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STATUTORY RULES OF NORTHERN IRELAND

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**2013 No. 244**

**The African Horse Sickness  
Regulations (Northern Ireland) 2013**

**PART VIII N.I.**

**INSPECTION, ENFORCEMENT AND MISCELLANEOUS PROVISIONS**

**Notices N.I.**

**26.**—(1) Any notice required or permitted to be served or given to any person under these Regulations shall be in writing and may be amended, suspended or revoked in writing at any time.

(2) A person shall comply with the terms of any notice served or given under these Regulations.

**Commencement Information**

**II** [Reg. 26](#) in operation at 18.11.2013, see [reg. 1](#)

**Licences N.I.**

**27.**—(1) A licence granted under these Regulations shall be in writing and may be—

- (a) general or specific;
- (b) subject to conditions; and
- (c) amended, suspended or revoked in writing at any time.

(2) A person moving any horse or thing under the authority of a specific licence shall—

- (a) carry the licence or a copy of it at all times during the movement; and
- (b) on demand by an inspector or an officer of the Department, produce the licence or a copy and allow a copy or extract to be taken.

(3) Where a licence is required or authorised under these Regulations to be granted by a veterinary inspector, it may also be granted by an inspector acting under the direction of a veterinary inspector.

(4) A person moving any horse or thing under the authority of a general licence shall—

- (a) carry, at all times during the movement, a document containing details of—
  - (i) what is being transported, including the quantity;
  - (ii) the date of the movement;
  - (iii) the name of the person responsible for the horse or thing at the place of departure and at the place of destination;
  - (iv) the address of the place of departure and of the destination,
- (b) on demand by an inspector or an officer of the Department, produce the document and allow a copy or extract to be taken; and

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(c) keep the document for at least six months.

(5) If a horse or thing has been moved to premises under a licence, a veterinary inspector may serve a notice on the occupier of the premises of destination imposing such movement restrictions on those premises as are necessary to prevent the risk of spreading African horse sickness virus.

#### Commencement Information

**I2** [Reg. 27](#) in operation at 18.11.2013, see [reg. 1](#)

#### Powers of inspectors **N.I.**

**28.**—(1) A lay magistrate may by signed warrant permit an inspector to enter any premises, if necessary by reasonable force, if the lay magistrate, on sworn information in writing, is satisfied—

- (a) that there are reasonable grounds to enter those premises for the purpose of executing or enforcing these Regulations; and
- (b) that any of the conditions in paragraph (2) are met.

(2) The conditions are—

- (a) entry to the premises has been, or is likely to be, refused, and notice of the intention to apply for a warrant has been given to the occupier;
- (b) asking for admission to the premises, or giving such a notice, would defeat the object of the entry;
- (c) entry is required urgently; or
- (d) the premises are unoccupied or the occupier is temporarily absent.

(3) A warrant is valid for three months.

(4) An inspector may, on producing a duly authenticated authorisation if requested, enter any premises, vehicle, vessel or trailer (except any premises used wholly or mainly as a private dwelling house) at any reasonable hour for the purpose of executing or enforcing these Regulations.

(5) An inspector entering any premises, vehicle, vessel or trailer may—

- (a) inspect any horse or thing there;
- (b) take samples;
- (c) seize and destroy any thing;
- (d) detain or isolate any animal or thing;
- (e) mark or microchip for identification purposes any animal or thing;
- (f) carry out any inquiries, examinations and tests;
- (g) undertake surveillance for vectors and implement vector control measures (including the introduction of any sentinel horse);
- (h) have access to, inspect and copy any documents or records (in whatever form they are held) relevant to these Regulations, and remove them to enable them to be copied;
- (i) inspect and check the operation of any computer and any associated apparatus or material that is or has been in use in connection with records;
- (j) require by notice served on the occupier of the premises—
  - (i) any animal to be marked or microchipped for identification purposes;
  - (ii) any animal or thing to be moved to a specified destination or to be moved to or kept in a particular part of the premises;

- (iii) the undertaking of surveillance for the presence of insects;
- (iv) the implementation of such vector control measures as the inspector considers practical and necessary;
- (v) horses to be retained for use as sentinel horses or sentinel horses to be introduced onto those premises.

(6) Where an inspector has entered any premises, vehicle, vessel or trailer and it is not reasonably practicable to determine whether documents on those premises are relevant to these Regulations, the inspector may seize them to ascertain whether or not they are relevant.

