

1987 No. 409

ANIMALS

**The Export of Sheep (Prohibition) (No. 3) Order
(Northern Ireland) 1987**

Made 30th October 1987

Coming into operation 31st October 1987

The Department of Agriculture, in exercise of the powers conferred on it by Article 32 of the Diseases of Animals (Northern Ireland) Order 1981(a) and of every other power enabling it in that behalf, in the interests of human health hereby makes the following Order:

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Export of Sheep (Prohibition) (No. 3) Order (Northern Ireland) 1987 and shall come into operation on 31st October 1987.

(2) In this Order “designated area” means an area which is a designated area for the purposes of Part I of the Food and Environment Protection Act 1985(b) by virtue of—

- (i) Article 3 of the Food Protection (Emergency Prohibitions) (England) (No. 2) Order 1986(c);
- (ii) Article 3 of the Food Protection (Emergency Prohibitions) (Wales) (No. 4) Order 1987(d);
- (iii) Article 3 of the Food Protection (Emergency Prohibitions) Order 1987(e) and Article 3 of the Food Protection (Emergency Prohibitions) (No. 2) Order 1987(f); or
- (iv) Article 3 of the Food Protection (Emergency Prohibitions) Order (Northern Ireland) 1987(g).

Prohibition of export of sheep

2.—(1) A person shall not export from Northern Ireland to a member State any sheep to which this Order applies.

(2) Subject to paragraphs (3) and (4) this Order applies to any sheep which—

(a) S.I. 1981/1115 (N.I. 22)

(b) 1985 c. 48

(c) S.I. 1986/1689 as amended by S.I. 1986/2208, 1987/153, 1987/249, 1987/906, 1987/1555 and 1987/1687

(d) S.I. 1987/1638 as amended by S.I. 1987/1682

(e) S.I. 1987/1165 as amended by S.I. 1987/1567 and S.I. 1987/1696

(f) S.I. 1987/1450 as amended by S.I. 1987/1568 and S.I. 1987/1697

(g) S.R. 1987 No. 367

- (a) was moved from a place situated in an area which is a designated area in accordance with the terms of a consent under section 2(1) of that Act (consent to the doing of things prohibited by an emergency order under section 1 of that Act) which required that the sheep to which it applies should be marked in a manner specified therein; or
 - (b) was moved from such an area in contravention of a prohibition on its movement imposed by an Order made under section 1(1) of that Act (which empowers the making of emergency orders) which applied to the sheep at the time it was moved.
- (3) This Order applies to a sheep only for so long as the area from which it has been moved remains a designated area.
- (4) Paragraph (2)(a) shall not apply in the case of—
- (a) any sheep which has been examined and marked with an ear tag by a person authorised in that behalf by the Minister of Agriculture, Fisheries and Food, the Secretary of State or the Department; or
 - (b) any sheep which was marked with a blue mark or with an apricot mark as a condition of the granting of a consent under section 2(1) of the Food and Environment Protection Act 1985 to its removal from a designated area given on or before 21st December 1986 or 26th July 1987 respectively.

Revocation

3. The Export of Sheep (Prohibition) (No. 2) Order 1987(a) is hereby revoked.

Sealed with the Official Seal of the Department of Agriculture on 30th October 1987.

(L.S.)

S. R. Armstrong

Assistant Secretary

EXPLANATORY NOTE

(This note is not part of the Order.)

The Orders mentioned in Article 2(2) ("emergency orders") among other things designate areas which have been affected by an accident at a nuclear reactor at Chernobyl in the USSR ("designated areas").

This Order (which revokes and re-enacts with amendments the Export of Sheep (Prohibition) (No. 2) Order 1987) prohibits the export from Northern Ireland to a member State of the European Communities of sheep moved from a place in such a designated area in the circumstances described in Article 2. The principal change is that the present Order does not apply in the case of sheep which were marked with a blue mark on or before 21st December 1986 or an apricot mark on or before 26th July 1987 as a condition of the granting of a consent under section 2(1) of the Food and Environment Protection Act 1985 to its removal from a designated area (Article 2(2) and 2(4)(b)).

Export of a sheep is prohibited only for so long as the area from which it was moved continues to be a designated area. The prohibition extends to sheep which have been moved in accordance with a Ministerial consent which required that the sheep to which it applies should be marked in a specified manner and to sheep which have been moved in contravention of a restriction, but it does not apply to those sheep which have been examined and subsequently marked with an ear-tag by an officer authorised by the Minister of Agriculture, Fisheries and Food or the Secretary of State for Scotland or Wales or the Department of Agriculture, or which were marked with a blue mark or with an apricot mark as a condition of the granting of a consent referred to in the preceding paragraph given on or before 21st December 1986 or 26th July 1987 respectively.

Any person who without lawful authority, or excuse, proof of which shall lie on him, contravenes any provision of this Order shall be guilty of an offence against the Diseases of Animals (Northern Ireland) Order 1981. The penalties for such an offence are on summary conviction, a fine not exceeding £2,000 or in the case of an offence committed with respect to more than 5 animals, not exceeding £400 per animal.