

1979 No. 374

ANIMALS

Rabies Virus Order (Northern Ireland) 1979

Made 16th October 1979

Coming into operation 26th November 1979

The Department(a) of Agriculture, in exercise of the powers conferred on it by sections 5(b), 13(1)(c), 18(1)(d), 23(1)(e) and 53(1)(f) of the Diseases of Animals Act (Northern Ireland) 1958(g), and Article 8A(h) of the Diseases of Animals (Northern Ireland) Order 1975(i), and of every other power enabling it in that behalf, for the purpose of preventing the introduction or spreading of rabies into or within Northern Ireland, hereby makes the following Order:

Citation and commencement

1. This Order may be cited as the Rabies Virus Order (Northern Ireland) 1979 and shall come into operation on 26th November 1979.

Interpretation

2. In this Order—

“the Act” means the Diseases of Animals Act (Northern Ireland) 1958;

“animal” means a member of any species of the orders of mammals except *Homo sapiens* (man) listed in Part I(j) of the First Schedule to the Act;

“importation” includes the importation of rabies virus in combination or admixture with any other material or in any living creature (including eggs) being used as a carrier of the virus for the purpose of importation;

“keeping” includes the keeping of rabies virus in combination or admixture with any other material or in any living creature (including eggs) but does not include the presence of rabies virus resulting from natural or accidental infection with that virus;

“licence” means a licence issued by the Department under Article 3(1);

“rabies virus” means virus of the genus lyssavirus of the family Rhabdoviridae including whole virus, attenuated or otherwise genetically altered virus and any fraction thereof;

“vehicle” includes any vessel, boat, hovercraft, aircraft and any other description of vehicle or any part thereof.

(a) Formerly Ministry: see 1973 c. 36 s. 40 and Sch. 5 para. 8(1)

(b) As extended by S.I. 1975/1307 (N.I. 12) Art. 4

(c) As modified by S.I. 1975/1307 (N.I. 12) Art. 8(1) and Sch. 1 para. 3

(d) As extended by S.I. 1975/418 (N.I. 3) Art. 7 and S.I. 1975/1307 (N.I. 12) Art. 3(1)

(e) As extended by S.I. 1975/1307 (N.I. 12) Arts. 3(2) and 8(1) and Sch. 1 para. 4

(f) As extended by S.I. 1975/418 (N.I. 3) Art. 5 and S.I. 1977/1245 (N.I. 12) Art. 13

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

(h) As inserted by 1977 c. 45 s. 55 (6)

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

(j) As substituted by S.R. & O. (N.I.) 1972 No. 17 (p. 58)

Prohibition on importation, keeping or deliberate introduction into animals of rabies virus

3.—(1) Subject to Article 4, the importation, the keeping or the deliberate introduction into animals of any rabies virus are hereby prohibited, except under the authority of a licence issued by the Department and in accordance with the conditions of that licence.

(2) The Department may, by notice, vary, revoke or suspend a licence.

Exceptions to prohibitions

4. The prohibitions contained in Article 3(1) shall not apply to the importation, the keeping or the deliberate introduction into animals of any rabies virus contained in a medicinal product which may be imported, kept or introduced into animals in accordance with the provisions of sections 7 and 32 of the Medicines Act 1968(k).

Powers of inspectors

5.—(1) Where an inspector has reasonable grounds for suspecting that a rabies virus has been imported, kept or deliberately introduced into an animal in contravention of this Order or of a licence he may—

- (a) serve a notice on the owner or person in charge of the virus or the animal requiring the person on whom the notice was served to detain the virus or the animal in such manner, for such period, and at such place, as may be specified in such notice; or
- (b) at any time seize or cause the virus or the animal to be seized.

(2) A veterinary inspector may thereafter destroy or cause to be destroyed without compensation the virus or animal detained or seized in accordance with paragraph (1).

(3) In this Article the powers of an inspector in relation to rabies virus extend to any material or living creature (including eggs) being used as a carrier of the virus.

(4) A veterinary inspector may serve a notice on the occupier of any premises or place, or on the owner or person in charge of any vehicle, in which rabies virus is or has been present in contravention of this Order or of a licence, requiring such person upon whom such notice was served at his own expense to cleanse and disinfect such premises, place or vehicle, in such manner as may be specified in such notice.

