1977 No. 113

ANIMALS

Rabies (Importation of Dogs, Cats and Other Mammals) Order (Northern Ireland) 1977

Made . . . . . 29*th April* 1977

Coming into operation . . . . 7*th June* 1977

The Department(a) of Agriculture, in exercise of the powers conferred on it by sections 4, 5, 13, 18, 20, 22, 23, 44 and 53 of and the Third Schedule to the Diseases of Animals Act (Northern Ireland) 1958(b), as extended in the case of sections 4, 18 and 53 by Articles 5, 6, 7 and 8 of the Diseases of Animals (Northern Ireland) Order 1975(c), and in the case of sections 18 and 23 and the Third Schedule by Article 3 of the Diseases of Animals (Amendment) (Northern Ireland) Order 1975(d), and of every other power enabling it in that behalf, hereby makes the following Order:

Citation, commencement and purpose

1.—(1) This Order may be cited as the Rabies (Importation of Dogs, Cats and Other Mammals) Order (Northern Ireland) 1977 and shall come into operation on 7th June 1977.

(2) This Order is made for the purpose of preventing the introduction of rabies into Northern Ireland.

Revocation

2. The following Orders are hereby revoked:—

Importation of Dogs and Cats Order (Northern Ireland) 1961(e);

Importation of Dogs and Cats (Amendment and Revocation) Order (Northern Ireland) 1970(f);

Rabies (Importation of Mammals) Order (Northern Ireland) 1972(g) except Article 3.

Interpretation

3.—(1) In this Order—

"the Act" means the Diseases of Animals Act (Northern Ireland) 1958;

"animal" means an animal (other than man) belonging to any family or species of the orders of mammals specified in Parts I and II of the Schedule;

"authorised carrying agent" means a person authorised by the Department under Article 10 to carry animals;

"authorised quarantine premises" means premises authorised by the Department under Article 9 for use for the detention and isolation of animals in quarantine;

(a) Formerly Ministry: *see* 1973 c. 36 Sch. 5 para. 8(1).
(b) 1958 c. 13 (N.I.) as adapted to hovercraft by S.I. 1972/971 (1972 II, p. 3024).
(c) S.I. 1975/418 (N.I. 3).
(d) S.I. 1975/1307 (N.I. 12).
(e) S.R. & O. (N.I.) 1961 No. 29 (p. 137).
(f) S.R. & O. (N.I.) 1970 No. 298 (p. 1396).
(g) S.R. & O. (N.I.) 1972 No. 17 (p. 58).

"cat" means an animal belonging to the species Felis catus of the order of mammals Carnivora;

"constable" means a member of the Royal Ulster Constabulary and any member of a police force employed by a railway, dock, harbour, port or airport authority;

"contact animal" means an animal belonging to any family or species of the orders of mammals specified in Part III of the Schedule;

"Department" means the Department of Agriculture;

"dog" means an animal belonging to the species Canis familiaris of the order of mammals Carnivora;

"harbour" has the meaning assigned to it by section 742 of the Merchant Shipping Act 1894(**h**) and includes any place at which hovercraft are loaded or unloaded;

"landing place" means—

(i) the port of Belfast or Belfast Airport;

(ii) any port or airport at which an animal is permitted to be landed in accordance with a licence granted by the Department; and

(iii) any port or airport to which a vessel or aircraft bringing an animal to Northern Ireland is ordered to be diverted in the interests of safety or in the light of other exceptional circumstances;

"licence" means a licence granted under this Order, and includes any permit, approval or other form of authorisation;

"master" means the person having the charge or control of a vessel;

"registered medical practitioner" means a person included in the Medical Register maintained by the General Medical Council;

"research premises" means premises at which animals which have been brought to Northern Ireland from a place outside Northern Ireland are used in connection with scientific research;

"veterinary inspector" means a person appointed by the Department to be an inspector for the purposes of the Act, being either a member of the Royal College of Veterinary Surgeons or a veterinary practitioner qualified as approved by the Department.

(2) For the purposes of this Order an animal shall be deemed to have been landed in Northern Ireland immediately it is unloaded or taken out of, or in any other manner leaves or escapes from, a vessel or aircraft:

Provided that this paragraph shall not apply in respect of an animal which is, under the authority of an inspector, transported by water directly from one vessel to another without the boat in which the animal is carried touching land, or the animal being put on land.

