STATUTORY RULES OF NORTHERN IRELAND

1998 No. 366

ANIMALS

Sheep and Goats (Spongiform Encephalopathy) Order (Northern Ireland) 1998

Made - - - -	*21st October 1998*
Coming into operation	*7th December 1998*

The Department of Agriculture, in exercise of the powers conferred on it by Articles 2(3), 5(1), 10(6), 18(7), 19(*e*), (*f*) and (*k*), 44, 46(7A) 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 Sheep and Goats (Spongiform Encephalopathy) Order (Northern Ireland) 1998 and shall come into operation on 7th December 1998.

Interpretation

2. In this Order—

"affected animal" means a sheep or goat which is affected with the disease;

"carcase" means the carcase of a sheep or goat;

"the Commission Decision" means Commission Decision 98/272/EEC(**2**) on epidemio-surveillance for transmissible spongiform encephalopathies;

"the disease" means scrapie and any transmissible spongiform encephalopathy in sheep and goats;

"Divisional Veterinary Officer" means a Divisional Veterinary Officer of the Department;

"market" means a market place, fairground, sale yard or other premises or place where sheep or goats are exhibited for the purpose of public sale;

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

"premises" means any place (including any structure or vehicle) in which any sheep, goats or carcases may be handled, held or kept;

"research establishment" means an establishment carrying out research into the disease;

(**1**) 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) Articles 19, 20, 22 and 23
(**2**) O.J. No. L122, 24.4.98, p. 59

"the Sheep and Goats Regulations" means the Sheep and Goats (Spongiform Encephalopathy) Regulations (Northern Ireland) 1998(**3**);

"suspected animal" means a sheep or goat which is suspected of being affected with the disease; and

"transmissible spongiform encephalopathy" has the same meaning in this Order as in the Commission Decision.

Extension of definitions of animals and poultry

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 of mammal except man; and

(ii) any kind of four-footed beast which is not a mammal; and

(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 species.

Notification of disease in sheep and goats

4.—(1) A person who has in his possession or under his charge an affected or a suspected animal, or the carcase of such an animal, and any veterinary surgeon or other person who, in the course of his duties, examines or inspects any such animal or carcase shall, with all practicable speed, notify the fact to the Divisional Veterinary Officer or to any member of the Royal Ulster Constabulary.

(2) A person who has in his possession or under his charge on any premises an affected or a suspected animal, or the carcase of such an animal, shall, subject to paragraph (3), detain it on the premises until it has been examined by a veterinary inspector.

(3) Paragraph (2) shall not apply to an affected or a suspected animal moved from the premises to a veterinary investigation centre of the Department in accordance with instructions of a veterinary inspector.

(4) Subject to paragraph (5), a person who, in the course of a laboratory examination of a carcase of a sheep or goat, reasonably suspects the presence of the disease, shall—

(a) with all practicable speed, notify the fact to a Divisional Veterinary Officer;

(b) retain the sample examined and the remainder of the carcase until its disposal has been authorised in writing by a veterinary inspector; and

(c) if required in writing to do so by a veterinary inspector, surrender any samples, in whatever form, to such an inspector.

(5) Paragraph (3) shall not apply to disease which has been introduced deliberately into an animal, a carcase or a sample in a laboratory.

Restrictions on movement of, and imposition of requirements relating to, affected or suspected animals

5.—(1) If, in the course of any investigation under regulation 3 of the Sheep and Goats Regulations, or otherwise, a veterinary inspector or an officer of the Department is of the opinion that there is an affected or a suspected animal, or the carcase of such an animal, on the premises, he shall serve on the person in possession or in charge of that animal or carcase a notice in the form prescribed in Schedule 1.

(**3**) S.R. 1998 No. 367

(2) Subject to paragraph (3), a notice in the form prescribed in Schedule 1 shall remain in force for a period of 28 days from the date specified in the notice unless—

(a) before or on the day on which the notice served under paragraph (1) was due to expire, it is renewed for a further period of 28 days beginning with the day on which it would otherwise have expired by a further notice served by a veterinary inspector on the person in possession or charge of such animal or carcase; or

(b) the animal or carcase to which the notice relates has been removed from the premises under the authority of and in accordance with the conditions of a licence granted by the Department.