(7) The inspector may—

- (a) take any necessary equipment, sentinel horse or vehicle on to the premises;
- (b) be accompanied by—
  - (i) such other persons as the inspector considers necessary; and
  - (ii) any representative of the European Commission.

(8) Any power or obligation to take a sample and test it includes a power to—

- (a) re-test the sample; and
- (b) take further samples (from the animals or carcasses subject to that power) and test and re-test those samples.

(9) In this regulation, a sentinel horse is a horse used for surveillance for African horse sickness virus which does not have antibodies to that virus when introduced to or retained at the premises for that purpose.

#### Commencement Information

**I3** [Reg. 28](#) in operation at 18.11.2013, see [reg. 1](#)

#### Notice following a contravention on movement **N.I.**

**29.**—(1) If a horse has been moved to any premises in contravention of any provisions of these Regulations or any licence or notice served under these Regulations, a veterinary inspector may serve a notice on the occupier of the premises requiring—

- (a) that horse, or any other horse on the premises, to be detained on the premises; or
- (b) any horse on the premises to be moved to other premises specified in the notice.

(2) If a horse has been moved to other premises under such notice, a veterinary inspector may serve a notice on any occupier of those other premises imposing such movement restrictions relating to horses on those premises as the inspector considers necessary to reduce the risk of spreading African horse sickness virus.

#### Commencement Information

**I4** [Reg. 29](#) in operation at 18.11.2013, see [reg. 1](#)

#### Change of occupier of premises under restriction – access for welfare purposes **N.I.**

**30.** If there is a change of occupier of premises under restriction under these Regulations, the new occupier shall allow the owner of any horse on the premises or any person acting on behalf of

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the owner to enter the premises to feed or otherwise attend to the welfare of any horse during the period of restriction and for seven days following its end.

**Commencement Information**

**I5** [Reg. 30](#) in operation at 18.11.2013, see [reg. 1](#)

**Powers of inspectors in case of default** **N.I.**

**31.** If any person fails to comply with a requirement in or under these Regulations, an inspector may take such steps as that inspector considers necessary to ensure the requirement is met at the expense of that person.

**Commencement Information**

**I6** [Reg. 31](#) in operation at 18.11.2013, see [reg. 1](#)

**Obstruction** **N.I.**

**32.** A person shall not—

- (a) intentionally obstruct or impede anyone acting in the execution or enforcement of these Regulations;
- (b) without reasonable cause, proof of which lies on the person charged, fail to give to any person acting in the execution or enforcement of these Regulations any assistance or information that is reasonably required;
- (c) provide to anyone acting in the execution of these Regulations any information knowing it to be false or misleading or not believing it to be true; or
- (d) fail to produce a record when required to do so to any person acting in the execution or enforcement of these Regulations.

**Commencement Information**

**I7** [Reg. 32](#) in operation at 18.11.2013, see [reg. 1](#)

**Offences and penalties** **N.I.**

**33.—(1)** A person is guilty of an offence if that person fails to comply with any of the following provisions—

- (a) regulation 3(4) (occupier to give reasonable assistance to enable any other occupier to comply with obligations);
- (b) regulation 3(5) (occupier to take reasonable steps to inform other occupiers of movement restrictions arising from notice);
- (c) regulation 5(1) or (2) (requirement to notify Department of suspect horse or carcass etc);
- (d) regulation 7(7)(a)(i), (ii) or (iii) (prohibition on movement of notified horse carcass or thing; or other horses);
- (e) regulation 7(7)(b)(i) or (ii) (obligation to move horses and identify vectors etc);
- (f) regulation 11(3) (prohibition on persons moving horses onto premises);

- (g) regulation 13(5)(a), (b) or (c) (controls relating to slaughterhouses);
  - (h) regulation 16(4) (prohibition on unlicensed movement within temporary control zone);
  - (i) paragraph 1 of Schedule 2 (prohibition on unlicensed movement out of protection zone or out of surveillance zone to an area free from restrictions);
  - (j) paragraph 2 of Schedule 2 (prohibition on unlicensed movement of asses etc or movement of horses showing clinical signs of African horse sickness);
  - (k) regulation 20(3) (obligation to comply with restrictions and measures imposed by declaration under regulation 16(5) or 17(7));
  - (l) regulation 23 (prohibition on vaccination);
  - (m) regulation 24(2) (requirement to vaccinate in accordance with declaration of vaccination zone);
  - (n) regulation 25(1) or (2) (requirement to identify vaccinated horse and to keep records; prohibition on unlicensed movement of vaccinated horse);
  - (o) regulation 26(2) (requirement to comply with notice);
  - (p) regulation 27(2)(a) or (b) (requirement to carry licence or copy; requirement to produce etc licence);
  - (q) regulation 27(4)(a), (b) or (c) (requirement to carry document; requirement to produce etc document; requirement to keep document);
  - (r) regulation 30 (obligation on new occupier to allow entry for purposes of feeding or welfare);
  - (s) regulation 32 (obstruction);
  - (t) paragraph 1, 2, or 4 of Schedule 1 (requirement to keep records etc; requirement as to housing of horses; requirement to implement vector control);
  - (u) paragraph 3 of Schedule 1 (prohibition on unlicensed movement).
- (2) A person guilty of an offence is liable—
- (a) on summary conviction, to a fine not exceeding the statutory maximum or to imprisonment for a term not exceeding three months or both; or
  - (b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding six months or both.