(5) Where, by virtue of a notice served under paragraph (4), any vehicle is required to be cleansed and disinfected, a veterinary inspector may detain that vehicle until the requirements of the notice have been complied with.

(6) Where the requirements of a notice served under paragraph (4) have not been complied with, a veterinary inspector may carry out or cause to be carried out the cleansing and disinfection specified in the notice and for this purpose a veterinary inspector may enter any premises, place or vehicle taking with him such persons as he considers requisite.

(7) Any expenses reasonably incurred in the exercise of the powers conferred on an inspector or veterinary inspector by paragraphs (1), (2), (3), (5) and (6) shall be recoverable on demand by the Department as a civil debt from the person on whom the notice was served.

Production of licences

6. Any person acting under the authority of a licence shall, on demand made under this Order by an officer of Customs and Excise, an inspector or a constable, produce the licence and allow a copy thereof or an extract therefrom to be taken, and shall, if required, furnish his name and address.

Summary offences

7. Any person who contravenes any provision of this Order or of a licence or of a notice served under this Order, or who fails to comply with any such provision, or with any condition of a licence, or who causes or commits any such contravention or non-compliance shall be guilty of an offence against the Act.

Indictable offences

8. The following offences are hereby declared to be offences against the Act and as such may be prosecuted on indictment (1)—

- (a) the importation of any rabies virus with intent to evade the provisions of Article 3(1); and
- (b) the failure by any person, with a like intent, to observe any conditions of a licence relating to importation.

Punishment for summary offences

9. It is hereby directed that section 46(1)(a)(m) of the Act (punishment for offences) shall have effect in relation to any summary offence against the Act the existence of which is attributable to the provisions of this Order as if for the words "£500" there were substituted the words "£1,000".

Exemption from giving notice of rabies

10. Section 4(1A)(n) of the Act and Article 4 of the Rabies Control Order (Northern Ireland) 1977(o) (which both relate to giving notice of animals affected or suspected of being affected with rabies) shall not apply in relation to an animal affected with any rabies virus under the authority of a licence and in accordance with the conditions of that licence.

Savings

11. Nothing in this Order shall affect the powers of the Commissioners of Customs and Excise to seize or detain as liable to forfeiture under the Customs and Excise Acts a rabies virus which is imported into Northern Ireland in contravention of this Order or of a licence or to institute legal proceedings under those Acts in respect of such contravention.

Sealed with the Official Seal of the Department of Agriculture for Northern Ireland on 16th October 1979.

(L.S.)

S. R. Armstrong

Assistant Secretary

(1) By virtue of the provisions of S.I. 1975/418 (N.I. 3) Art. 8
(m) As amended by 1967 c. 29 (N.I.) s. 1(1) and Part I of the Schedule and further amended by S.I. 1975/418 (N.I. 3) Art. 10(1)(a)
(n) Inserted by S.I. 1975/418 (N.I. 3) Art. 6
(o) S.R. 1977 No. 11 (I, p. 27)

EXPLANATORY NOTE

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

This Order prohibits the importation, keeping or deliberate introduction into animals of rabies virus except under the authority of a licence and in accordance with the conditions of that licence.

The Order has no application to such importation etc. of any virus contained in a medicinal product as is permitted under the Medicines Act 1968.

The Order contains powers for requiring the detention of any rabies virus imported or kept in contravention of the Order or in breach of any licence conditions or of any animal into which the virus has been deliberately introduced, and the seizure and destruction without compensation, of such virus or animal. The Order also contains powers for requiring the cleansing and disinfection of places and vehicles where the virus is or has been present.

The Order makes the intentional contravention of the import controls in the Order an indictable offence and increases the maximum fine for summary offences arising from the contravention of the Order to £1,000. A person convicted on indictment is liable to imprisonment for a term not exceeding 12 months or to an unlimited fine or to both.

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This Order has been exempted from printing by the Statutory Rules Act (Northern Ireland) 1958.

A summary is given in the List of Statutory Rules of a Local Character under the heading ROADS.