses incurred or likely to be incurred by them in connection with the carrying out of their functions under this Act, the Department on the recommendation of the Committee may, by order made subject to negative resolution, impose a levy—

- (a) upon every holder of a licence under section 1 of the Slaughter-houses Act (Northern Ireland) 1953 in respect of each pig slaughtered in the slaughter-house to which the licence relates, not being a pig imported into Northern Ireland for immediate slaughter; and
- (b) upon every person exporting pigs from Northern Ireland in respect of each pig so exported by him.”.

(2) In subsection (2) of that section (levy to be of such amount as the Department, on the recommendation of the Northern Ireland Pig Production Development Committee, may by order determine), after the word “Committee” where it first occurs there shall be inserted the words “under section 2(2)”.

(3) In subsection (3)(a) of that section (determination of liability to pay levy), for the words “person, other than the Board, purchasing pigs for slaughter in Northern Ireland or” there shall be substituted the words “holder of a licence under section 1 of the Slaughter-houses Act (Northern Ireland) 1953 and every person”.

Livestock Marketing Commission renamed

Livestock and Meat Commission

8.—(1) The Livestock Marketing Commission for Northern Ireland established under section 1 of the Livestock Marketing Commission Act (Northern Ireland) 1967⁽⁶⁾ is renamed the Livestock and Meat Commission for Northern Ireland.

(2) In Part II of Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975⁽⁷⁾, for the entry “The Livestock Marketing Commission for Northern Ireland” there shall be substituted—
“The Livestock and Meat Commission for Northern Ireland”.

Loans for fish farming

Repeal of power to make loans for fish farming

9. In section 1(1) of the Fish Industry Act (Northern Ireland) 1972⁽⁸⁾ (power of Department to make grants or loans for fish farming), the words “or loan” shall cease to have effect.

Welfare of animals

Regulations with respect to welfare of livestock

10. In section 2(1) of the 1972 Act (regulations with respect to the welfare of livestock), after paragraph (c) there shall be inserted the following paragraphs—

- “(ca) for prohibiting or regulating the movement of livestock;

⁽⁶⁾ 1967 c. 21 (N.I.)

⁽⁷⁾ 1975 c. 25

⁽⁸⁾ 1972 c. 4 (N.I.)

- (cb) for requiring such information as may be prescribed to be made available to persons concerned with livestock by such persons as may be prescribed;
- (cc) for ensuring that persons concerned with livestock are aware of any codes under section 3;”.

Extension of Part I of 1972 Act to selling of livestock

11. In section 7 of the 1972 Act (interpretation)—

- (a) in the definition of “agricultural land”, for the words “or keeping” there shall be substituted the words “, keeping or selling”; and
- (b) after the definition of “livestock” there shall be inserted the following definition—
““selling” includes exposing for sale and accommodating before or after selling”.

Sale of animals as pets in street or public place

12.—(1) In section 10 of the 1972 Act (offences and penalties), after subsection (1) there shall be inserted the following subsection—

“(1A) Any person who carries on a business of selling animals as pets in a street or public place, or from a vehicle, stall or barrow, shall be guilty of an offence.”.

(2) For subsection (2) of that section (penalties) there shall be substituted the following subsection—

“(2) Any person guilty of an offence under subsection (1)(a), (b) or (c) or subsection (1A) shall be liable on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding level 4 on the standard scale or to both, and any person guilty of an offence under subsection (1)(d) shall be liable on summary conviction to a fine not exceeding level 2 on the standard scale.”.

(3) In section 12(1) of that Act (interpretation), in the definition of “petshop”, the words “structure (whether moveable or not), vehicle, cart or barrow” shall cease to have effect.

Power to extend provisions of Part II of 1972 Act to livery establishments, etc.

13.—(1) After section 11 of the 1972 Act (regulations), there shall be inserted the following section—

“Livery establishments and other premises where horses are kept.

11A.—(1) The Department may by order extend such provisions of this Part—

- (a) to such livery establishments;
- (b) to such premises where horses are kept in the course of a business, not being a livery or riding establishment,

subject to such modifications, as may be specified in the order.

(2) Orders under this section shall be subject to affirmative resolution.”.

(2) In section 12(1) of that Act (interpretation), after the definition of “animal boarding establishment” there shall be inserted the following definition—

““livery establishment” means any premises where horses are kept in return for payment, being premises which are not a riding establishment;”.

Restriction of definition of “zoological establishment”

14.—(1) In section 12(1) of the 1972 Act (interpretation), in the definition of “zoological establishment”, before the word “animals” there shall be inserted the word “wild”.

(2) In consequence of paragraph (1), at the end of the definition of “animal” in that subsection there shall be added the words “and “wild animal” means an animal not normally domesticated in Northern Ireland;”.

Increase of fine for offences of cruelty

15. In section 25(1) of the 1972 Act (penalties for offences of cruelty), for paragraphs (a) and (b) there shall be substituted the words “to imprisonment for a term not exceeding three months or to a fine not exceeding level 5 on the standard scale or to both.”.

Erne drainage and navigation

Power to impose charges for use of locks and effluent disposal facilities

16.—(1) After paragraph 13 of Schedule 7 to the Drainage (Northern Ireland) Order 1973(9) (Erne navigation bye-laws) there shall be inserted the following paragraph—

“**13A.**—(1) The Department may by order subject to negative resolution make provision for the purpose of imposing charges for—

- (a) the use of effluent disposal facilities provided under section 16 of the Water Act (Northern Ireland) 1972 on or near the Loughs or such portions of the River Erne and the tributaries of the Loughs as are in Northern Ireland;
- (b) passage through any lock on the Loughs or those portions of that river or those tributaries which is specified in the order.

