STATUTORY RULES OF NORTHERN IRELAND

1996 No. 274

ANIMALS

Equine Viral Arteritis Order (Northern Ireland) 1996

Made - - - -	*3rd July 1996*
Coming into operation	*24th July 1996*

The Department of Agriculture, in exercise of the powers conferred on it by Articles 5(1), 10(6),(**1**) 19(*e*), (*f*), (*g*) and (*k*), 44, 46(7A)(**2**) and 60(1) of the Diseases of Animals (Northern Ireland) Order 1981(**3**) 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 Equine Viral Arteritis Order (Northern Ireland) 1996 and shall come into operation on 24th July 1996.

Interpretation

2. In this Order—

"disease" means equine viral arteritis;

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

"licence" means a licence issued by the Department;

"virus" means the virus of the disease.

Notification of disease in horses

3.—(1) Subject to paragraph (2), a person who knows or has reasonable grounds for suspecting that a stallion—

(a) which is in his possession or under his charge; or

(b) which he has examined or inspected,

is or may be diseased, or is or may be a carrier of the virus, shall with all practicable speed notify that fact to a Divisional Veterinary Officer, to an inspector or to any member of the Royal Ulster Constabulary.

(**1**) As substituted by S.I.1994/1891 (N.I. 6)Art. 20
(**2**) As inserted by S.I. 1994/1891 (N.I. 6) Art. 22
(**3**) 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. 23(1) and (2) and 24(1) and Schedule

(2) Paragraph (1) shall not apply in respect of a stallion which has been vaccinated against the disease and which, immediately prior to vaccination, has been tested for the disease with a negative result.

(3) A person who knows or has reasonable grounds for suspecting that a mare which has been served, either naturally or by artificial insemination, within the previous 14 days—

(a) which is in his possession or under his charge; or

(b) which he has examined or inspected,

is or may be diseased, shall with all practicable speed notify to a Divisional Veterinary Officer, to an inspector or to any member of the Royal Ulster Constabulary—

(i) that fact;

(ii) the name of the stallion used to serve the mare; and

(iii) the name and address of the owner of that stallion.

(4) A person who, following analysis by him of a sample of serum or semen taken from a stallion or a sample of serum taken from a mare which has been served, either naturally or by artificial insemination within the previous 14 days, reasonably supposes that the disease exists or that the stallion may be a carrier of the virus shall—

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

(b) retain the sample analysed until its disposal is 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 they are to the Department.

(5) This Article shall not apply where the disease or virus has been deliberately introduced into a horse or sample in a laboratory.

Restrictions and requirements on stallions and semen

4.—(1) Upon the notification under Article 3, or if a veterinary inspector has other reasonable grounds for supposing that the disease or virus exists or has within 56 days existed in the stallion, a veterinary inspector shall—

(a) by notice served on the owner or person in charge of the stallion, impose the restrictions and requirements contained in Part I of the Schedule; and

(b) where appropriate, by notice served on any person who is identified as having obtained semen collected from a stallion in relation to which a notice under sub-paragraph (*a*) has been served, impose the restriction contained in Part II of the Schedule.

(2) The person upon whom a notice under this Article has been served shall take all reasonable steps to ensure that the notice is complied with, unless he is authorised by a licence to do anything which would otherwise be a breach of this Order.

(3) A notice served under paragraph (1) shall—

(a) remain in force until amended or withdrawn by the Department by a further notice served on the owner or person in charge of the stallion or its semen to which the notice served under paragraph (1) relates; and

(b) not be withdrawn until the Department is satisfied that the disease or the virus does not exist or no longer exists in the stallion or its semen.

(4) Until such time as a notice under this Article is served, a person who has in his possession or under his charge—

(a) a stallion suspected of being diseased or of being a carrier of the virus; or

(b) semen collected from such a stallion,

shall take all reasonable steps to ensure that the relevant restrictions and requirements contained in the Schedule are complied with.

(5) If any person fails to comply with any restriction or requirement imposed by a notice under this Article then, unless he has been authorised in that behalf under paragraph (2) the Department may, without prejudice to any proceedings for an offence arising out of such contravention—

(a) seize or cause to be seized such diseased or suspected stallion and detain it at such place as it shall consider appropriate until the notice is amended or withdrawn; and

(b) take such other action in relation to such stallion as may be necessary so as to ensure that any restriction or requirement imposed by the notice is complied with or carried out.

(6) The amount of any expenses reasonably incurred by the Department in the exercise of the powers under paragraph (5) in connection with the seizure and detention of a diseased or suspected stallion shall be recoverable as a civil debt by the Department from the owner of such a stallion.

Veterinary inquiry as to the existence of disease

5.—(1) In order to ascertain whether or not the disease or the virus exists or has within 56 days existed in a horse, a veterinary inspector may, subject to paragraph (2), carry out such inquiries, examinations and tests and take such samples as may be necessary for that purpose.

(2) Where the owner or person in charge of a stallion in relation to which a notice under Article 4(1)(*a*) has been served has made a written request to the Department and the Department has given its consent, a veterinary inspector may postpone the exercise of any of the powers under paragraph (1) in respect of that stallion until such time as specified by the Department.

(3) A veterinary inspector may mark or cause to be marked for identification purposes any horse in relation to which any of the powers under paragraph (1) or (2) have been exercised.

(4) A person shall not alter, remove, obliterate, deface or duplicate or cause or permit the alteration, removal, obliteration, defacing or duplication of any mark referred to in paragraph (3).

(5) The owner or person in charge of the horse or any person in his employment shall provide such information and render such reasonable assistance to a veterinary inspector as may be required for the purposes of this Article.

Publication of results of veterinary inquiry

6.—(1) Where an inquiry is carried out by a veterinary inspector under Article 5 and on completion of that inquiry the Department is of the opinion that the disease or virus exists or has within 56 days existed in a stallion—

(a) the Department may publish, in such manner as it thinks fit, that fact and the name and location of the stallion; and

(b) thereafter if the Department is satisfied that the disease or the virus no longer exists in the stallion, in respect of which publication has been made under sub-paragraph (*a*), the Department shall publish, in the same manner, that fact and the name and location of the stallion.

(2) Where, in exercise of the power under Article 5(2), an inquiry under Article 5(1) is postponed in pursuance of paragraph (2) of that Article—

(a) the Department may publish, in such manner as it thinks fit, the fact that existence of the disease or the virus in the stallion is suspected and the name and location of that stallion; and