STATUTORY RULES OF NORTHERN IRELAND

2011 No. 440

ANIMALS

ANIMAL HEALTH

The Non-Commercial Movement of Pet Animals Order (Northern Ireland) 2011

Made - - - - 21st December 2011

Coming into operation 1st January 2012

The Department of Agriculture and Rural Development is designated(**1**) for the purposes of section 2(2) of the European Communities Act 1972(**2**) in relation to the common agricultural policy of the European Union and measures in the veterinary and phytosanitary fields for the protection of public health.

To the extent that this Order makes provision for a purpose mentioned in section 2(2) of that Act, it appears to the Department that it is expedient for references in this Order to the Decision specified in paragraph (a), and to the provisions of the Regulation specified in paragraph (b), to be construed as references to those instruments as amended from time to time—

(a) Commission Decision 2007/25/EC as regards certain protection measures in relation to highly pathogenic avian influenza and movements of pet birds accompanying their owners into the Community(**3**), and

(b) Annexes I and II to Regulation (EC) No 998/2003 of the European Parliament and of the Council on the animal health requirements applicable to the non-commercial movement of pet animals and amending Council Directive 92/65/EEC(**4**).

The Department makes this Order in exercise of the powers conferred by Articles 5, 19, 24, and 60 of the Diseases of Animals (Northern Ireland) Order 1981(**5**) and section 2(2) of, and paragraph 1A of Schedule 2 to, the European Communities Act 1972(**6**).

(**1**) S.I. 2000/2812
(**2**) 1972 c. 68
(**3**) O.J. No L 8, 13.1.2007, p29, as last amended by Commission Decision 2010/734/EU (O.J. No L 316, 2.12.2010, p.10).
(**4**) O.J. No L 146, 13.6.2003, p1, as last amended by Commission Delegated Regulation (EU) No 1153/2011 (O.J. No L 296, 15.11.2011, p.13).
(**5**) 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 and 2010(c.1) Section 19
(**6**) Paragraph 1A was inserted into Schedule 2 by section 28 of the Legislative and Regulatory Reform Act 2006 (c. 51) as amended by 2008 (c. 7)

PART 1

GENERAL

Citation and commencement

1. This Order may be cited as the Non Commercial Movement of Pet Animals Order (Northern Ireland) 2011 and shall come into operation on 1st January 2012.

Interpretation

2.—(1) In this Order—

"carrier" means any undertaking carrying goods or passengers for hire by land, sea or air;

"Decision 2003/459/EC" means Commission Decision 2003/459/EC on certain protection measures with regard to monkey pox virus(**7**);

"Decision 2006/146/EC" means Commission Decision 2006/146/EC on certain protection measures with regard to certain fruit bats, dogs and cats coming from Malaysia (Peninsula) and Australia(**8**);

"Decision 2007/25/EC" means Commission Decision 2007/25/EC as regards certain protection measures in relation to highly pathogenic avian influenza and movements of pet birds accompanying their owners into the EU(**9**);

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

"health certificate" means a certificate issued in accordance with Article 8(2) of the Pets Regulation;

"inspector" means a person appointed by the Department for the purposes of this Order or the Diseases of Animals (Northern Ireland) Order 1981 and includes a veterinary inspector;

"pet bird" has the same meaning as in Decision 2007/25/EC;

"the Pets Regulation" means Regulation (EC) No 998/2003 of the European Parliament and of the Council on the animal health requirements applicable to the non-commercial movement of pet animals and amending Council Directive 92/65/EEC(**10**);

"premises" means—

(a) any land, building, shed, pen or other place;

(b) any receptacle or container;

(c) any ship, vessel, boat, aircraft, hovercraft or vehicle of any other description;

"the supplementary Regulation" means Commission Delegated Regulation (EU) No 1152/2011 supplementing Regulation (EC) No 998/2003 of the European Parliament and of the Council as regards preventive health measures for the control of *Echinococcus multilocularis* infection in dogs(**11**).

(2) The Interpretation Act (Northern Ireland) 1954(**12**) shall apply to this Order as it applies to an Act of the Northern Ireland Assembly.

(**7**) O.J. No L 154, 21.6.2003, p112.
(**8**) O.J. No. L 55, 25.2.2006, p.44
(**9**) O.J. No. L 8, 13.1.2007, p.29, which was last amended by Commission Decision 2009/818/EC (O.J. No. L 291, 7.11.2009, p.27)
(**10**) O.J. No. L 146, 13.6.2003, p.1 which was last amended by Regulation (EU) No. 438/2010 (O.J. No. L 132, 29.5.2010, p.3)
(**11**) O.J. No. L 296, 15.11.2011, p.6
(**12**) 1954 c. 33 (N.I.)

(3) Terms and expressions used in this Order and in the Pets Regulation have the same meaning as in the Pets Regulation.

(4) In this Order—

(a) any reference to Decision 2007/25/EC is a reference to that Decision as amended from time to time, and

(b) any reference to Annex I or II to the Pets Regulation is a reference to that Annex to that Regulation as amended from time to time.

Designation

3. The Department is the competent authority for the purposes of—

(a) Article 5(1)(b) and Article 12 of the Pets Regulation; and

(b) Article 2(1) of Decision 2007/25/EC.

Notices

4. Any notice issued by the Department under this Order—

(a) shall be in writing;

(b) may be made subject to conditions; and,

(c) may be amended, suspended or revoked at any time.

