STATUTORY RULES OF NORTHERN IRELAND

2007 No. 279

ANIMALS

The Transport of Animals and Poultry (Cleansing and Disinfection) Order (Northern Ireland) 2007

Made - - - -	*4th May 2007*
Coming into operation	*28th May 2007*

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 and 60(1) of the Diseases of Animals (Northern Ireland) Order 1981(**2**):

Citation, commencement and extension of definitions

1.—(1) This Order may be cited as the Transport of Animals and Poultry (Cleansing and Disinfection) Order (Northern Ireland) 2007 and shall come into operation on 28th May 2007.

(2) For the purposes of the Diseases of Animals (Northern Ireland) Order 1981 in its application to this Order—

(a) the definitions of animals and poultry specified in Parts I and II of Schedule 1 to the Diseases of Animals (Northern Ireland) Order 1981 are extended so as to comprise all mammals except man and all birds; and

(b) the list of diseases specified in Parts III and IV of that Schedule are extended so as to comprise all diseases of animals and poultry.

Interpretation

2.—(1) In this Order—

"animal" includes bird;

"approved disinfectant" means a disinfectant approved for the time being by the Department under the Diseases of Animals (Approval of Disinfectants) Order (Northern Ireland) 1972(**3**);

"equipment" means any equipment carried with a means of transport for use with animals;

(**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 and S.I. 1994/1891 (N.I. 6) Arts. 19, 22, 23(1) and (2), 24(1) and Schedule

(**3**) S.R. & O. (N.I.) 1972 No 16 as amended by S.R. 1975 No.69, S.R. 1995 No. 467 and S.R. 2006 No. 42

"market" includes a market place, fairground, sale-yard and any other place where animals or poultry are exposed for sale together with any lair adjoining or used in connection with the market; and

"means of transport" includes its fittings, its detachable parts and any containers (whether detachable or not) used with it.

(2) Any notice served under this Order shall be in writing, may be made subject to conditions and may be amended, suspended or revoked by a further notice in writing at any time.

(3) The Interpretation Act (Northern Ireland) 1954(**4**) shall apply to these Regulations as it applies to an Act of the Northern Ireland Assembly.

Cleansing and disinfection in relation to the transport of hoofed animals and poultry

3.—(1) This Article shall apply in relation to the transport of—

(a) hoofed animals, other than horses;

(b) racing pigeons; and

(c) domestic fowls, turkeys, geese, ducks, guinea-fowls, quails, pigeons, pheasants, partridges and ratites, if they are reared or kept in captivity for breeding, the production of meat or eggs for consumption or for restocking supplies of game,

and references in this Article to "animal" shall be read accordingly.

(2) This Article shall not apply in the circumstances set out in Schedule 2.

(3) The user of any means of transport which has been used to transport any animal, or anything which may give rise to a risk of transmission of disease, shall, as soon as reasonably practicable and not more than 24 hours after the journey is completed, ensure that it and any equipment are cleansed and disinfected in accordance with Schedule 1 or (in the case of a container) destroyed.

(4) A person shall not use, or cause or permit the use of, any means of transport to transport any animal unless the means of transport and any equipment have been cleansed and disinfected in accordance with Schedule 1 since they were last used to transport any animal, or anything which may give rise to a risk of transmission of disease.

(5) Without prejudice to the provisions of paragraph (4), if a means of transport or any equipment has become soiled so that it may give rise to a risk of transmission of disease since last being cleansed and disinfected in accordance with the provisions of paragraph (4), a person shall not load, or cause or permit to be loaded, any animal into the means of transport unless the soiled parts of the means of transport or the equipment have been cleansed and disinfected again in accordance with paragraphs 1, 3 and 4 of Schedule 1.

(6) The 24 hour period specified in paragraph (3) shall commence when the last animal in a consignment, or anything which may give rise to a transmission of disease, whichever is the later, has been unloaded from the means of transport.

Cleansing and disinfection in relation to the transport of horses

4.—(1) Any person transporting, or causing or permitting the transport of horses shall ensure that—

(a) they are loaded on to a means of transport which has been cleansed and, where necessary, disinfected; and

(b) any horses that die during transport, and any soiled litter and excreta are removed as soon as practicable.

(**4**) 1954 c.33 (N.I.)

(2) A person shall not use, or cause or permit the use of, any means of transport to transport any animal to which Article 3 applies unless the means of transport and any equipment have been cleansed and disinfected in accordance with Schedule 1 since they were last used to transport a horse.

(3) Cleansing and disinfection under this Article shall be carried out in accordance with paragraphs 1, 3 and 4 of Schedule 1.

(4) This Article shall not apply in the circumstances set out in Schedule 2.

Drivers' cabs

5. Nothing in this Order shall require the use of disinfectant inside the driver's cab of any means of transport.

Disposal of material after cleansing

6.—(1) The person responsible for cleansing the means of transport and any equipment under this Order shall ensure that all feedingstuffs to which animals have had access, litter, excreta and other material of animal origin, and other contaminants removed from the means of transport are—

(a) destroyed;

(b) treated so as to remove the risk of transmission of disease; or

(c) disposed of so that animals have no access to it.

(2) This Article shall not apply to any material required to be disposed of under the Animal By-Products Regulations (Northern Ireland) 2003(**5**).

Powers of inspectors, etc.

7.—(1) Where an inspector is satisfied that a means of transport or any equipment either—

(a) has not been cleansed and disinfected in accordance with this Order; or

(b) needs to be cleansed and disinfected because it may give rise to a risk of transmission of disease,

he may serve a notice on any person appearing to him to be in charge of that means of transport or equipment.

(2) A notice served under paragraph (1) may—

(a) prohibit the use of the means of transport or the equipment until it has been cleansed and disinfected;

(b) prohibit the keeping of animals on the means of transport until it has been cleansed and disinfected;

(c) require the person on whom the notice is served to cleanse and disinfect the means of transport or the equipment within any period specified in the notice; or

(d) require the person on whom the notice is served to dispose of all feedingstuffs to which animals have had access, litter, excreta, other material of animal origin and other contaminants in the way set out in the notice.

(3) Where a notice is served under paragraph (1), the cleansing and disinfection shall be carried out in accordance with Schedule 1 unless the notice specifies a different method of cleansing and disinfection.

(4) An inspector may serve a notice on any person who is required to carry out cleansing and disinfection in accordance with Articles 3 or 4 requiring him to carry out the cleansing and

(**5**) S.R. 2003 No. 495