

1977 No. 256

ANIMALS

Rabies (Importation of Dogs, Cats and Other Mammals) (Amendment) Order (Northern Ireland) 1977

Made 16th August 1977

Coming into operation 14th September 1977

The Department(a) of Agriculture, in exercise of the powers conferred on it by sections 5, 13, 18, 23 and 53 of the Diseases of Animals Act (Northern Ireland) 1958(b), as extended in the case of sections 18 and 53 by articles 5, 7 and 8 of the Diseases of Animals (Northern Ireland) Order 1975(c), and in the case of sections 18 and 23 by article 3 of the Diseases of Animals (Amendment) (Northern Ireland) Order 1975(d), and of every other power enabling it in that behalf, hereby makes the following Order:

Citation, commencement and purpose

1.—(1) This Order may be cited as the Rabies (Importation of Dogs, Cats and Other Mammals) (Amendment) Order (Northern Ireland) 1977 and shall come into operation on 14th September 1977.

(2) This Order is made for the purpose of preventing the introduction of rabies into Northern Ireland.

Amendment of the Rabies (Importation of Dogs, Cats and Other Mammals) Order (Northern Ireland) 1977

2. The Rabies (Importation of Dogs, Cats and Other Mammals) Order (Northern Ireland) 1977(e) is hereby amended as follows:

(1) In article 3(1)—

(a) for the definition of “harbour” there shall be substituted—

“harbour” has the meaning assigned to it by section 38 of the Harbours Act (Northern Ireland) 1970(f);”;

(b) the definitions of “constable” and “master” shall be deleted; and

(c) after the definition of “research premises” there shall be inserted—
“vessel” includes hovercraft;”.

(2) After article 4 the following article shall be inserted:

“Animals dying while in transit to Northern Ireland

4A.—(1) Where an animal dies while in transit to Northern Ireland or while in a landing place in Northern Ireland a veterinary inspector may seize the carcass of the animal for the purpose of carrying out such tests as he may deem necessary in the interest of preventing the introduction of rabies. The carcass shall thereafter be destroyed or otherwise disposed of in such manner as the Department may direct.

(a) Formerly Ministry: see 1973 c. 36 Sch. 5 para. 8(1)

(b) 1958 c. 13 (N.I.)

(c) S.I. 1975/418 (N.I. 3)

(d) S.I. 1975/1307 (N.I. 12)

(e) S.R. 1977 No. 113

(f) 1970 c. 1 (N.I.)

(2) A veterinary inspector may require the cleansing and disinfection of any part of a vessel or aircraft wherein an animal referred to in paragraph (1) was transported to Northern Ireland, and of any fitting, pen or other thing contained therein, and may require the treatment or disposal of any fodder, litter or dung which may have been in contact with the animal."

(3) In article 8(5) for the word "could" there shall be substituted the words "virus could, if present in that animal,".

(4) For article 12 there shall be substituted:

"Detention of animals on board vessels in harbour"

12.—(1) Paragraph (2) shall apply to any animal which has, within the preceding six months, been in a place outside Northern Ireland, Great Britain, the Republic of Ireland, the Channel Islands and the Isle of Man.

(2) Subject to paragraph (3), it shall be the duty of the person having charge or control of a vessel in harbour in Northern Ireland to ensure that an animal to which this paragraph applies which is on board that vessel—

- (a) is at all times restrained, and kept securely confined within a totally enclosed part of the vessel from which it cannot escape;
- (b) does not come into contact with any other animal or any contact animal (other than an animal or contact animal with which it has been transported to Northern Ireland); and
- (c) is in no circumstances permitted to land.

(3) Paragraph 2(c) shall not apply to an animal which is landed—

- (a) in accordance with a licence granted under article 4; or
- (b) in the circumstances referred to in article 8.

(4) If an animal to which paragraph (2) applies is lost or escapes from a vessel in harbour in Northern Ireland, the person having charge or control of that vessel shall forthwith give notice of such loss or escape to an inspector, a constable or an officer of Customs and Excise.

(5) If an animal to which paragraph (2) applies is involved in an incident whereby rabies virus could, if present in that animal, be transmitted to a human being, or to another animal or a contact animal (other than an animal or contact animal with which it has been transported to Northern Ireland), the person for the time being in charge of the animal shall forthwith give notice of the incident to an inspector; and on receipt of such notice, the inspector may if he considers it expedient so to do, require (in the case of an animal which would otherwise not be permitted to land under this article) that the animal shall not leave Northern Ireland until after it has undergone detention and isolation in quarantine at its owner's expense at such premises for such period (not exceeding six months) and subject to such conditions, as the inspector may direct.