(2) Sub-paragraphs (3) and (4) of paragraph 13 shall apply to orders under this paragraph as they apply to bye-laws under paragraph 13.

(3) Charges imposed under this paragraph shall be payable to the Department.”.

(2) In Article 42(2) of that Order (financial provisions), after the words “Schedule 6” there shall be inserted the words “or paragraph 13A of Schedule 7”.

Artificial reproduction of animals

Advertisements

17. In Article 5 of the Artificial Reproduction of Animals (Northern Ireland) Order 1975(10) (regulations for controlling the practice of artificial reproduction of animals), at the end of paragraph (2) there shall be added the following words—

“and

- (d) make provision in respect of advertisements in connection with the artificial reproduction of animals.”.

(9) 1973 NI 1
(10) 1975 NI 17

Fees for licences

18.—(1) In Article 5 of the Artificial Reproduction of Animals (Northern Ireland) Order 1975 (control of artificial reproduction), after paragraph (3) there shall be inserted the following paragraph—

“(3A) A licence under this Article may be granted by the Department on payment of such fee as the Department may determine.”.

(2) In Article 6 of that Order (movement of semen or ova into Northern Ireland), after paragraph (2) there shall be inserted the following paragraph—

“(2A) A licence under this Article may be granted by the Department on payment of such fee as the Department may determine.”.

(3) This Article shall be deemed always to have had effect.

Diseases of animals**Power to modify Schedules 1 and 2 to 1981 Order for limited purposes**

19. In Article 2(3) of the 1981 Order (power to modify Schedules 1 and 2 by order), after the word “For” there shall be inserted the words “all or any of”.

Suspected or diseased animals and poultry

20. In Article 10 of the 1981 Order (separation of diseased animals and poultry and notice of disease), for paragraph (6) (power of Department to make orders) there shall be substituted the following paragraph—

“(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.”.

Replacement of provision for compensation for slaughter

21.—(1) In Article 16 of the 1981 Order (slaughter of diseased and suspected animals and poultry), after paragraph (1) there shall be inserted the following paragraphs—

“(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) In Article 61(1) of the 1981 Order (orders subject to negative resolution), after “16” there shall be inserted “(1A) or”.

(3) Part II of Schedule 2 to the 1981 Order (which makes provision for compensation in respect of the slaughter of animals or poultry) shall cease to have effect.

Examinations by inspectors

22. In Article 46 of the 1981 Order (general powers of inspectors), for paragraph (7) (power to examine animals or poultry) there shall be substituted the following paragraphs—

“(7) An inspector may—

- (a) examine—
 - (i) any animals or poultry on or in any land, building, place, pen, vehicle, vessel, boat or aircraft entered by him under this Article, and
 - (ii) any thing found there, whether animate or inanimate, by or by means of which it appears to him that any disease might be carried or transmitted;
- (b) for the purpose of any examination under this Article, apply such tests, take such samples and apply such marks as he considers necessary;
- (c) prohibit the movement of any animals, poultry or thing examined by him under this Order or an order of the Department pending the results of any tests or samples applied or taken by him, except in accordance with a licence granted by the Department and subject to such conditions as may be specified in the licence.

(7A) The Department may by order—

- (a) require an inspector to examine—
 - (i) any animals or poultry on or in any land, building, place, pen, vehicle, vessel, boat or aircraft entered by him under this Article, and
 - (ii) any thing found there, whether animate or inanimate, by or by means of which it appears to the Department that any disease might be carried or transmitted;
- (b) require an inspector to apply such tests, take such samples and apply such marks for the purpose of any examination under this Article or an order of the Department as may be specified in an order under this paragraph;
- (c) prohibit or regulate the movement of any animals, poultry or thing examined by an inspector under this Order or an order of the Department pending the results of any tests or samples so specified;
- (d) provide for exemptions from any such prohibition by means of the grant of licences subject to such conditions as may be specified in the licences.

(7B) For the purpose of any examination by an inspector under this Order or an order of the Department (including the applying of tests, the taking of samples and the applying of marks), the owner or person in charge of any animals, poultry or thing which may be so examined shall comply with all reasonable requirements of the inspector and afford him all other reasonable facilities for that purpose.”.

Powers to make orders

23.—(1) In Article 60 of the 1981 Order (general power to make orders), for paragraph (1) there shall be substituted the following paragraph—

“(1) The Department may make such orders as it thinks fit—

- (a) generally for the better execution of this Order or for the purpose of in any manner preventing the spreading of disease; and

(b) in particular for the several purposes specified in this Order.”.

(2) In Articles 5(1), 12(1), 14, 19 and 29(1) of the 1981 Order (various powers to make orders), the words “Subject and according to the provisions of this Order” shall cease to have effect.

(3) In Article 29(1) of the 1981 Order (power to make orders in relation to imported animals, etc.), for the word “due” there shall be substituted the word “better”.

(4) In Article 30(1) of the 1981 Order (power to make orders in relation to imported poultry and eggs), before the word “preventing” there shall be inserted the words “in any manner”.

(5) In Article 61(3) of the 1981 Order (publication of notices in Belfast Gazette of orders not subject to negative resolution), for “(2)” there shall be substituted “(1)”.

Supplementary

Repeals and consequential amendment

24.—(1) The statutory provisions specified in the Schedule are hereby repealed to the extent specified in the third column of the Schedule.

(2) In consequence of the repeal of paragraph (1) of Article 17 of the Agriculture (Miscellaneous Provisions) (Northern Ireland) Order 1977(**11**), in paragraph (2) of that Article, for the words “said Act of 1964” there shall be substituted the words “Pig Production Development Act (Northern Ireland) 1964”.

N. H. Nicholls
Clerk of the Privy Council