STATUTORY RULES OF NORTHERN IRELAND

2008 No. 340

ANIMALS

ANIMAL HEALTH

The Zoonoses (Monitoring) Regulations (Northern Ireland) 2008

Made - - - -	*7th August 2008*
Coming into operation	*31st August 2008*

The Department of Agriculture and Rural Development, under the powers conferred by section 2(2) of the European Communities Act 1972(**1**) makes the following Regulations in exercise of the powers conferred on it by that section.

It is designated(**2**) for the purposes of that section in relation to measures in the veterinary and phytosanitary fields for the protection of public health.

It has carried out the consultation required by Article 9 of Regulation (EC) No. 178/2002 of the European Parliament and of the Council laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety(**3**).

Citation and commencement

1. These Regulations may be cited as the Zoonoses (Monitoring) Regulations (Northern Ireland) 2008 and come into operation on 31st August 2008.

Interpretation

2.—(1) In these Regulations—

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

"the Directive" means Directive 2003/99/EC of the European Parliament and of the Council on the monitoring of zoonoses and zoonotic agents, amending Council Decision 90/424/EEC and repealing Council Directive 92/117/EEC(**4**); and

(**1**) 1972 c.68
(**2**) S.I. 1999/2027
(**3**) O.J. No. L 31, 1.2.2002, p.1, as amended by Regulation (EC) No. 575/2006 (O.J. No. L 100, 8.4.2006, p. 3) and Commission Regulation (EC) No 202/2008 (O.J.No. L60, 5.3.2008, p17
(**4**) O.J. No. L 325, 12.12.2003, p 31, as last amended by Council Directive 2006/104/EC (O.J. No. L 363, 20.12.2006, p. 352)

"inspector" means a person appointed by the Department to be an inspector for the purposes of these Regulations.

(2) Expressions that are not defined in these Regulations and occur in the Directive have the same meaning in these Regulations as they have for the purposes of the Directive.

(3) The Interpretation Act (Northern Ireland) 1954(**5**) shall apply to these Regulations as it applies to an Act of the Northern Ireland Assembly.

Competent authority

3. The Department is the competent authority for the purposes of Articles 3(2), 6(1) and 8(2) of the Directive in so far as that Directive relates to animals.

Powers of entry

4.—(1) An inspector shall, on producing (if so required) some duly authenticated document showing his authority, have a right at all reasonable hours, to enter any premises on which any animal or animal feedingstuff is, or has been, present for the purpose of—

(a) determining whether any zoonosis listed in the Schedule or any zoonotic agent of any such zoonoses exists or has existed there;

(b) determining whether there is evidence of antimicrobial resistance in any such zoonotic agent or in any other agent that presents a threat to public health;

(c) determining, if the epidemiological situation so requires, whether—

(i) any other zoonosis or zoonotic agent exists or has existed there,

(ii) there is evidence of antimicrobial resistance in any such zoonotic agent,

(iii) any agent of any infection that exists or has existed on those premises is transmissible directly or indirectly from animals to humans,

(iv) any agent of any infection that is, or may be, transmissible directly from animals to humans exists, or has existed, on those premises; or

(d) the enforcement of these Regulations.

(2) Paragraph (1) does not apply to admission to any premises used only as a private dwelling-house unless—

(a) 24 hours notice of the intended entry has been given to the occupier; or

(b) the entry is in accordance with a warrant granted under this regulation.

(3) If a lay magistrate, on sworn information in writing, is satisfied that there are reasonable grounds for entry into any premises for the purposes of the enforcement of these Regulations, and—

(a) admission has been refused, or a refusal is expected, and (in either case) notice to apply for a warrant has been given to the occupier;

(b) asking for admission, or the giving of such a notice, would defeat the object of the entry;

(c) the case is one of urgency; or

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

the lay magistrate may by warrant signed by him authorise the inspector to enter the premises, if necessary by reasonable force.

(4) A warrant under this regulation shall continue in operation for one month.

(**5**) 1954 c. 33 (N.I.)