STATUTORY RULES OF NORTHERN IRELAND

1999 No. 326

ANIMALS

Welfare of Animals (Staging Points) Regulations (Northern Ireland) 1999

Made - - - -	*15th July 1999*
Coming into operation	*30th August 1999*

The Department of Agriculture, being a Department designated(**1**) for the purposes of section 2(2) of the European Communities Act 1972(**2**), in relation to the common agricultural policy of the European Community, in exercise of the powers conferred on it by the said section 2(2), and of every other power enabling it in that behalf, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Welfare of Animals (Staging Points) Regulations (Northern Ireland) 1999 and shall come into operation on 30th August 1999.

Interpretation

2.—(1) In these Regulations—

"the Council Regulation" means Council Regulation (EC) No. 1255/97(**3**) (concerning Community criteria for staging points and amending the route plan referred to in the Annex to Council Directive 91/628/EEC(**4**));

"Department" means the Department of Agriculture for Northern Ireland; and

"inspector" means any person appointed as such by the Department.

(2) The Interpretation Act (Northern Ireland) 1954(**5**) shall apply to these Regulations as it applies to a Measure of the Northern Ireland Assembly.

(3) Any other expression which is also used in the Council Regulation shall have the same meaning as in the Council Regulation.

(4) A notice served on any person under these Regulations—

(**1**) S.I. 1972/1811
(**2**) 1972 c. 68; section 2 is subject to Schedule 2 to that Act and is to be read with S.I. 1984/703 (N.I. 3) and S.I. 1994/2795 (N.I. 15)
(**3**) O.J. No. L174, 2.7.97, p. 1
(**4**) O.J. No. L340, 11.12.91, p. 17
(**5**) 1954 c. 33 (N.I.)

(a) shall be in writing;

(b) may be made subject to such conditions as are specified therein; and

(c) may be amended, suspended or revoked by a further notice in writing served on the same person at any time.

Approval of staging points

3.—(1) The Department shall be the competent authority for the purposes of Articles 3.1, 3.3, 3.4, 4.2 and 6.1 of the Council Regulation.

(2) An approval of a staging point for the purposes of the Council Regulation, and any suspension, revocation or restoration of such an approval, shall be by notice.

Powers of an inspector

4.—(1) Where a notice has been served suspending or revoking an approval to a staging point and there are animals resting at the staging point, an inspector may serve a notice on the person appearing to him to be running the staging point requiring that person to take such action, as may be specified in the notice and which the inspector reasonably considers is necessary to protect the welfare of the animals at the staging point.

(2) Without prejudice to the generality of paragraph (1), an inspector may, under a notice served under that paragraph, in particular—

(a) require all or some of the animals at the staging point to which the notice relates to be removed from the staging point; or

(b) specify conditions under which animals may remain at the staging point for the remainder of their rest period.

(3) If any person on whom a notice has been served under paragraph (1) fails to comply with the requirements imposed on him under the notice, an inspector may, without prejudice to any proceedings arising out of such default, carry out those requirements himself or cause them to be carried out, and the cost of such action shall be recoverable from the person on whom the notice was served on demand by the Department.

Powers of entry and inspection

5.—(1) An inspector shall, on producing, if required to do so, a duly authenticated document showing his authority, have the right at all reasonable hours to—

(a) enter any land, building or other place for the purpose of ascertaining whether the provisions of these Regulations, the provisions of any approval or the conditions of any notice have been or are being complied with; and

(b) carry out such inspections, inquiries or examinations as may be necessary for that purpose.

(2) The occupier of any land, building or other place or any person in his employment shall render such reasonable assistance to an inspector as the inspector may require for the purpose of facilitating the exercise of his powers under paragraph (1).

Offences

6.—(1) The owner or any person running a staging point who—

(a) operates the staging point in contravention of Article 1.2 of the Council Regulation (requiring staging points to comply with the Community criteria for staging points);