

2004 No. 492

ANIMALS

Disease Control (Standstill) Order (Northern Ireland) 2004

Made - - - - - 30th November 2004

The Department of Agriculture and Rural Development(a), in exercise of the powers conferred on it by Articles 5(1), 19, 44 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:

PART I
INTRODUCTION

Citation

1. This Order may be cited as the Disease Control (Standstill) Order (Northern Ireland) 2004.

Interpretation and application

2.—(1) In this Order –

“animal” means any livestock, deer, llama or alpaca;

“collecting centre” means any premises used by a dealer for the intermediate reception of animals intended to be moved elsewhere (but does not include a market);

“dealer” means any person who –

- (a) buys and sells animals commercially either on his own behalf or on behalf of another; and
- (b) does not generally retain such animals in his ownership for a period of more than 30 days; and
- (c) in the course of that business moves animals purchased by him from trading premises operated by him to other premises not operated by him;

“general licence” means a licence issued under this Order which applies to all persons, or any class of persons specified therein;

“holding” means any establishment, construction or, in the case of an open-air farm, place (including land with or without buildings) occupied by the same person and in which animals are held, kept or handled;

(a) Formerly the Department of Agriculture for Northern Ireland. See S.I. 1999/283 (N.I. 1) Article 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) Article 23

“holding number” has the same meaning as in the Aujeszky’s Disease Scheme Order (Northern Ireland) 1994(a) and Identification and Movement of Sheep and Goats Order (Northern Ireland) 2004(b);

“individual animal identification number” means –

- (a) in relation to a bovine animal, the unique identification code on an eartag approved by the Department under the Cattle Identification (No. 2) Regulations (Northern Ireland) 1998(c);
- (b) in relation to a sheep or goat, the unique numeric sequence on an eartag approved by the Department under the Identification and Movement of Sheep and Goats Order (Northern Ireland) 2004;
- (c) in relation to a pig, the individual number marked on it in accordance with the Aujeszky’s Disease Order (Northern Ireland) 1994;

“keeper” means any natural or legal person responsible for animals on a permanent or temporary basis;

“land” includes common or unenclosed land;

“licensed isolation facility” means a facility on a holding which is intended for the keeping of animals and for effectively isolating them from any other animal and which is operated for that purpose under and in accordance with the conditions of a licence granted by the Department;

“livestock” means any bovine animal (excluding bison and yak), goat, pig or sheep;

“market” means a market place, sale yard or other premises or place in or upon which animals are exhibited for the purpose of public sale;

“premises” includes land, with or without buildings;

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

“trading premises” means a premises which a dealer operates as a collecting centre which is a separate epidemiological unit from any other premises on which animals are kept.

(2) The provisions of this Order are without prejudice to the requirements or prohibitions imposed by or under any other statutory provision relating to the movement of animals.

Exception

3. This Order shall not apply in relation to the movement of an animal to or from a zoo licensed under the Welfare of Animals Act (Northern Ireland) 1972(d).

PART II

MOVEMENT RESTRICTIONS

Requirement for a licence to move animals

4. A person shall not move or cause or permit to be moved an animal from any holding except under and in accordance with the conditions of a licence issued by the Department.

(a) S.R. 1994 No. 199
(b) S.R. 2004 No. 491
(c) S.R. 1998 No. 279 as amended by S.R. 1999 No. 324 and S.R. 2004 No. 420
(d) 1972 c. 7 (N.I.)

Restriction on the movement of livestock

5. A person shall not move or cause or permit to be moved any livestock from a holding in relation to which any other livestock or any deer, llama or alpaca has made a relevant movement during the previous 6 days.

Meaning of relevant movements

6. For the purposes of Article 5, a relevant movement in relation to any holding means any movement onto the holding other than –

- (a) a movement directly to a licensed isolation facility situated on the holding, in the course of which the animal does not come into contact with any other animal on the holding outside the isolation facility; or
- (b) a movement under and in accordance with the conditions of a licence issued by the Department under Article 4.

Isolation facilities

7. A person shall not move or cause or permit to be moved an animal into or out of a licensed isolation facility except under and in accordance with the conditions of a licence issued by the Department.

PART III DEALERS

Movement of an animal by a dealer to or from trading premises

8. The prohibition in Article 5 shall not apply where a dealer moves livestock or causes it to be moved to or from trading premises operated by him, provided that –

- (a) such movement is made under and in accordance with the conditions of a licence issued by the Department under Article 4;
- (b) the livestock is moved directly from the trading premises to its premises of destination (not being a market, collecting centre, other trading premises or any other place used for the sale or trading of animals) within 6 days of its arrival at the trading premises; and
- (c) the dealer complies with the requirements of this Part.

Requirement for dealers to keep records

9.—(1) A dealer shall keep a record of the movement of any animal to or from trading premises operated by him and such record shall include –

- (a) the registration number of the vehicle on which it was transported to or from the trading premises and the name of the person transporting the animal in that vehicle;
- (b) in the case of an animal moved to the premises, the name, address and holding number of any person from whom the animal was purchased, the date of purchase and its breed and gender;
- (c) in the case of an animal moved from the premises, the name, address and holding number of any purchaser of the animal, its premises of destination, its breed and gender and any date of sale.

(2) In addition the record kept under paragraph (1) shall contain, in the case of any animal, its individual animal identification number.

(3) A dealer required to keep a record under this Article shall –

- (a) keep such record in a permanent and legible form;
- (b) retain such record from the date of the last entry thereon for a period of, in the case of –

- (i) a pig, 3 years,
 - (ii) a sheep or goat, 4 years,
 - (iii) a bovine animal, deer, llama or alpaca, 10 years; and
- (c) on demand by an inspector produce that record for inspection and allow a copy or extract therefrom to be taken.

