# 1995 No. 82

# ANIMALS

## Specified Diseases (Notification and Movement Restrictions) (Amendment) Order (Northern Ireland) 1995

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| *Made* . . . . . | *9th March 1995* |
| *Coming into operation* . . | *3rd April 1995* |

The Department of Agriculture, in exercise of the powers conferred on it by Articles 2(3), 5(1), 10(6), 12(1), 14, 19(*e*), (*f*) and (*k*) and 60(1) of the Diseases of Animals (Northern Ireland) Order 1981(**a**) 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 Diseases (Notification and Movement Restrictions) (Amendment) Order (Northern Ireland) 1995 and shall come into operation on 3rd April 1995.

*Amendment of the Specified Diseases (Notification and Movement Restrictions) Order (Northern Ireland) 1991*

**2.** The Specified Diseases (Notification and Movement Restrictions) Order (Northern Ireland) 1991(**b**) shall be amended as provided in Articles 3 to 8.

**3.** In Article 2 (Interpretation)—

(*a*) in the definition of ''carcase'' after the word ''animal'' wherever it occurs there shall be inserted ''or bird'';

(*b*) after the definition of ''Divisional Veterinary Officer'' there shall be inserted the following definition—

'' ''holding'' means any establishment, construction or place where animals or poultry are held, kept or handled;'';

(*c*) for the definition of ''specified disease'' there shall be substituted—

'' ''specified disease'' means a disease specified in column 2 of Schedule 1 when it affects such animals or poultry as are specified in column 3 of Schedule 1 opposite the reference to such a disease;'';

(*d*) after the definition of ''suspected'' there shall be added the following definition—

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(**a**) 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

(**b**) S.R. 1991 No. 455 as amended by S.R. 1994 No. 130

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

**4.** After Article 2 there shall be inserted the following Article—

"*Extension of definitions of animals and poultry*

**2A.** 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 list of poultry in Part II of Schedule 1 to the 1981 Order is hereby extended so as to comprise birds of any kind.".

**5.** For Article 3 (Notice of specified disease) there shall be substituted the following Article—

"*Notice of specified disease*

**3.**—(1) Subject to paragraph (3), a person who has in his possession or under his charge an affected or suspected animal, bird or carcase, a veterinary surgeon or other person who, in the course of his duties, examines or inspects such an animal, bird or carcase and any person who, following an analysis by him of any sample taken from an animal, bird or carcase has reasonable grounds for supposing that the animal, bird or carcase is affected, shall, with all practicable speed, give notice of the fact—

(*a*) to an inspector;

(*b*) to the Divisional Veterinary Officer; or

(*c*) to any member of the Royal Ulster Constabulary.

(2) An inspector, if he is not a veterinary inspector, or a member of the Royal Ulster Constabulary who receives notice under paragraph (1) shall immediately inform a veterinary inspector of the fact.

(3) This Article shall not apply to an animal, bird or carcase affected or suspected of being affected with spongiform encephalopathy.".

**6.** After Article 3 there shall be inserted the following Article—

"*Notice of spongiform encephalopathy*

**3A.**—(1) Subject to paragraph (4), a person who, in the course of a laboratory examination of the carcase of any bird, or of any animal other than a bovine animal, sheep or goat, suspects the presence of spongiform encephalopathy shall, with all practicable speed, give notice of the fact in accordance with Article 3(1).

(2) A person shall not remove the sample and the remainder of the carcase in respect of which notice has been given under paragraph (1), from the laboratory where they were examined except under the authority of a licence issued by the Department and in accordance with any conditions subject to which the licence is issued.

(3) A person shall, if so required by the Department, supply the Department with any samples in respect of which notice has been given under paragraph (1).

(4) This Article shall not apply to any spongiform encephalopathy which has been deliberately introduced into an animal, a bird, a carcase, or a sample in a laboratory.''.

**7.** After Article 6 (Cleansing and disinfection) there shall be inserted the following Articles—

''*Declaration of infected area*

**6A.**—(1) If the Department has reasonable grounds for suspecting that a specified disease exists within Northern Ireland or within such part of the Republic of Ireland as may entail the risk of the introduction or spread of that disease into Northern Ireland, it may by notice in writing declare Northern Ireland or such area therein as may be specified in the notice to be an infected area.

(2) A notice given under paragraph (1) shall—

(*a*) be published in the Belfast Gazette;

(*b*) specify the date on which it shall come into force;

(*c*) remain in force until such date as may be specified therein or until revoked by a further notice published in like manner; and

(*d*) prescribe the description of animals or poultry in respect of which the provisions of Article 6B shall apply.

(3) Subject to paragraph (4) any premises partly within an infected area shall be deemed to be wholly within an infected area.

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

*Restriction on movement of animals, poultry, undressed carcases and dung*

**6B.**—(1) A person shall not move or cause or permit to be moved any animal or bird of such description as may be prescribed by a notice given under Article 6A, any undressed carcase of such animal or bird or any dung—

(*a*) into or out of any area declared in accordance with Article 6A to be an infected area;

(*b*) from any holding in an infected area to any other holding in that area; or

(*c*) by public road, rail, water or air within an infected area,

except under the authority of a licence issued by the Department and in accordance with any conditions subject to which the licence is issued.

(2) Paragraph (1) shall not apply to the trans-shipment of any animal, bird, undressed carcase or dung through an infected area where that trans-shipment takes place without loading or unloading or stopping at any holding within that area.