STATUTORY RULES OF NORTHERN IRELAND

2004 No. 249

ANIMALS

Movement of Animals (Restrictions) Order (Northern Ireland) 2004

Made - - - -	*1st June 2004*
Coming into operation	*9th June 2004*

The Department of Agriculture and Rural Development(**1**), in exercise of the powers conferred on it by Articles 2(3), 5(1), 12(1), 14, 19(e), (f), (h), (i) and (k), 44, 46(7A) and 60(1) of the Diseases of Animals (Northern Ireland) Order 1981(**2**), and of every other power enabling it in that behalf, hereby makes the following Order:

Citation and commencement

1. This Order may be cited as the Movement of Animals (Restrictions) Order (Northern Ireland) 2004 and shall come into operation on 9th June 2004.

Interpretation

2.—(1) In this Order –

"general licence" means a licence issued under this Order which applies in relation to all persons specified therein;

"infected area" means an area declared by the Department under Article 8 to be an area infected with disease;

"specific licence" means a licence issued under this Order which only applies to the applicant therefor; and

"premises" includes land with or without buildings;

"primary route" has the same meaning as in the Traffic Signs Regulations (Northern Ireland) 1997(**3**);

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

(**1**) Formerly the Department of Agriculture: *see*S.I.1999/283 (N.I. 1) Art.3(4)
(**2**) S.I. 1981/1115 (N.I. 22) as amended by S.I. 1984/702 (N.I. 2)Art. 17 and S.I. 1994/1891 (N.I. 6) Arts. 19, 20 and 23
(**3**) S.R. 1997 No. 386

(2) Where a power contained in this Order could be exercised under the provisions of any other Order, the power under this Order may be exercised in addition to, or instead of, the power in the other Order.

Extension of definitions of "animals" 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; and

(b) the definition of "disease" in relation to animals in Article 2(2) of the 1981 Order is extended to comprise any disease of animals.

Veterinary examinations as to the existence of disease

4.—(1) Where an inspector has entered any land, building, place, pen, vehicle, vessel, boat or aircraft for the purpose of ascertaining whether any disease exists or has within 56 days existed the Department may require him,

(a) to examine or apply such tests and take such samples for the purpose of an examination as he considers necessary; and

(b) to apply such marks as may be necessary for identification purposes to any animal, carcase or other thing in respect of which he has exercised powers under sub-paragraph (a).

(2) A person shall not deface, obliterate or remove any mark applied under paragraph (1)(b).

Restriction on the movement of animals in order to ascertain the presence of disease

5.—(1) Where a veterinary inspector is carrying out any examination referred to in Article 4, he may –

(a) where the animals examined or to be examined are on any premises, serve a notice on the person in charge of the premises, restricting the movement of any animal on to or off those premises; and

(b) where the animals examined or to be examined are on a means of transport, serve a notice on the person in charge of the animals or the means of transport –

(i) requiring him to move the animals to such place as may be specified in the notice; and

(ii) restricting the movement of those animals off those premises; and

(iii) restricting the movement of any other animals on to or off those premises.

(2) When the results of the tests or sample taken for the purposes of any examination are known, the Department may revoke any notice issued under this Article.

Restrictions on movement of animals in cases of disease or suspected disease

6.—(1) If the Department has reasonable grounds for supposing that disease exists on any premises or means of transport, it may serve a notice on the person in charge of the premises or means of transport, as the case may be, prohibiting the movement of any animal, carcase, equipment or other thing –

(a) on to or from those premises,

(b) in that means of transport

except under the authority of and in accordance with the conditions of a licence granted by the Department.

(2) A notice issued under paragraph (1) may contain such other restrictions with regard to the premises or means of transport to which it relates or with regard to persons, animals, carcases, equipment or other things on the premises or means of transport as the Department considers necessary for the purpose of preventing the spread of disease.

(3) If any person contravenes a notice issued under this Article in so far as it applies to an animal, the Department may seize or detain that animal and may dispose of it in such manner as it considers necessary to prevent the spread of disease.

(4) The amount of expenses reasonably incurred by the Department in the exercise of the powers under paragraph (3) shall be recoverable as a civil debt, by the Department, from the owner of the animal.

Cleansing and disinfection

7.—(1) A veterinary inspector may serve a notice on the person in charge of any premises or means of transport in respect of which a notice under Article 6 has been issued, requiring him to cleanse and disinfect those premises or that means of transport, as the case may be, in accordance with the requirements of that notice.

(2) If any person on whom a notice has been served under paragraph (1) fails to comply with the requirements of the notice, an inspector or other officer of the Department may, without prejudice to any proceedings arising out of such default, arrange for the provisions of the notice to be complied with.

Declaration of infected area

8.—(1) If the Department has reasonable grounds for suspecting that disease exists in animals within Northern Ireland or within such part of Great Britain or the Republic of Ireland as may entail the risk of the introduction or spread of that disease into Northern Ireland, it may declare Northern Ireland or such area therein as may be specified in the declaration to be an infected area.

(2) A declaration under paragraph (1) –

(a) shall be made in writing and published in such manner and to such extent as it appears to the Department to be sufficient to bring the terms of the declaration to the attention of those persons likely to be affected by it;

(b) shall specify the date on which it shall come into operation and shall remain in operation until revoked by a further declaration made by the Department declaring the area to be free from disease;

(c) may be varied by the Department and such variation shall be in writing and published, as far as is practicable, in the same manner as the declaration;

(d) shall specify the disease in respect of which the infected area is being declared;

(e) shall specify the species of animal to which the provisions of Article 9 are to apply.

(3) Any premises which are partly within an infected area shall be deemed to be wholly within that area.

(4) Nothing in paragraph (3) shall deem any area outside Northern Ireland to be within an infected area.

(5) The Department may exhibit placards, handbills or warning notices in, or in the immediate neighbourhood of, an area declared to be infected under paragraph (1) advising of the fact of such declaration.