1991 No. 455

ANIMALS

Specified Diseases (Notification and Movement Restrictions) Order (Northern Ireland) 1991

Made	*8th October 1991*
Coming into operation . .	*1st November 1991*

The Department of Agriculture, in exercise of the powers conferred on it by Articles 5(1), 10(6), 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) Order (Northern Ireland) 1991, and shall come into operation on 1st November 1991.

Interpretation

2. In this Order—

"affected" means affected with the specified disease;

"carcase" means the carcase of an animal and includes part of a carcase, and the meat, bones, skin, offal or any other part of an animal or any portion thereof;

"cleansing and disinfection notice" means a notice in writing served by a veterinary inspector under Article 6;

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

"premises" includes land with or without buildings;

"restriction notice" means a notice in the form prescribed in Schedule 2;

"specified disease" means a disease specified in column 2 of Schedule 1 when it affects an animal specified in column 3 of Schedule 1 opposite the reference to such a disease; and

"suspected" means suspected of being affected.

Notice of specified disease

3.—(1) A person who has in his possession or under his charge an affected or suspected animal or carcase, a veterinary surgeon or other person who, in the course of his duties, examines or inspects such an animal or carcase and any person who, following an analysis by him of any sample

(**a**) S.I. 1981/1115 (N.I. 22) as amended by S.I. 1984/702 (N.I. 2) Art. 17

taken from an animal or carcase, has reasonable grounds for supposing that the animal 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.

Restrictions on movement of animals in cases of a specified disease or suspected specified disease

4.—(1) If the Department has reasonable grounds for supposing that a specified disease exists on any premises it may serve a restriction notice on the occupier or person in charge of the premises prohibiting the movement of any animal, carcase or other thing described in the notice onto or off the premises, 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) A restriction notice—

(*a*) may contain such other restrictions or requirements with regard to the premises to which it relates or with regard to persons, animals, carcases or other things on such premises as the Department may consider necessary for the purpose of preventing the spread of the specified disease; and

(*b*) shall continue in force until it is withdrawn by a notice in the form prescribed in Schedule 3 served by the Department on the occupier or person in charge of the premises to which the restriction notice relates.

(3) A restriction notice shall be withdrawn by a notice in the form prescribed in Schedule 3 served by the Department on the occupier or person in charge of the premises to which the restriction notice relates if it is satisfied that—

(*a*) the specified disease which the Department had reasonable grounds for supposing existed on the premises to which the restriction notice relates does not so exist; or

(*b*) the keeping in force of the restriction notice is no longer necessary for the purposes of this Order.

(4) If any person fails to comply with any of the restrictions on the movement of any animal, carcase or other thing imposed by a restriction notice, or with any other restriction or requirement imposed by such a notice, the Department may, without prejudice to any proceedings for an offence arising out of such contravention or default, seize or cause to be seized any animal, carcase or other thing which has been moved in contravention of any provision of the notice and detain it at such place as it shall consider appropriate until the restriction notice is withdrawn by a notice in the form prescribed in Schedule 3, or, as the case may be, take, or cause to be taken, such other action as may be necessary so as to ensure that any other restriction or requirement imposed by the restriction notice is complied with.

(5) The amount of any expenses reasonably incurred by the Department in the exercise of the powers under paragraph (4) shall be recoverable as a civil debt by the Department from the person who caused or permitted such contravention or, as the case may be, from the person in default.

Veterinary enquiry as to the existence of a specified disease

5.—(1) For the purposes of ascertaining whether or not a specified disease exists on any premises in respect of which a restriction notice has been served a veterinary inspector may—

(*a*) carry out, or cause to be carried out, such enquiries, examinations and tests; and

(*b*) take, or cause to be taken, such samples,

as he may consider necessary for the purpose of diagnosis.

(2) A veterinary inspector may mark, or cause to be marked, for identification purposes any animal, carcase or other thing in relation to which any of the powers under paragraph (1) has been exercised.

(3) The occupier or person in charge of the premises or any person in his employment shall render such reasonable assistance to a veterinary inspector as he may require for the purpose of facilitating the exercise of his powers under paragraph (1) or (2).

Cleansing and disinfection

6.—(1) Where a restriction notice has been served in respect of any premises a veterinary inspector may serve a cleansing and disinfection notice in writing on the occupier or person in charge of the premises requiring him to cleanse and disinfect the premises in the manner specified in the notice and within such time as may be so specified.

(2) If any person on whom a cleansing and disinfection notice has been served under paragraph (1) fails to comply with the requirements of the notice, an inspector or other officer of the Department may, without prejudice to any proceedings arising out of such default, carry out or cause to be carried out the cleansing and disinfection required by the notice, and the amount of any expenses reasonably incurred by it in doing so shall be recoverable as a civil debt by the Department from the person in default.

General provisions as to licences

7.—(1) The Department may, where it considers it necessary for the purpose of preventing the spread of a specified disease, revoke or vary any licence issued under this Order by notice in writing served on the person to whom the licence was issued.

(2) Any person acting under the authority of a licence issued under this Order shall ensure that the licence accompanies whatever is being moved under its authority and that person shall, on demand made by an inspector or other officer of the Department or by a member of the Royal Ulster Constabulary produce the licence and allow a copy or extract to be taken, and shall also, on such demand, furnish his name and address.

Sealed with the Official Seal of the Department of Agriculture on 8th October 1991.

(L.S.) *P. T. Toal*
Assistant Secretary