STATUTORY RULES OF NORTHERN IRELAND

2008 No. 272

ANIMALS

DISEASES

The Diseases of Animals (Approval of Disinfectants) Order (Northern Ireland) 2008

Made - - - -	*27th June 2008*
Coming into operation	*28th July 2008*

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

Citation and commencement

1. This Order may be cited as the Diseases of Animals (Approval of Disinfectants) Order (Northern Ireland) 2008 and comes into operation on 28th July 2008.

Interpretation

2.—(1) In this Order—

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

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

"dilution rate" means the number of parts of water with which one part of an approved disinfectant is to be diluted;

"general Order" means an Order made under the 1981 Order or repealed by the 1981 Order other than this Order or a special disease Order;

"special disease" means—

(a) Foot and mouth disease;

(b) Swine vesicular disease;

(c) Avian influenza;

(**1**) The Department of Agriculture for Northern Ireland was renamed the Department of Agriculture and Rural Development by Article 3(4) of the Departments Order 1999 (S.I. 1999/283 (N.I.1))

(**2**) S.I. 1981 No.1115 (N.I.22), Articles 5 and 9 were amended by S.I. 1984/702 (N.I.2) and Article 60(1) was amended by S.I. 1994/1891 (N.I.6)

(d) Newcastle disease;

(e) Paramyxovirus 1 infection in pigeons; and

(f) Tuberculosis;

"special disease order" means any Order made or having effect under the 1981 Order or any Regulations made or having effect under section 2(2) of the European Communities Act 1972(**3**) which deals with one or more particular special diseases.

(2) The Interpretation Act (Northern Ireland) 1954(**4**) shall apply to this Order as it applies to an Act of the Assembly.

Approvals

3.—(1) The Department may approve a disinfectant for the purposes of any general order or one or more special disease orders.

(2) Any approval under this Order or any renewal, amendment, suspension or revocation of an approval shall be in writing.

Approval of disinfectants

4.—(1) The manufacturer of a disinfectant may apply to the Department for the approval of that disinfectant for use in cases where an Order under the 1981 Order specifies that an approved disinfectant shall be used.

(2) The Department may approve a disinfectant only if it is satisfied—

(a) as to its efficacy and quality; and

(b) that it is authorised for use in Great Britain in accordance with the Biocidal Products Regulations 2001(**5**).

(3) The approval—

(a) shall specify the dilution rate; and

(b) may contain conditions to which the approval is subject.

(4) The Department shall publish a list of approved disinfectants.

Use of the disinfectant

5. An approved disinfectant may only be used in accordance with the conditions of its approval or as directed by an inspector.

Duration of approval and renewal

6.—(1) An approval lasts for two years, and may be renewed within 3 months prior to its expiry.

(2) If a renewal is applied for, the approval continues to be valid up to the date on which the applicant is notified of the decision to renew or to refuse to renew.

Amendment, suspension and revocation of approvals

7.—(1) The Department may amend, suspend or revoke the approval or refuse to renew the approval if production of the disinfectant has ceased or if the disinfectant—

(**3**) 1972 c.68
(**4**) 1954 c.33 (N.I.)
(**5**) S.I. 2001 No. 880, as amended by S.I. 2003/429, 2005/2451 and 2005/2759

(a) is no longer efficacious or of suitable quality;

(b) does not comply with any condition of the approval; or

(c) does not comply with the Biocidal Products Regulations 2001.

(2) The Department may suspend an approval pending investigation of any disinfectant if it has reasonable grounds to suspect that any of the grounds in paragraph (1) apply.

Representations to the Department

8.—(1) A manufacturer may make representations against—

(a) a refusal to grant or renew an approval;

(b) an amendment, suspension or revocation of an approval; or

(c) any condition of an approval,

to a person appointed by the Department.

(2) The manufacturer shall notify the Department of his intention to make such representations to the appointed person within one month of receiving notice of the refusal to grant or renew the approval or the amendment, suspension or revocation of the approval.

(3) The appointed person shall consider the representations and report in writing to the Department within one month of receiving the representations.

(4) The Department shall give written notification of its final determination and the reasons for it to the applicant within one month of receiving the report from the appointed person.

(5) Unless the Department directs otherwise, the refusal to renew an approval or an amendment, suspension or revocation of an approval shall continue in force until it makes its final determination.

Duties of manufacturers and suppliers in relation to amended, suspended or revoked approvals

9.—(1) If the Department amends, suspends or revokes the approval of a disinfectant or refuses to renew an approval, the manufacturer, and any supplier who becomes aware of the fact, shall take all reasonable steps to notify every person in Northern Ireland to whom it has supplied the disinfectant in the previous 6 months.

(2) Such notification shall be given within one month of the manufacturer or supplier becoming aware of the amendment, suspension or revocation of the approval, or the refusal to renew the approval.

Placing disinfectant on the market

10.—(1) A person shall not place on the market any disinfectant that is labelled or otherwise represented as an approved disinfectant if—

(a) it is not approved under this Order; or

(b) the formula for it has changed since its approval was granted.

(2) A person shall not place on the market any approved disinfectant unless it is labelled in a form approved by the Department.

(3) Without prejudice to paragraph (2) such a label shall show—

(a) the purpose or purposes for which the disinfectant is approved;

(b) the appropriate dilution rate; and

(c) a statement that the contents are of the quality and composition approved.