

2004 No. 488

ANIMALS

**Sales, Markets and Lairs (Amendment) Order
(Northern Ireland) 2004**

Made - - - - - *25th November 2004*

Coming into operation *27th December 2004*

The Department of Agriculture and Rural Development(a), in exercise of the powers conferred on it by Articles 19, 21 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 Sales, Markets and Lairs (Amendment) Order (Northern Ireland) 2004 and shall come into operation on 27th December 2004.

Amendment of the Sales, Markets and Lairs Order (Northern Ireland) 1975

2. The Sales, Markets and Lairs Order (Northern Ireland) 1975(c) shall be amended as provided in Articles 3 and 4.

Notice of approval of markets

3. For paragraphs (2) and (3) of Article 13 there shall be substituted the following paragraphs –

- “(2) A notice of approval issued to any person under paragraph (1) may be –
- (a) issued subject to conditions; and
 - (b) amended, suspended or revoked by further notice in writing issued to the same person in accordance with the following paragraph.
- (3) A notice of approval under paragraph (1) may be –
- (a) suspended or revoked if the Department is of the reasonable opinion that the provisions of this Order are not being complied with in relation to the market to which the notice relates; and
 - (b) revoked if the person to whom the notice was issued is convicted of a relevant offence in relation to a bovine animal or swine offered or exposed for sale at the market to which the notice relates.
- (4) In paragraph (3) “relevant offence” means –
- (a) in relation to a bovine animal, under the Cattle Identification (Enforcement) Regulations (Northern Ireland) 1998(d), the Cattle Identification (No. 2)

(a) Formerly the Department of Agriculture for Northern Ireland: *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) Article 17 and S.I. 1994/1891 (N.I. 6) Art. 23
(c) S.R. 1975 No. 294 as amended by S.R. 1982 No. 191, S.R. 1993 No. 371 and S.R. 2000 No. 253
(d) S.R. 1998 No. 27 as amended by S.R. 1998 No. 279, S.R. 1999 No. 265 and S.R. 2004 No. 420

- Regulations (Northern Ireland) 1998(a) or the Cattle Identification (Notification of Births, Deaths and Movements) Regulations (Northern Ireland) 1999(b); or
- (b) in relation to a swine, under the Diseases of Animals (Northern Ireland) Order 1981 for contravention of the Animals (Records) Order (Northern Ireland) 1997(c), in so far as it relates to same, or Article 12 of the Aujeszky's Disease Order (Northern Ireland) 1994(d).”.

General conditions

4. For paragraph (3) of Article 15 there shall be substituted the following paragraph –
- “(3) A person to whom a notice of approval has been issued under Article 13(1) shall not admit to the market specified in the notice –
- (a) any bovine animal,
- (i) unless accompanied by a notification document in accordance with regulation 7(4) of the Cattle Identification (Notification of Births, Deaths and Movements) Regulations (Northern Ireland) 1999; and
- (ii) the holder has examined any such animal and notification document to ensure that the document has been correctly completed and the details entered thereon correspond to the animal to which they refer; or
- (b) any swine, unless the holder has examined the animal and any document required as a condition of a licence issued by the Department under Article 5(1)(b) of the Aujeszky's Disease Order (Northern Ireland) 1994 to ensure that the document has been correctly completed and the details entered thereon correspond to the animal to which they refer.”.

Sealed with the Official Seal of the Department of Agriculture and Rural Development on 25th November 2004.

(L.S.)

Liam McKibben

A senior officer of the Department of Agriculture and Rural Development

(a) S.R. 1998 No. 279 as amended by S.R. 1999 No. 324 and S.R. 2004 No. 420
(b) S.R. 1999 No. 265 as amended by S.R. 2004 No. 420
(c) S.R. 1997 No. 172 as amended by S.R. 1998 No. 27 and S.R. 2000 No. 344
(d) S.R. 1994 No. 198

EXPLANATORY NOTE

(This note is not part of the Order.)

This Order amends the Sales, Markets and Lairs Order (Northern Ireland) 1975.

The amendments made by this Order provide that a notice of approval may be subject to conditions and may be amended, suspended or revoked in writing by the Department at any time if the provisions of this Order are not complied with.

The amendments enable the Department to revoke a notice of approval where the person to whom the notice was issued is convicted of a relevant offence as defined by this Order.

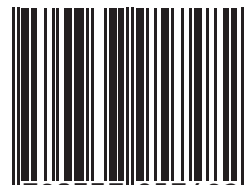
The amendments require the person to whom a notice of approval has been issued to ensure that an animal is not admitted to a market unless accompanied by, in the case any bovine animal, a notification document as specified in the Cattle Identification (Notification of Births, Deaths and Movements) Regulations (Northern Ireland) 1999 or in the case of swine, by any documentation required as a condition of a licence granted under the Aujeszky's Disease Order (Northern Ireland) 1994. The person to whom a notice of approval has been issued is further required to ensure that any documentation is correctly completed and corresponds to the animal to which it refers.

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