

2004 No. 249

ANIMALS

**Movement of Animals (Restrictions) Order
(Northern Ireland) 2004**

Made - - - - - *1st June 2004*

Coming into operation *9th June 2004*

The Department of Agriculture and Rural Development(a), in exercise of the powers conferred on it by Articles 2(3), 5(1), 12(1), 14, 19(e), (f), (h), (i) and (k), 44, 46(7A) and 60(1) of the Diseases of Animals (Northern Ireland) Order 1981(b), and of every other power enabling it in that behalf, hereby makes the following Order:

Citation and commencement

1. This Order may be cited as the Movement of Animals (Restrictions) Order (Northern Ireland) 2004 and shall come into operation on 9th June 2004.

Interpretation

2.—(1) In this Order –

“general licence” means a licence issued under this Order which applies in relation to all persons specified therein;

“infected area” means an area declared by the Department under Article 8 to be an area infected with disease;

“specific licence” means a licence issued under this Order which only applies to the applicant therefor; and

“premises” includes land with or without buildings;

“primary route” has the same meaning as in the Traffic Signs Regulations (Northern Ireland) 1997(c);

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

(2) Where a power contained in this Order could be exercised under the provisions of any other Order, the power under this Order may be exercised in addition to, or instead of, the power in the other Order.

Extension of definitions of “animals” and “disease”

3. For the purposes of the 1981 Order in its application to this Order –

(a) the list of animals in Part I of Schedule 1 to the 1981 Order is hereby extended so as to comprise –

(a) Formerly the Department of Agriculture: *see* S.I. 1999/283 (N.I. 1) Art.3(4)
(b) S.I. 1981/1115 (N.I. 22) as amended by S.I. 1984/702 (N.I. 2) Art. 17 and S.I. 1994/1891 (N.I. 6) Arts. 19, 20 and 23
(c) S.R. 1997 No. 386

- (i) any kind of mammal except man; and
 - (ii) any kind of four-footed beast which is not a mammal; and
- (b) the definition of “disease” in relation to animals in Article 2(2) of the 1981 Order is extended to comprise any disease of animals.

Veterinary examinations as to the existence of disease

4.—(1) Where an inspector has entered any land, building, place, pen, vehicle, vessel, boat or aircraft for the purpose of ascertaining whether any disease exists or has within 56 days existed the Department may require him,

- (a) to examine or apply such tests and take such samples for the purpose of an examination as he considers necessary; and
 - (b) to apply such marks as may be necessary for identification purposes to any animal, carcase or other thing in respect of which he has exercised powers under sub-paragraph (a).
- (2) A person shall not deface, obliterate or remove any mark applied under paragraph (1)(b).

Restriction on the movement of animals in order to ascertain the presence of disease

5.—(1) Where a veterinary inspector is carrying out any examination referred to in Article 4, he may –

- (a) where the animals examined or to be examined are on any premises, serve a notice on the person in charge of the premises, restricting the movement of any animal on to or off those premises; and
- (b) where the animals examined or to be examined are on a means of transport, serve a notice on the person in charge of the animals or the means of transport –
 - (i) requiring him to move the animals to such place as may be specified in the notice; and
 - (ii) restricting the movement of those animals off those premises; and
 - (iii) restricting the movement of any other animals on to or off those premises.

(2) When the results of the tests or sample taken for the purposes of any examination are known, the Department may revoke any notice issued under this Article.

Restrictions on movement of animals in cases of disease or suspected disease

6.—(1) If the Department has reasonable grounds for supposing that disease exists on any premises or means of transport, it may serve a notice on the person in charge of the premises or means of transport, as the case may be, prohibiting the movement of any animal, carcase, equipment or other thing –

- (a) on to or from those premises,
- (b) in that means of transport

except under the authority of and in accordance with the conditions of a licence granted by the Department.

(2) A notice issued under paragraph (1) may contain such other restrictions with regard to the premises or means of transport to which it relates or with regard to persons, animals, carcasses, equipment or other things on the premises or means of transport as the Department considers necessary for the purpose of preventing the spread of disease.

(3) If any person contravenes a notice issued under this Article in so far as it applies to an animal, the Department may seize or detain that animal and may dispose of it in such manner as it considers necessary to prevent the spread of disease.

(4) The amount of expenses reasonably incurred by the Department in the exercise of the powers under paragraph (3) shall be recoverable as a civil debt, by the Department, from the owner of the animal.

Cleansing and disinfection

7.—(1) A veterinary inspector may serve a notice on the person in charge of any premises or means of transport in respect of which a notice under Article 6 has been issued, requiring him to cleanse and disinfect those premises or that means of transport, as the case may be, in accordance with the requirements of that notice.

(2) If any person on whom a notice has been served under paragraph (1) fails to comply with the requirements of the notice, an inspector or other officer of the Department may, without prejudice to any proceedings arising out of such default, arrange for the provisions of the notice to be complied with.

Declaration of infected area

8.—(1) If the Department has reasonable grounds for suspecting that disease exists in animals within Northern Ireland or within such part of Great Britain or the Republic of Ireland as may entail the risk of the introduction or spread of that disease into Northern Ireland, it may declare Northern Ireland or such area therein as may be specified in the declaration to be an infected area.

