STATUTORY RULES OF NORTHERN IRELAND

2012 No. 176

ANIMALS

The Diseases of Animals (Importation of Machinery and Vehicles) Order (Northern Ireland) 2012

Made - - - -	*24th April 2012*
Coming into operation	*1st May 2012*

The Department of Agriculture and Rural Development(**1**), makes the following Order in exercise of the powers conferred by Articles 5(1), 19, 24, 29 and 60(1) of the Diseases of Animals (Northern Ireland) Order 1981(**2**).

Citation and commencement

1. This Order may be cited as the Diseases of Animals (Importation of Machinery and Vehicles) Order (Northern Ireland) 2012 and shall come into operation on 1st May 2012.

Interpretation

2. In this Order—

"approved disinfectant" means a disinfectant approved for the time being by the Department under the Diseases of Animals (Approval of Disinfectants) Order (Northern Ireland) 2008(**3**);

"cleansed" means cleansed with water, steam or where appropriate chemicals or chemical compounds or, if necessary, any combination of these;

"contaminated" means contaminated by—

(a) animals, insects or other invertebrates (in any lifecycle stage);

(b) eggs, egg casings or rafts of any insect or other invertebrate;

(c) eggs of poultry;

(d) any organic material of animal origin including blood, bones, fibre, meat, secretions or excretions;

(**1**) Formerly the Department of Agriculture for Northern Ireland; see the Departments (N.I.) Order 1999 (S.I. 1999/283 (N.I. 1)) Article 3(4)

(**2**) S.I. 1981/1115 (N.I. 22) as amended by S.I. 1984/702 (N.I. 2) Article 17, S.I. 1994/1891 (N.I. 6) Articles 22 and 23,2010(c.1) Section 19

(**3**) S.R. 2008 No. 272

(e) plants or plant products including fruit, seeds, leaves, twigs, roots, bark, saw dust, or other organic material; or

(f) soil;

"the Department" means the Department of Agriculture and Rural Development;

"disinfected" means—

(a) treated by means of an approved disinfectant where disinfection is to be carried out in accordance with a notice served under Article 3; or

(b) in any other case treated by means of an approved disinfectant which has been officially approved in the country where disinfection takes place;

"machinery" means any article of machinery or equipment or any part thereof;

"vehicle" includes—

(a) a trailer, semi-trailer or other thing which is designed or adapted to be towed by another vehicle;

(b) anything on a vehicle;

(c) a detachable part of a vehicle;

(d) a container or other structure designed or adapted to be carried by or on a vehicle,

but does not include a private car.

Cleansing and disinfection

3.—(1) Subject to paragraph (2) a person shall not import, or cause or permit the importation of any machinery or vehicle which has been contaminated or by means of which disease may be carried or transmitted.

(2) The provisions of paragraph (1) shall not apply where the machinery or vehicle, before being loaded into the vessel, aircraft or other conveyance in which it is brought into Northern Ireland, has been cleansed and disinfected in accordance with the Schedule.

(3) Where, in the opinion of an inspector, any machinery or vehicle being imported has not been cleansed and disinfected in accordance with the Schedule, the inspector may, by notice served on the owner, consignor, consignee or person for the time being in charge of such machinery or vehicle—

(a) require that person to detain that machinery or vehicle on board any vessel, aircraft or other conveyance; and

(b) cause it to be exported within a period specified in the notice at the expense of that person.

(4) If any machinery or vehicle is landed in contravention of this Order, an inspector may by notice served on the owner, consignor, consignee or the person for the time being in charge of such machinery or vehicle, require the person on whom the notice is served at the expense of that person and within a period specified in the notice either—

(a) to cause that machinery or vehicle to be cleansed and disinfected in accordance with the Schedule; or

(b) to cause that machinery or vehicle to be exported or destroyed.

(5) Any machinery or vehicle in respect of which a notice is served under paragraph (3) or (4) shall not be—

(a) tampered with or moved; or

(b) cleansed and disinfected,

except in compliance with the requirements of the notice served.

(6) Where a person acts in contravention of a notice served under paragraph (3) or (4), an inspector may—

(a) seize and detain any machinery or vehicle; and

(b) arrange for the provisions of the notice to be complied with,

without prejudice to any proceedings for an offence arising out of the contravention, at the expense of that person.

Drivers' cabs and passenger compartments

4. Nothing in this Order shall require the use of disinfectant inside the driver's cab or passenger compartment of any machinery or vehicle.

Certificate of cleansing and disinfection

5.—(1) The Department may require any machinery or vehicle to be accompanied at the time of importation by a certificate signed by an officer in the appropriate Department of the government of the exporting country, which certifies that cleansing and disinfection of the machinery or vehicle were carried out in accordance with the provisions of the Schedule.

(2) A person shall—

(a) on demand made by an inspector or an officer of the Police Service of Northern Ireland, produce a certificate issued by an officer in the appropriate Department of the government of the exporting country in respect of any machinery or vehicle and allow a copy of it to be taken; and

(b) on such demand furnish their name and address.

Importation from the Republic of Ireland

6.—(1) Subject to paragraph (6) Articles 3 and 5 shall apply to any machinery or vehicle imported from the Republic of Ireland only while a direction under paragraph (2) is in force.

(2) If the Department has reason to believe that there is an outbreak of disease in the Republic of Ireland and it is necessary to act as a matter of urgency to prevent the introduction of disease into Northern Ireland the Department may direct by notice that the provisions of Articles 3 and 5 shall apply to any machinery or vehicle imported from the Republic of Ireland.

(3) Where the Department makes a direction under paragraph (2) the Department shall take all reasonable steps it considers necessary to bring the direction to the notice of any person who is likely to be affected by it.

(4) In any proceedings for an offence arising by virtue only of the direction, it shall be a defence that at the time the offence was committed the person had no reason to believe that the direction was in existence.

(5) A direction under this Article shall remain in force until revoked by the Department.

(6) Paragraph (1) shall not apply to any machinery or vehicle imported through the Republic of Ireland from any other country.

Revocation and saving

7.—(1) The Diseases of Animals (Importation of Machinery) Order (Northern Ireland) 1979(**4**) is revoked.

(**4**) S.R. 1979 No. 281 as amended by S.R. 1982 No. 127