(6) The provisions of paragraphs (4) and (5) are without prejudice to any obligation to give notice under section 4 of the Act.

(7) Subject to paragraph (8), no person shall cause or permit a native animal or a native contact animal to go on board a vessel in harbour in Northern Ireland on which there is an animal to which paragraph (2) applies; and for the purposes of this paragraph and paragraph (8)—

- (a) "native animal" means an animal to which paragraph (2) does not apply; and
- (b) "native contact animal" means a contact animal which is ashore in Northern Ireland whether or not it has been landed from a vessel.

- (8) Paragraph (7) shall not apply to—
- (a) the use on board a vessel in harbour in Northern Ireland of dogs belonging to the police, Her Majesty's Customs and Excise or Her Majesty's Forces, so long as such dogs are kept under the constant control of a trained handler while on board; or
 - (b) the loading on board a vessel in harbour in Northern Ireland of any animal or contact animal intended for exportation from Northern Ireland on that vessel.
- (9) An inspector or a constable may seize or cause to be seized—
- (a) any animal to which paragraph (2) applies in relation to which there has been a contravention of any provision of that paragraph; and
 - (b) any native animal or native contact animal in relation to which there has been a contravention of the provisions of paragraph (7); and where an animal or contact animal has been seized in accordance with the foregoing provisions of this paragraph, an inspector or a constable may—
 - (i) destroy it or cause it to be destroyed;
 - (ii) move it or cause it to be moved to authorised quarantine premises for the purposes of detention and isolation in quarantine at its owner's expense for a period of six months, or for such shorter period as an inspector may direct; or
 - (iii) in the case of an animal to which paragraph (2) applies, export it from Northern Ireland or cause it to be so exported; and

Provided that where an animal or a contact animal to which this paragraph applies has been seized by a constable, it shall only be dealt with in accordance with sub-paragraph (ii) or sub-paragraph (iii) with the agreement of an inspector.

(10) The reasonable expenses incurred by an inspector or a constable in exercising the powers conferred on him by paragraph (9) shall be recoverable on demand by the Department or the police authority as a civil debt from the owner of the animal or contact animal."

(5) In article 13—

(a) in paragraph (2)—

- (i) after the words "inspector" (wherever that word appears) there shall be inserted the words "or a constable";
- (ii) after the word "seize" there shall be inserted the words "or cause to be seized"; and
- (iii) after the words "the Department" there shall be inserted the words "or, as the case may be, the police authority".

(b) in paragraph (4) immediately before the words "and arrange" there shall be inserted the words "or cause it to be seized".

(6) In article 14—

- (a) after the word "inspector" there shall be inserted the words "or a constable";
- (b) immediately before the word "destroy" there shall be inserted the words "seize or cause to be seized and thereafter"; and
- (c) after the words "the Department" there shall be inserted the words "or, as the case may be, the police authority".

Sealed with the Official Seal of the Department of Agriculture for Northern Ireland on 16th August 1977.

(L.S.)

J. C. Chalmers

Assistant Secretary

EXPLANATORY NOTE

(This note is not part of the Order but is intended to indicate its general purport.)

The main purposes of this Order, which amends the Rabies (Importation of Dogs, Cats and Other Mammals) Order (Northern Ireland) 1977 (the principal Order), are to increase the powers of the police in relation to animals in respect of which there are contraventions of the principal Order, to tighten the control over animals which although not being landed in Northern Ireland are on board a vessel in a Northern Ireland harbour, and to enable the Department to deal with carcasses of animals which die while in transit to Northern Ireland.

The Order gives the police the same powers as inspectors to seize and destroy animals under the principal Order. In certain circumstances the police may also seize animals for the purpose of their being detained in quarantine or re-exported, provided this is done with the agreement of an inspector.

The stricter controls over animals on board vessels in harbour include a provision making it illegal for animals or contact animals which are on shore to be permitted to go on a vessel which has already an animal from abroad on board. This prohibition does not apply to dogs used by the police, H.M. Customs and Excise or the Forces, or to animals or contact animals being loaded for exportation.

The Department is now empowered to seize the carcasses of animals which have died while in transit to Northern Ireland or while in a landing place in Northern Ireland and to require the disinfection of the vessel or aircraft which has transported the animals and the treatment or disposal of any dung, fodder, litter, pen etc. with which the animals may have been in contact while in transit.

The Order also makes a number of minor amendments to the principal Order, some of which are consequential on the new provisions, whilst others are designed to clarify the existing position in certain situations.