(2) A declaration under paragraph (1) –

- (a) shall be made in writing and published in such manner and to such extent as it appears to the Department to be sufficient to bring the terms of the declaration to the attention of those persons likely to be affected by it;
- (b) shall specify the date on which it shall come into operation and shall remain in operation until revoked by a further declaration made by the Department declaring the area to be free from disease;
- (c) may be varied by the Department and such variation shall be in writing and published, as far as is practicable, in the same manner as the declaration;
- (d) shall specify the disease in respect of which the infected area is being declared;
- (e) shall specify the species of animal to which the provisions of Article 9 are to apply.

(3) Any premises which are partly within an infected area shall be deemed to be wholly within that area.

(4) Nothing in paragraph (3) shall deem any area outside Northern Ireland to be within an infected area.

(5) The Department may exhibit placards, handbills or warning notices in, or in the immediate neighbourhood of, an area declared to be infected under paragraph (1) advising of the fact of such declaration.

Restrictions on movement of animals within and out of an infected area

9.—(1) A person shall not move any animal –

- (a) out of an infected area;
- (b) from any premises in an infected area to other premises in the same area;
- (c) by public road, rail, water or air within an infected area,

except under the authority of and in accordance with the conditions of a licence granted by the Department.

(2) Paragraph (1) shall not apply to the trans-shipment of any animal through an infected area where that trans-shipment takes place without loading or unloading or stopping at any holding within that area.

(3) In this Article and Article 10 “animal” means any animal specified in a declaration under Article 8(1) as an animal to which the provisions of this Article applies.

Isolation of animals within an infected area

10.—(1) The Department may, by notice, served on the owner or person in charge of any animal within an infected area require that person to isolate the animal in such place, within such premises and subject to such conditions as may be specified in that notice.

(2) A notice under paragraph (1) shall remain in force until such date as may be specified therein or until revoked by a further notice in writing.

Records

11.—(1) If the Department has reasonable grounds for supposing that disease exists on any premises, it may serve a notice on the owner of any animals kept on those premises requiring that –

- (a) an inventory of all his animals is kept, recording for each species –
 - (i) the number dead;
 - (ii) the number alive which appear to the owner to be infected with the disease;
 - (iii) the number alive which do not appear to the owner to be infected with the disease;and
 - (b) this inventory is kept up to date to take into account changes in the number of animals which are born or die and appear to be infected with disease.
- (2) A notice under paragraph (1) –
- (a) may require any records kept hereunder to be produced to an inspector on request; and
 - (b) shall continue in force until revoked by a further notice.

General provisions as to licences and notices

12.—(1) A licence granted under this Order shall be in writing, may be subject to conditions and may be either a general licence or a specific licence.

(2) A general licence shall be issued by the publication of it in such manner and to such extent as appears to the Department to be sufficient to bring it to the notice of those persons likely to be affected by it.

(3) An application for a specific licence shall be in writing and shall contain such particulars as the Department may require.

- (4) The Department may vary, revoke or suspend any licence granted under this Order –
- (a) in the case of a general licence by a notice published, in so far as is practicable, in the same manner and to the same extent as the licence; and
 - (b) in the case of a specific licence, by a notice in writing served on the person to whom the licence was issued.

(5) The Department may vary, revoke or suspend a general licence in so far as it applies to any particular person by notice in writing served on that person.

(6) A specific licence granted under this Order shall accompany whatever is being moved under its authority and any person acting under the authority of such a licence shall, on demand made by an inspector or other officer of the Department or by a member of the Police Service of Northern Ireland –

- (a) produce the licence; and
- (b) allow a copy or extract to be taken.

(7) A notice under this Order shall be in writing, may be subject to conditions and may be varied, suspended or revoked by further notice issued by the Department.

(8) Where a notice is served on any person under this Order, he shall comply with the requirements or restrictions thereof.

General powers

13.—(1) If any person moves any animal or thing in contravention of a licence or notice issued under this Order, the Department may, without prejudice to any proceedings for an offence arising out of such contravention, serve a notice on the person in charge of that animal or thing, requiring him to move it in accordance with the requirements of the notice.

(2) Any expenses reasonably incurred by the Department in the exercise of the powers under paragraph (1) shall be recoverable as a civil debt by the Department, from the person who caused or permitted such contravention or, as the case may be, from the person in default.

Sealed with the Official Seal of the Department of Agriculture and Rural Development on 1st June 2004.

(L.S.)

Liam McKibben

A senior officer of the Department of Agriculture and Rural Development

EXPLANATORY NOTE

(This note is not part of the Order.)

This Order revokes and re-enacts some of the provisions of the Specified Diseases (Notification and Movement) Restrictions Order (Northern Ireland) 1997.

Articles 1, 2 and 3 contain introductory provisions, including definitions of certain terms used in the Order.

Article 4 provides for the investigation by a veterinary inspector into the existence of disease and the carrying out by him of examinations and tests for the purposes of diagnosis.

Article 5 is a new provision which provides for the imposition of movement restrictions on animals while an investigation into the existence of disease is conducted.

Article 6 provides for the imposition of movement restrictions by the Department if it has reasonable grounds to suppose that disease exists on any premises or means of transport.

Article 7 provides for the cleansing and disinfection of premises or means of transport.

Articles 8 to 10 provide for the declaration of infected areas and the provisions which are to apply in infected areas.

Article 11 imposes record keeping requirements.

Article 12 contains general provisions as to licences and notices.

Article 13 sets out the powers of inspectors when the requirements in notices served by them are not complied with.

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