Prohibition on landing of animals

4.—(1) The landing in Northern Ireland of the following animals is hereby prohibited except under and in accordance with the conditions of a licence granted by the Department:—

(*a*) any animal brought from a country other than Great Britain, the Channel Islands, the Isle of Man or the Republic of Ireland;

(*b*) any animal, other than a dog or cat, brought from Great Britain, the Channel Islands or the Isle of Man;

(**h**) 1894 c. 60.

(*c*) any animal brought from the Republic of Ireland which has previously been brought to the Republic of Ireland from a place other than Great Britain, the Channel Islands, the Isle of Man or Northern Ireland, unless such animal has been detained and isolated in quarantine for a period of at least six months before being landed in Northern Ireland;

(*d*) a dog or cat brought from Great Britain, the Channel Islands or the Isle of Man which has previously been brought to those countries from a place outside those countries (other than Northern Ireland or the Republic of Ireland), unless such dog or cat has been detained and isolated in quarantine for a period of at least six months before being landed in Northern Ireland.

(2) While a direction under paragraph (5) is in force the landing in Northern Ireland of any animal brought from Great Britain, the Channel Islands, the Isle of Man or the Republic of Ireland, or such of those countries as shall be specified in the direction, is hereby prohibited except under and in accordance with the conditions of a licence granted by the Department.

(3) Subject to paragraph (4), the provisions of section 20 of the Act as they apply to imported horses, other than subsection (3), are hereby extended to any animal which for the time being may be landed in Northern Ireland only under and in accordance with a licence under paragraphs (1) or (2).

(4) Without prejudice to any other provision of this Order—

(*a*) the provisions of Part I of the Third Schedule to the Act relating to slaughter shall not apply to animals brought from the Republic of Ireland;

(*b*) subject to sub-paragraph (*c*) and paragraph (5), the provisions of Part II of the Third Schedule to the Act relating to quarantine shall not apply to animals brought from Great Britain, the Channel Islands, the Isle of Man or the Republic of Ireland;

(*c*) the exemption from the provisions of Part II of the Third Schedule to the Act conferred by sub-paragraph (*b*) shall not apply to an animal brought from Great Britain, the Channel Islands, the Isle of Man or the Republic of Ireland which has previously been brought to those countries from a place outside those countries (other than a place in Northern Ireland) unless such animal has been detained and isolated in quarantine for a period of at least six months before being landed in Northern Ireland.

(5) If at any time the Department has reason to believe that there is an outbreak of rabies in Great Britain, the Channel Islands, the Isle of Man or the Republic of Ireland, and it appears to the Department to be necessary to act as a matter of urgency for the purpose of preventing the introduction of rabies into Northern Ireland, the Department may direct that the provisions of paragraph (2) shall apply to all animals brought to Northern Ireland from those countries, or such of those countries as shall be specified in the direction, and that notwithstanding paragraph (4) such animals shall, unless the Department otherwise prescribes, be subject to the provisions of Part II of the Third Schedule to the Act relating to quarantine. A direction under this paragraph shall remain in force until revoked by the Department.

(6) Where the Department makes a direction under paragraph (5) it shall take all reasonable steps 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 when the offence was committed the accused had no reason to believe that the direction was in existence.

(7) Subject to paragraph (8), any animal to which the provisions of Part II of the Third Schedule to the Act apply, and in respect of which a licence under that paragraph has not been granted, shall be landed at the port of Belfast or Belfast Airport.

(8) The Department may on being satisfied that exceptional circumstances exist in connection with the bringing into Northern Ireland of a particular animal, grant a licence for the landing of that animal at a port or airport other than the port of Belfast or Belfast Airport.

(9) Nothing in paragraphs (7) and (8) shall render it unlawful (subject to the authority of an inspector first having been obtained) for an animal to be landed at a place in Northern Ireland (other than the port of Belfast or Belfast Airport, or a port or airport at which the animal is permitted to be landed in accordance with a licence granted under paragraph (8)) to which the vessel or, as the case may be, the aircraft which is bringing the animal to Northern Ireland is ordered to be diverted in the interests of safety, or in the light of other exceptional circumstances.

