**1979 No. 281**

**ANIMALS**

# Diseases of Animals (Importation of Machinery) Order (Northern Ireland) 1979

*Made* 10*th August* 1979

*Coming into operation* 1*st September* 1979

The Department(a) of Agriculture, in exercise of the powers conferred on it by sections 5, 13, 18, 23 and 53 of the Diseases of Animals Act (Northern Ireland) 1958(b) (as extended in the case of sections 5, 13, 18 and 23 by the Diseases of Animals (Amendment) (Northern Ireland) Order 1975(c)), 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 Diseases of Animals (Importation of Machinery) Order (Northern Ireland) 1979 and shall come into operation on 1st September 1979.

*Interpretation*

**2.** In this Order—

"animals" means cattle, sheep, goats, all other ruminating animals and swine;

"the Department" means the Department of Agriculture;

"disinfected" means disinfected by means of a disinfectant which—

(*a*) where disinfection is to be carried out in accordance with a notice served under Article 3, has been approved for the purpose by the Department under the Diseases of Animals (Approval of Disinfectants) Order (Northern Ireland) 1972(d); or,

(*b*) in any other case, has been officially approved in the country where disinfection takes place;

"machinery" means—

(*a*) any article of machinery or equipment which has been on land used for the purposes of agriculture or horticulture in any country outside Northern Ireland or any part of such article; and

(*b*) lorries, articulated vehicles, trailers and other containers used for the carriage of animals or poultry including any part of such lorries, articulated vehicles, trailers and other containers;

"poultry" means domestic fowls, turkeys, geese, ducks and guinea-fowls.

(a) Formerly Ministry: *see* 1973 c. 36 s. 40 and Sch. 5 para. 8(1)
(b) 1958 c. 13 (N.I.)
(c) S.I. 1975/1307 (N.I. 12)
(d) S.R. & O. (N.I.) 1972 No. 16 (p. 55)

*Cleansing and disinfection of machinery*

**3.**—(1) Subject to the provisions of this Order no person shall import, or cause or permit to be imported any machinery unless before being loaded into the vessel, hovercraft, aircraft or other conveyance in which it is brought into Northern Ireland, it has been cleansed and disinfected in the manner described in the Schedule.

(2) Where in the opinion of an inspector any machinery being imported has not been cleansed and disinfected in accordance with paragraph (1), the inspector may by notice served on the owner, consignor, consignee or person for the time being in charge of such machinery, require the person on whom the notice is served to detain that machinery on board any vessel, hovercraft, aircraft or other conveyance, and at the expense of that person cause it to be exported within a period specified in the notice.

(3) If any machinery is landed in contravention of this Order, an inspector may by notice served on the owner, consignor, consignee or the person for the time being in charge of such machinery, require the person on whom the notice is served at the expense of that person and within a period specified in the notice either—

(*a*) to cause that machinery to be cleansed and disinfected in accordance with this Order; or

(*b*) to cause that machinery to be exported or destroyed.

(4) Any machinery in respect of which a notice is served under paragraph (2) or (3) shall not be moved during the period specified in such notice except with the written consent of an inspector.

(5) If any person on whom a notice is served under this Article fails to comply with the requirements of such notice, the Department may without prejudice to any proceedings for infringement of this Order, carry out or cause to be carried out the requirements of the notice.

*Certificate of cleansing and disinfection*

**4.** The Department may require any machinery to be accompanied at the time of importation by a certificate signed by an officer in the appropriate Department of the government of the exporting country, to the effect that cleansing and disinfection of the machinery were carried out in accordance with this Order.

*Importation from Republic of Ireland*

**5.**—(1) Subject to paragraph (4) Articles 3 and 4 shall apply to machinery imported from the Republic of Ireland only while a direction under paragraph (2) is in force.

(2) If at any time the Department has reason to believe that there is an outbreak of disease in the Republic of Ireland and it is necessary to act as a matter of urgency to prevent the introduction of disease into Northern Ireland the Department may direct that the provisions of Articles 3 and 4 shall apply to machinery imported from the Republic of Ireland.

(3) Where the Department makes a direction under paragraph (2) it shall be published in the *Belfast Gazette* and the Department shall take all other reasonable steps it considers necessary to bring it to the notice of any person who is likely to be affected by it, and in any proceedings for an offence arising by virtue only of the direction, it shall be a defence that at the time