

1994 No. 161

EUROPEAN COMMUNITIES

ANIMALS

**The Diseases of Animals (Amendment) Regulations
(Northern Ireland) 1994**

Made 25th April 1994

Coming into operation 6th June 1994

The Department of Agriculture, being a Department designated(a) for the purposes of section 2(2) of the European Communities Act 1972(b) in relation to the common agricultural policy of the European Economic Community, in exercise of the powers conferred on it by the said section 2(2) and of every other power enabling it in that behalf, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Diseases of Animals (Amendment) Regulations (Northern Ireland) 1994 and shall come into operation on 6th June 1994.

Interpretation

2.—(1) In these Regulations “the 1981 Order” means the Diseases of Animals (Northern Ireland) Order 1981(c).

(2) The Interpretation Act (Northern Ireland) 1954(d) shall apply to these Regulations as it applies to a Measure of the Northern Ireland Assembly.

Amendment to the 1981 Order

3. After Article 46 of the 1981 Order (general powers of inspectors) there shall be inserted the following Article—

“Powers of inspectors relating to Community obligations

46A. In addition to the powers conferred by Article 46, an inspector (on producing, if required to do so, some duly authenticated document showing his authority) may at all reasonable hours—

(a) enter—

(i) any land, building, shed, pen or other place, or

(a) S.I. 1972/1811

(b) 1972 c. 68

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

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

- (ii) any receptacle, container, ship, vessel, boat, aircraft, hovercraft or vehicle of any other description,
for the purpose of ascertaining whether the provisions of any order made under this Order in implementation of any Community obligation have been or are being complied with, and
- (b) carry out such inspections (including documentary inspections) as may be necessary for that purpose.”.

Extension of definition of animals and poultry

4.—(1) For the purposes of implementing any Community obligation under Council Directive 91/628/EEC on the protection of animals during transport^(a), the 1981 Order shall have effect as if in the provisions of that Order mentioned in paragraph (2)—

- (a) references to animals included all animals except man, any other vertebrate animals and cold-blooded animals; and
- (b) references to poultry or birds included any birds.
- (2) The provisions referred to in paragraph (1) are—
- (a) Article 5(1)(k) (power to recover costs);
- (b) Article 19 (regulation of movement of animals and poultry);
- (c) Articles 21 to 23 (protection of animals and poultry from suffering etc);
- (d) Article 42(4) (powers of constables);
- (e) Article 46(3) (powers of inspectors);
- (f) Article 52(2) and (3) (offences); and
- (g) Article 54(1) (defences and evidence).

(3) For the purposes mentioned in paragraph (1), a reference in any statutory provision (including the 1981 Order) to any provision mentioned in paragraph (2), or to the 1981 Order, shall be construed as a reference to that provision or Order as it has effect by virtue of paragraph (1).

Sealed with the Official Seal of the Department of Agriculture on 25th April 1994.

(L.S.)

P. T. Toal

Assistant Secretary

(a) O.J. No. L340, 11.12.91, p. 17 as amended by Council Directive 92/438/EEC (O.J. No. L243, 25.8.92, p. 27)

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations amend the Diseases of Animals (Northern Ireland) Order 1981 ('the 1981 Order') so as to provide for powers of entry for inspectors to carry out health, welfare, documentary and other checks for the purposes of ascertaining whether the provisions of any Orders made under the 1981 Order in implementation of any Community obligations have been or are being complied with.

The Regulations also modify the 1981 Order so that, for the purposes of implementing Community obligations under Council Directive 91/628/EEC on the protection of animals during transport (O.J. No. L340, 11.12.91, p. 17), the powers in that Order relating to the welfare of animals and birds are extended to include—

- (a) all animals (except man), all vertebrate and all cold-blooded animals;
and
- (b) any birds.