(3) A notice in the form prescribed in Schedule 1 which has been renewed under paragraph (2) (*a*) may be further renewed from time to time by a veterinary inspector in a similar manner and for a similar period.

(4) A notice in the form prescribed in Schedule 1 may at any time be withdrawn by a notice in the form prescribed in Schedule 2 served by a veterinary inspector on the person in possession or charge of the animal or carcase to which the notice prescribed in Schedule 1 relates.

(5) On the service of a notice in the form prescribed in Schedule 1 the requirements contained in that notice shall have effect.

(6) The Department may seize and detain an affected or suspected animal or carcase which has been exposed, carried, kept or otherwise dealt with in contravention of the requirements of a notice under this Article.

(7) The occupier of any premises in respect of which a notice referred to in paragraph (1) has been served, his employees and any person who is or has been in possession or charge of any animal or carcase which is or has been on the premises, shall—

(a) provide such reasonable facilities and comply with such reasonable requirements as are necessary for the purposes referred to in paragraph (1); and

(b) if so required by a veterinary inspector or an officer of the Department, give such information as he possesses as to—

(i) any sheep, goat or carcase which is or has been on the premises;

(ii) any other animal or carcase of such other animal with which any sheep, goat or carcase which is or has been on the premises may have come into contact; and

(iii) the location and movement of any sheep, goat or carcase which is or has been in his possession or charge.

Restrictions on movement of other sheep and goats

6.—(1) If the Department has reasonable grounds for supposing that the movement from any premises of any sheep or goat, other than an affected or suspected animal, may give rise to the risk of the spread of disease, it may, by notice served on the owner or person in charge of the sheep or goat, prohibit the movement of sheep or goats from the premises, except under the authority of and in accordance with the conditions of a licence granted by the Department.

(2) A notice served under paragraph (1) shall continue in force until withdrawn by a further notice served by the Department on the owner or person in charge of the sheep or goat to which the notice served under paragraph (1) relates.

Cleansing and disinfection

7.—(1) The Department may serve on the owner or occupier of any premises on which there is, or has within 56 days been, an affected or suspected animal, or the carcase of such an animal, a

notice requiring him to cleanse and disinfect, at his own expense and in such a manner and within such a period as may be specified in the notice—

(a) all or any part of the premises; or

(b) any equipment, appliance, utensil or other thing used in connection with any such animal or carcase.

(2) Where any person on whom a notice prescribed in paragraph (1) fails to comply with the requirements of that notice the Department may, without prejudice to any proceedings for an offence arising out of such default, carry out or cause to be carried out such cleansing and disinfection as is required in the notice.

Compensation after seizure of carcases

8.—(1) For the purpose of determining the amount of compensation payable by the Department for a carcase seized under Article 6(1) of the 1981 Order (being, in accordance with Article 6(3) of the 1981 Order, its value at the time of seizure) the value of such carcase shall be ascertained in a similar manner to that in which the value of an animal or bird slaughtered, or liable to be slaughtered, is to be ascertained under the Diseases of Animals (Valuation) Order 1989(**4**), and as if the references in that Order to an animal or bird included references to a carcase.

(2) Compensation shall be paid by the Department for carcases affected with the disease being carcases seized for the purpose of preventing the spread of the disease.

Production of licences

9. Where an animal or carcase is being moved under the authority of a licence granted under this Order the person in charge of the animal or carcase being so moved shall carry the licence during the authorised movement and shall, on demand made by an inspector or by a constable, produce the licence and allow a copy or extract to be taken, and shall also, on such demand, furnish his name and address.

Notice of intended slaughter

10. Where the Department proposes to cause sheep or goats to be slaughtered in accordance with paragraph 10C of Part I of Schedule 2 to the 1981 Order(**5**), it shall serve on the person in possession or in charge of the sheep or goat a notice of intended slaughter.

Amendment of the Specified Diseases (Notification and Movement Restrictions) Order (Northern Ireland) 1997

11. In Schedule 1 to the Specified Diseases (Notification and Movement Restrictions) Order (Northern Ireland) 1997(**6**), in Item 14, opposite column (3) there shall be added the words "except sheep or goats".

(**4**) S.R. 1989 No. 5
(**5**) As amended by S.R. 1998 No. 365
(**6**) S.R. 1997 No. 352