(10) For the purposes of this Order, an animal which—

(*a*) is taken from a place in Northern Ireland, Great Britain, the Channel Islands, the Isle of Man or the Republic of Ireland to a place outside those countries (whether or not it is landed at that place or comes into contact with any other animal while there, or during the journey thereto or therefrom), or

(*b*) while outside Northern Ireland, comes into contact with an animal to which, if it were brought to Northern Ireland, any of the prohibitions on landing contained in paragraphs (1) or (2) would apply.

shall be deemed to be an animal brought from a place outside Northern Ireland when landed in Northern Ireland.

Detention and isolation in quarantine

5.—(1) Where an animal specified in Part I of the Schedule is landed in Northern Ireland and is subject to Part II of the Third Schedule to the Act, it shall, after being so landed, be immediately detained and isolated in quarantine at its owner's expense for the rest of its life, at such premises and subject to such conditions as may be specified in the licence; and in the event of such an animal being born in Northern Ireland (whether or not its parents, or any one of them, were brought from a place outside Northern Ireland) it shall, for the purposes of this Order, be deemed to be an animal brought from a place outside Northern Ireland, and the foregoing provisions of this paragraph with regard to detention and isolation in quarantine for life shall apply to that animal.

(2) Where an animal specified in Part II of the Schedule is landed in Northern Ireland and is subject to Part II of the Third Schedule to the Act, it shall, after being so landed, be immediately detained and isolated in quarantine at its owner's expense—

(*a*) for a period of six months, or

(*b*) in the case of an animal brought to Northern Ireland from Great Britain, the Channel Islands, the Isle of Man or the Republic of Ireland before the end of a period of detention and isolation in quarantine in that country, for such period as the Department may specify as will ensure that the animal is detained and isolated in quarantine for an aggregate period of not less than six months from the date of its landing in that country,

at such premises and subject to such conditions as may be specified in the licence; and in the event of any offspring being born to any such animal during the period of its detention and isolation in quarantine, such offspring shall similarly be detained and isolated at its owner's expense for the remainder of the period applying in respect of its dam, or for such shorter period, and at such premises and subject to such conditions, as the Department may in any particular case direct.

(3) The Department may by licence permit two or more animals required to be detained under the foregoing provisions of this Article to be kept together in quarantine, subject to such conditions as may be specified in the licence:

Provided that, where the licence is granted in respect of two or more animals to which paragraph (2) applies, the period of quarantine referred to in that paragraph shall, unless the Department otherwise directs, be computed in respect of all the animals to which the licence relates by reference to the latest date on which any such animal was landed in Northern Ireland.

(4) Where the Department is satisfied that exceptional circumstances exist, it may by licence permit other animals to be kept with animals being detained in quarantine under the foregoing provisions of this Article, subject to compliance with such conditions as may be specified in the licence; and where an animal to which such a licence relates has been in contact with an animal detained under the foregoing provisions of this Article, it shall remain in quarantine at its owner's expense for the remainder of the period applying in respect of the animal with which it has been in contact, or for such shorter period as the Department may in any particular case direct, and shall be treated for the purposes of this Order as an animal which has been brought to Northern Ireland from a place outside Northern Ireland.

(5) Notwithstanding the foregoing provisions of this Article, where an outbreak of rabies occurs at authorised quarantine premises, or where the Department has reason to suspect that an animal detained or previously detained at such premises may be or may have been affected with that disease, it may, without prejudice to the operation of the provisions of the Rabies (Control) Order (Northern Ireland) 1977(i) by notice served on the veterinary surgeon or registered medical practitioner supervising the premises, and (where practicable) on the owner of any animal detained or previously detained thereat, require that such animal be detained and isolated at its owner's expense for such longer period as may be specified in the notice, and subject to such conditions as may be so specified.

(6) Where an animal dies while being detained in accordance with the provisions of paragraphs (1) or (2), or paragraph (2) of Article 12, the carcase of the animal shall not be buried or destroyed until such tests or other examinations as the Department may require have been carried out, and the carcase shall subsequently be buried or destroyed in accordance with the instructions of a veterinary inspector.

Vaccination of dogs and cats in quarantine

6.—(1) During the period of its detention and isolation in quarantine under the provisions of Article 5(2), every dog and cat shall, at its owner's expense, be vaccinated against rabies with a vaccine approved for the purpose by the Department, in such manner, and on such number of occasions and at such intervals, as the Department may require either generally, or in relation to a particular case.

(i) S.R. 1977 No. 11.