PART 2

CONTROLS ON DISEASES

Controls on rabies and certain other diseases of mammals

5.—(1) The Rabies (Importation of Dogs, Cats and Other Mammals) Order (Northern Ireland) 1977(**13**) does not apply to the landing of a pet animal in Northern Ireland which—

(a) is an animal of a species listed in Part A or B of Annex I to the Pets Regulation and is brought into Northern Ireland and satisfies—

(i) the requirement in respect of Rabies in Article 6

(ii) the requirement in respect of Nipah disease in Article 7 (where applicable);

(iii) the requirement in respect of Hendra disease in Article 8 (where applicable); and

(iv) the requirement in respect of *Echinococcus multilocularis)* in Article 9 (where applicable),

(b) is brought into Northern Ireland directly from Great Britain, the Channel Islands or the Isle of Man; or

(c) is an animal of a species listed in Part C of Annex I to the Pets Regulation and is brought into Northern Ireland from another member State or a territory listed in Part B of Annex II to the Pets Regulation.

(2) The Rabies (Importation of Dogs, Cats and Other Mammals) Order (Northern Ireland) 1977 does apply to the importation into Northern Ireland of a pet animal which is—

(a) a prairie dog originating in, or coming from, the United States of America; or

(**13**) S.R 1977 No. 113 as amended by S.R. 1977 No. 256, S.R.1994 No. 402, S.R. 2000 No.10 and S.R. 2005 No. 275 and disapplied by S.R. 2006 No. 401

(b) a rodent of non-domestic species or a squirrel originating in or coming from a third country of the African sub-Saharan region.

Rabies

6. The requirement in respect of rabies is that the animal complies with Article 5 or 8 of the Pets Regulation (as the case may be).

Nipah disease

7. The requirement in respect of Nipah disease is that a dog or cat imported from Malaysia (Peninsula) must be accompanied by a certificate which—

(a) is signed by a representative of the Malaysian government veterinary services;

(b) states the number of the microchip implanted in the dog or cat; and

(c) certifies that the conditions in Article 2(2) of Decision 2006/146/EC have been met.

Hendra disease

8. The requirement in respect of Hendra disease is that a cat imported from Australia must be accompanied by a certificate which—

(a) is signed by a representative of the Australian government veterinary services;

(b) states the number of the microchip implanted in the cat; and

(c) certifies that the condition in Article 3(2) of Decision 2006/146/EC has been met.

Echinococcus multilocularis

9. The requirement in respect of *Echinococcus multilocularis* is that a dog complies with any preventive health measures in Article 7 of the supplementary Regulation except where those measures do not apply by virtue of Article 2(2) of that Regulation.

Controls on highly pathogenic avian influenza

10.—(1) This Article applies where a pet bird is part of a movement into Northern Ireland which does not comply with Decision 2007/25/EC.

(2) An inspector may serve a written notice on the person accompanying the bird, requiring that person to—

(a) return the bird to its country of origin;

(b) place the bird in quarantine for such period, at such premises and subject to such conditions as may be specified in the notice; or

(c) where the return or quarantine of the bird is not possible, cause the bird to be destroyed by a date specified in the notice.

(3) A person on whom a notice is served must comply with it at that person's own expense.

(4) Where a notice is not complied with, an officer of the competent authority may seize the bird, detain it and arrange for it to be treated as required by the notice at the expense of the person on whom the notice is served.

PART 3

ASSISTANCE DOGS

Landing of assistance dogs

11.—(1) A community air carrier may land a recognised assistance dog in Northern Ireland provided the recognised assistance dog complies with the Pets Regulation.

(2) In this Article "Community air carrier" and "recognised assistance dog" have the same meaning as in Regulation (EC) No. 1107/2006 of the European Parliament and of the Council concerning the rights of disabled persons and persons with reduced mobility when travelling by air(**14**).

PART 4

ENFORCEMENT

Powers of inspectors

12.—(1) An inspector may, on producing a duly authenticated authorisation if required, enter any premises at any reasonable hour for the purpose of enforcing the relevant instruments. In this Part the "relevant instruments" are the Pets Regulation, Decision 2003/459/EC, Decision 2006/146/EC, Decision 2007/25/EC, the supplementary Regulation and this Order.

(2) The inspector may be accompanied by such other persons as the inspector considers necessary, including any representative of the European Commission.

(3) Admission to any premises used wholly or mainly as a private dwelling house may not be demanded as of right unless the entry is in accordance with a warrant granted under paragraph (4).

(4) A lay magistrate may by signed warrant permit an inspector to enter premises used wholly or mainly as a private dwelling house, if necessary by reasonable force, if satisfied on sworn complaint in writing—

(a) that there are reasonable grounds to enter those premises for the purpose of enforcing the relevant instruments; and

(b) that any of the conditions in paragraph (5) are met.

(5) 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 notice, would defeat the object of entry;

(c) entry is required urgently; or

(d) the premises are unoccupied or the occupier is temporarily absent.

(6) A warrant granted under this Order continues in force for one month.

(7) An inspector who enters any unoccupied premises shall leave them as effectively secured against unauthorised entry as they were before entry.

(8) An inspector who has entered premises for the purposes of enforcing the relevant instruments may for those purposes—

(**14**) O.J. No. L 204, 26.7.2006, p.1