STATUTORY RULES OF NORTHERN IRELAND

2008 No. 336

ANIMALS

ANIMAL HEALTH

The Specified Animal Pathogens Order (Northern Ireland) 2008

Made - - - -	*6th August 2008*
Coming into operation	*30th August 2008*

The Department of Agriculture and Rural Development(**1**), makes the following Order in exercise of the powers conferred by Articles 2(3), 5(1), 19, 30(1) and 60(1) of the Diseases of Animals (Northern Ireland) Order 1981(**2**).

Citation and commencement

1. This Order may be cited as the Specified Animal Pathogens Order (Northern Ireland) 2008 and shall come into operation on 30th August 2008.

Interpretation

2.—(1) In this Order—

"animal" includes poultry;

"carrier" means any living creature except man which may carry or transmit a specified animal pathogen or the tissue, cell culture, body fluid, excreta, carcase or part of a carcase of such creature by or by means of which a specified animal pathogen may be transmitted or carried;

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

"the 1981 Order" means the Diseases of Animals (Northern Ireland) Order 1981;

"premises" includes any land, building or other place; and

"specified animal pathogen" means an animal pathogen listed in Schedule 1, including—

(a) intact pathogens;

(b) pathogens which have been attenuated or genetically modified by any means; and

(**1**) Formerly the Department of Agriculture for Northern Ireland see the Departments Order 1999 S.I. 1999/283 (N.I. 1) Article3 (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) Arts. 19, 22 to 24 and Schedule, S.R. 2002 No.225 and S.R. 2006 No.41

(c) any nucleic acid derived from an animal pathogen listed in that Schedule that could produce that pathogen when introduced into a biological system in which the nucleic acid is capable of replicating.

(2) In this Order "inspector" does not include an inspector appointed by a district council.

(3) A licence or notice issued under this Order must be in writing, may be subject to conditions and may be amended, suspended or revoked by notice in writing at any time.

Extension of the definition of "animal", "poultry" and "disease"

3. For the purposes of the 1981 Order in its application to this Order—

(a) the list of animals in Part I of Schedule 1 to the 1981 Order is hereby extended so as to comprise—

(i) any kind of mammal except man, and

(ii) any kind of four-footed beast which is not a mammal;

(b) the list of poultry in Part II of Schedule 1 to the 1981 Order is hereby extended so as to comprise birds of any kind; and

(c) the lists of diseases in Parts III and IV of Schedule 1 to the 1981 Order are hereby extended so as to comprise any disease of animals and poultry which may be caused by one or more specified animal pathogens.

Prohibitions in relation to specified animal pathogens

4.—(1) A person shall not have in their possession—

(a) any animal pathogen specified in Part 1 of Schedule 1; or

(b) any carrier in which they know such a pathogen is present,

except under the authority of a licence issued by the Department.

(2) A person shall not deliberately introduce into any animal any animal pathogen specified in either Part 1 or Part 2 of that Schedule, except under the authority of a licence issued by the Department.

(3) A person must immediately notify the Department if that person—

(a) has possession of any thing in respect of which they have reasonable grounds for suspecting that an animal pathogen specified in Part 1 of Schedule 1 is present; and

(b) does not have a licence in respect of that pathogen.

Exceptions

5.—(1) Article 4 shall not apply to any person who is transporting a pathogen or carrier and who does not own or have any rights in that pathogen or carrier.

(2) Article 4 shall not apply in relation to any pathogen or carrier contained in a product—

(a) authorised to be placed on the market in Northern Ireland as a veterinary medicinal product, or authorised to be administered to an animal in Northern Ireland;

(b) authorised to be placed on the market under the Medicines for Human Use (Marketing Authorisations Etc.) Regulations 1994(**3**);

(c) licensed in accordance with the provisions of section 7(2) of the Medicines Act 1968(**4**).

(**3**) S.I. 1994/3144.
(**4**) 1968 c. 67

(3) Article 4 shall not apply to any specified animal pathogen contained in an animal where—

(a) such pathogen was not deliberately introduced into the animal; and

(b) a notification has been made to the Department or to a member of the Police Service of Northern Ireland(**5**) under Article 10 of the 1981 Order or any order made thereunder regarding the presence of disease, or suspicion of it, in the animal, or the Department is aware of the presence of such disease, or suspicion of it, in the said animal.

Powers of inspectors

6. In addition to the powers set out in the 1981 Order, an inspector enforcing this Order has the powers set out in Schedule 2.

Improvement notices

7.—(1) If an inspector is of the opinion that a person—

(a) is carrying on any activity contravening one or more of the conditions of a licence issued to them under this Order, or

(b) has contravened one or more of those conditions in circumstances that make it likely that the contravention will continue or be repeated,

that inspector may serve on that person a notice ("an improvement notice").

(2) An improvement notice must—

(a) specify the conditions of the licence that have been contravened;

(b) explain the reasons why the inspector is of that opinion; and

(c) require that person to remedy the contravention or the matters occasioning it, within such period as may be specified in the notice.

(3) A notice must include directions as to the measures to be taken to remedy any contravention or matter to which the notice relates; and any such directions may be framed so as to afford the person on whom the notice is served a choice between different ways of remedying the contravention or matter.

Prohibition notices

8.—(1) This paragraph applies to any activities for which a licence is required under this Order.

(2) If an inspector is of the opinion that the activities involve or may involve a risk of serious harm to animals, the inspector may serve on that person a notice ("a prohibition notice").

(3) A prohibition notice must—

(a) state that the inspector is of that opinion;

(b) specify the matters which in that inspector's opinion give or may give rise to a risk of serious harm to animals; and

(c) direct that the activities to which the notice relates must not be carried on unless the matters specified in the notice have been remedied.

(4) A direction contained in a prohibition notice under sub-paragraph (3)(c) takes effect—

(a) at the end of the period specified in the notice; or

(b) if the notice so declares, immediately.

(**5**) By virtue of section 1 of the Police (Northern Ireland) Act 2000 (c.32) the body of constables known as the Royal Ulster Constabulary shall be styled for operational purposes the "Police Service of Northern Ireland"

Appeals against improvement and prohibition notices

9.—(1) A person on whom an improvement or prohibition notice is served may, within 21 days, appeal against the notice to a person appointed for the purpose by the Department.

(2) The appointed person must consider the appeal and any representations made by the Department and report in writing, with a recommended course of action, to the Department.

(3) The Department may then either cancel the notice or confirm it, with or without modifications, and must notify the appellant, together with the reasons.

Licences

10. A person shall not contravene a licence condition imposed on that person.

Revocation

11. The Specified Animal Pathogens Order (Northern Ireland) 1999(**6**) is hereby revoked.

Sealed with the Official Seal of the Department of Agriculture and Rural Development on 6th August 2008.

L.S.

Elizabeth Redmond
A senior officer of the Department of Agriculture and Rural Development

(**6**) S.R. 1999 No. 436