STATUTORY RULES OF NORTHERN IRELAND

1999 No. 434

ANIMALS

Specified Animal Pathogens Order (Northern Ireland) 1999

Made - - - -	*25th October 1999*
Coming into operation	*15th November 1999*

The Department of Agriculture, in exercise of the powers conferred on it by Articles 2(3), 5(1), 19, 29, 30(1) and 60(1) of the Diseases of Animals (Northern Ireland) Order 1981(**1**) 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 Specified Animal Pathogens Order (Northern Ireland) 1999 and shall come into operation on 15th November 1999.

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 carried or transmitted;

"specified animal pathogen" means an animal pathogen listed in the Schedule including—

(a) intact pathogens,

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

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

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

(2) A licence or notice issued under this Order shall be in writing, may be subject to conditions and may be varied, suspended or revoked by a notice in writing served on the licensee or recipient of the original notice at any time.

(**1**) 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, 22 to 24 and Schedule

Extension of definitions of "animals", "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) Subject to Article 5, a person shall not have in his possession any specified animal pathogen listed in Part I of the Schedule, or any carrier in which he knows such a pathogen is present, except under the authority of a licence issued by the Department.

(2) Subject to Article 5, a person shall not deliberately introduce into any animal, any specified animal pathogen except under the authority of a licence issued by the Department.

(3) If any person has in his possession any thing in which he has reasonable grounds for suspecting that a specified animal pathogen listed in Part I of the Schedule is present, and does not have a licence in respect of that pathogen he shall, with all practicable speed, notify the Department.

Exceptions to prohibitions

5.—(1) Article 4 shall not apply to any person who is transporting a specified animal 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 specified animal pathogen or carrier contained in a product—

(a) permitted to be placed on the market under the Marketing Authorisations for Veterinary Medicinal Products Regulations 1994(**2**) or the Medicine's for Human Use (Marketing Authorisations Etc.) Regulations 1994(**3**);

(b) licensed in accordance with the provisions of section 7(2) of the Medicines Act 1968(**4**); or

(c) in respect of which an animal test certificate has been issued in accordance with the provisions of section 32 of that Act.

(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 Royal Ulster Constabulary 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.

(**2**) S.I. 1994/3142 as amended by S.I. 1998/1048
(**3**) S.I. 1994/3144 as amended by S.I. 1998/3105
(**4**) 1968 c. 67