#### Commencement Information

**18** Reg. 33 in operation at 18.11.2013, see [reg. 1](#)

#### Offences by bodies corporate **N.I.**

**34.**—(1) If an offence under these Regulations committed by a body corporate is proved—

- (a) to have been committed with the consent or connivance of an officer; or
- (b) to be attributable to any neglect on the part of an officer,

the officer, as well as the body corporate, is guilty of the offence and liable to be proceeded against and punished accordingly.

(2) In paragraph (1) “officer”, in relation to a body corporate, means—

- (a) a director, manager, secretary or other similar officer of the body; or
- (b) a person purporting to act in any such capacity.

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(3) If the affairs of a body corporate are managed by its members, paragraph (1) applies in relation to the acts and defaults of a member in connection with the member's functions of management as it applies to an officer of a body corporate.

#### Commencement Information

**19** [Reg. 34](#) in operation at 18.11.2013, see [reg. 1](#)

### Offences by partnerships and unincorporated associations **N.I.**

**35.**—(1) Proceedings for an offence under these Regulations alleged to have been committed by a partnership or an unincorporated association may be brought against the partnership or association in the name of the partnership or association.

(2) For the purposes of such proceedings—

- (a) rules of court relating to the service of documents are to have effect as if the partnership or association were a body corporate; and
- (b) section 18 of the Criminal Justice Act (Northern Ireland) 1945<sup>(1)</sup> (procedure on charge) and Schedule 4 to the Magistrates' Courts (Northern Ireland) Order 1981<sup>(2)</sup> (corporations) apply in relation to the partnership or association as they apply in relation to a body corporate.

(3) A fine imposed on a partnership or association on its conviction of an offence under these Regulations is to be paid out of the funds of the partnership or association.

(4) If an offence under these Regulations committed by a partnership is proved—

- (a) to have been committed with the consent or connivance of; or
- (b) to be attributable to any neglect on the part of, a partner,

the partner, as well as the partnership, is guilty of the offence and is liable to be proceeded against and punished accordingly.

(5) For these purposes, "partner" includes a person purporting to act as a partner.

(6) If an offence under these Regulations committed by an unincorporated association is proved—

- (a) to have been committed with the consent or connivance of; or
- (b) to be attributable to any neglect on the part of, an officer of the association,

the officer, as well as the association, is guilty of the offence and is liable to be proceeded against and punished accordingly.

(7) In paragraph (6), "officer", in relation to an unincorporated association, means—

- (a) an officer of the association or a member of its governing body; or
- (b) a person purporting to act in such capacity.

#### Commencement Information

**110** [Reg. 35](#) in operation at 18.11.2013, see [reg. 1](#)

(1) 1945 c. 15 (N.I.); section 18 was amended by the Magistrates' Courts Act (Northern Ireland) 1964 (c. 21) and by the Justice (Northern Ireland) Act 2002 (c. 26), Schedule 12

(2) S.I. 1981/1675 (N.I. 26) (as amended)

**Exceptional circumstances** **N.I.**

36. The Department may for the purpose of ensuring the health or welfare of any horse—
- (a) license a person to carry out any action that is otherwise prohibited under these Regulations; or
  - (b) exempt a person, by notice, from any requirement under these Regulations.

**Commencement Information**

**I11** [Reg. 36](#) in operation at 18.11.2013, see [reg. 1](#)

**Amendment** **N.I.**

37. In the Specified Diseases (Notification) Order (Northern Ireland) 2004(3), in the Schedule (Specified Diseases) omit item 1 and the reference to “African horse sickness”.

**Commencement Information**

**I12** [Reg. 37](#) in operation at 18.11.2013, see [reg. 1](#)

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**Changes to legislation:**

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