Requirement for dealers to furnish information

- 10.** A dealer shall, on demand, furnish to the Department his name and address.

PART IV

LICENCES, NOTICES AND AUTHORISATIONS

Licences

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

- (2) The Department may vary, suspend or revoke any licence under this Order –
- (a) in the case of a general licence by a notice, published, 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 served on the person to whom the licence was issued.

(3) An animal which is moved under the authority of a licence under this Order shall be kept separate throughout such movement from any animal which is not being moved under the authority of that licence.

General licences

12.—(1) 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.

(2) Where an animal is moved under the authority of a general licence, and that licence requires the person moving the animal to have a movement document, the occupier of premises which it is moved on to shall –

- (a) ensure that he or his representative is given a copy of the movement document before allowing the animal to be unloaded;
- (b) keep a copy of the completed document for the period specified in Article 9(3)(b);
- (c) in the case of any livestock, complete a copy of the movement document to indicate that he has received the animal, sign it and send it to the local Divisional Veterinary Office without undue delay; and
- (d) produce a copy of the completed movement document to an inspector on request.

Notices prohibiting movement under a general licence

13.—(1) Where a general licence has been issued, the Department may –

- (a) vary, suspend or revoke the licence in so far as it applies to any person specified in the notice;
- (b) by notice served in accordance with paragraph (2) prohibit any person specified in the notice from moving an animal under the authority of that licence either generally or to or from any premises specified in the notice; or

(c) by notice served and published in accordance with paragraph (3) prohibit the movement under the authority of that licence of an animal to or from any premises specified in the notice.

(2) A notice issued under paragraph (1)(b) shall be served on the person prohibited from moving animals by the notice and on the occupier of any premises individually named in the notice.

(3) A notice issued under paragraph (1)(c) shall be served on the occupier of each of the premises specified in the notice and published in any other way that the Department thinks fit to draw the notice to the attention of any person affected by it.

Specific licences

14.—(1) An animal moved under the authority of a specific licence shall be –

(a) moved by the most direct route available to the place of destination specified in the licence; and

(b) accompanied throughout the movement by the licence.

(2) Where any animal is moved under the authority of a specific licence, then, unless the licence provides otherwise, the occupier of the premises to which it is moved shall –

(a) ensure that he or his representative is given the licence before allowing the animal to be unloaded; and

(b) retain the licence for the period specified in Article 9(3)(b) and during that period produce it to an inspector on demand.

(3) The person in charge of any animal moved under a specific licence shall, on demand made by an inspector or a member of the Police Service of Northern Ireland –

(a) produce the licence and allow a copy or an extract therefrom to be taken; and

(b) if so required, furnish his name and address.

PART V

MISCELLANEOUS

Action in case of default

15. Where a person fails to comply with any requirements imposed on him under this Order or by virtue of any licence issued under it, an inspector may, without prejudice to any proceedings arising out of such default, carry out or cause to be carried out those requirements.

Cleansing and disinfection

16. Where an animal is moved under the authority of a licence, the occupier of the premises to which it is moved shall provide adequate facilities, equipment and materials for any cleansing and disinfection required by the licence.

Change of occupation of premises

17.—(1) Where, on the termination of his right of occupation of any premises, the keeper of any animal on those premises is unable to remove it from those premises by reason of any restriction imposed by or under this Order, the person entitled to the occupation of those premises shall –

(a) afford the keeper of that animal and any person authorised by him for the purpose, all such facilities as may be necessary for feeding, tending or otherwise using that animal (including selling it) as the keeper may reasonably require; or

(b) where the keeper of that animal is unable or unwilling to avail himself of such facilities, take all such steps as may be necessary to ensure that the animal is properly fed, tended and kept.

(2) The provisions of paragraph (1) shall continue to apply until the expiry of a period of 7 days from the date on which any restriction on the movement of the animal off the premises ceases to apply under this Order and the keeper of the animal shall be liable to pay to the person who affords any facilities or feeds, tends or otherwise keeps that animal, in accordance with those provisions, such sums by way of remuneration and reimbursement of expenses as may be just and reasonable in all the circumstances.

Sealed with the Official Seal of the Department of Agriculture and Rural Development on 30th November 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 sets out controls on the movement of certain animals to or from a holding and includes the introduction of a standstill period.

Article 4 provides that an animal may not be moved from a holding except under licence from the Department.

Articles 5 and 6 provide that any bovine animal, goat, pig, sheep, deer, llama or alpaca may not be moved from a holding if another animal has been moved on to that holding during the previous 6 days, i.e. the “standstill period” unless the other animal is put into isolation or the movement is licensed by the Department.

Article 7 regulates the movement of an animal into or out of an isolation facility.

Articles 8 to 10 set out provisions regulating the movement of animals by dealers.

Articles 11 to 14 make provision for the issue, variation, suspension and revocation of licences.

Article 15 enables an inspector, in a case of default, to carry out, or arrange to have carried out, any requirements imposed under the Order or by virtue of any licence issued under it.

Article 16 specifies cleansing and disinfection facilities and Article 17 sets out requirements where there is a change of occupation of premises.

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 and shall be liable, on summary conviction, either to imprisonment for a term not exceeding one month or to a fine not exceeding level 5 on the standard scale (currently £5,000) or in the case of an offence committed with respect to more than 5 animals, not exceeding level 3 on the standard scale (currently £1,000) for each animal.

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