1977 No. 11

ANIMALS

The Rabies (Control) Order (Northern Ireland) 1977

Made . . . . . 19*th January* 1977

Coming into operation . . . 14*th February* 1977

The Department(a) of Agriculture, in exercise of the powers conferred on it by sections 4, 5, 7, 8, 13 and 53 of the Diseases of Animals Act (Northern Ireland) 1958(b), (as extended in the case of sections 4 and 7 by Articles 3, 4 and 6 of the Diseases of Animals (Northern Ireland) Order 1975(c)), 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 (Control) Order (Northern Ireland) 1977 and shall come into operation on 14th February 1977.

(2) This Order is made for the purpose of preventing the spreading of disease within Northern Ireland.

Interpretation

2. In this Order—

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

"animal" means an animal belonging to any of the orders of mammals specified in Part I of the First Schedule of the Act (as extended by the Rabies (Importation of Mammals) Order (Northern Ireland) 1972(d));

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

"Department" means the Department of Agriculture;

"disease" means rabies;

"diseased" means affected with rabies;

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

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

"infected area" means an area declared to be an infected area for purposes connected with the control and eradication of disease by a notice published by the Department under Article 8;

"infected place" means a place declared to be an infected place by a notice served by a veterinary inspector under Article 5;

(a) Formerly Ministry: *see* 1973 c. 36 Sch. 5 para. 8(1)
(b) 1958 c. 13 (N.I.)
(c) S.I. 1975/418 (N.I. 3)
(d) S.R. & O. (N.I.) 1972 No. 17 (p. 58)

"premises" includes land, with or without buildings, and where a person occupies land which comprises two or more non-adjacent areas, each of those areas shall be deemed to be separate premises for the purposes of this Order;

"suspected" means suspected of being diseased:

"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.

Revocation

3. The Rabies (Ireland) Order of 1900(e) is hereby revoked.

Notice of disease or suspected disease

4.—(1) The provisions of section 4 of the Act shall in the case of disease be varied in the manner provided in paragraphs (2) and(3).

(2) Subject to paragraph (5), a person who knows or suspects that an animal (whether in captivity or not) is diseased, or was at the time of its death diseased, shall with all practicable speed give notice of that fact to a Divisional Veterinary Officer or to a member of the Royal Ulster Constabulary, unless he believes on reasonable grounds that another person has given notice under this paragraph in respect of that animal.

(3) Without prejudice to paragraph (2), a person who knows or suspects that an animal in his possession or under his charge is, or was at the time of its death, diseased shall, as far as practicable, keep that animal or, as the case may be, the carcase of that animal separate from any other animal.

(4) Where notice under paragraph (2) is given to a member of the Royal Ulster Constabulary he shall immediately transmit the information received by him to the local Divisional Veterinary Officer.

(5) Paragraphs (2) and (3) shall not apply in such cases as may be prescribed by an Order made under section 53 of the Act for the purpose of regulating the keeping, importation or use of rabies virus.

Declaration of infected place

5.—(1) Where a Divisional Veterinary Officer receives information under Article 4 concerning the existence at any premises of a diseased or suspected animal, or of the death of any such animal at any such premises, or where, through any other cause, he has reasonable grounds for suspecting that disease exists or has within the preceding 56 days existed at any premises, or that there is an animal thereat which has been or which may have been exposed to the infection of disease, he may cause a notice in the form set out in Schedule 1 to be served on the occupier of the said premises.

(2) On service of such a notice the premises, within the limits specified in the notice, shall become an infected place, and such place, and any person from time to time therein, shall be subject to—

(*a*) the rules prescribed in Schedule 2, and

(*b*) any additional rules which may be specified in a further notice,

in so far as such rules are from time to time in force.

(e) S.R. & O. (I.) 1901 No. 13

(3) A veterinary inspector may from time to time, by service of a further notice on the occupier of the infected place, direct all or any of the following things, namely—

(*a*) that the limits of the infected place shall be altered in the manner described in the notice;

(*b*) that any of the rules prescribed in Schedule 2 or by a previous notice served in accordance with this paragraph shall cease to apply to the infected place, or to persons therein, or shall be varied, modified or otherwise amended to the extent or in the manner specified in the notice; or

(*c*) that such additional rules as may be specified in the notice shall apply to the infected place, or to persons from time to time therein.

(4) The restrictions imposed by a notice served under the foregoing provisions of this Article shall remain in force until varied or cancelled by a notice to that effect served by a veterinary inspector on the occupier of the infected place.

Veterinary inquiry as to the existence of disease

6.—(1) Where by reason of information received, whether under Articles 4 and 5 or otherwise, a veterinary inspector has grounds for suspecting that disease exists, or has within the preceding 56 days existed at any premises, or that there is an animal thereat which has been or which may have been exposed to the infection of disease, he shall with all practicable speed inquire as to the correctness of such information, and examine any animal or the carcase of any animal found at the premises.

(2) For the purpose of discharging his functions under this Article, a veterinary inspector may—

(*a*) enter on any part of the premises;

(*b*) remove or cause to be removed from the premises any diseased or suspected animal, or any animal which has been in contact with a diseased or suspected animal, or the carcase of any such animal, to a place where the animal can conveniently be kept under veterinary observation by or on behalf of the Department, or to a place where the animal or carcase can be subjected to diagnostic tests; and

(*c*) take such samples as may be required for the purpose of diagnosis from any animal on the premises, whether or not such animal is diseased or suspected or has been in contact with a diseased or suspected animal;

and the occupier of the premises and the persons in his employment shall render such reasonable assistance to the veterinary inspector as may be required for the purposes of this Article.

(3) The occupier of any premises on which there is or has been a diseased or suspected animal, or the carcase of any such animal, or an animal or the carcase of an animal which has been in contact with a diseased or suspected animal, and the veterinary surgeon (if any) who has been attending or has been consulted respecting the animal or carcase, and any person who has been in charge of the animal or carcase or in any manner in contact with it, shall give all reasonable facilities for an inquiry under this Article, and for the removal of any animal or carcase and the taking of samples.

(4) Any such occupier, veterinary surgeon or person as aforesaid shall, if so required by an officer of the Department, give such information as he possesses as to the animal or carcase, as to the location or movements of any other animal in his possession or under his charge, and as to any other animal with which any such animal may have been in contact.

Notice of intended slaughter

7.—(1) Where the Department proposes to cause an animal to be slaughtered under the powers conferred on it by section 10 and the Second Schedule of the Act, a veterinary inspector shall serve a notice of intended slaughter on the owner or other person in charge of the animal, informing him of the proposed slaughter, and (except where the animal has already been removed by a veterinary inspector under Article 6(2)(*b*)) requiring him to surrender the animal for slaughter, or to detain the animal pending its slaughter (or pending its surrender and removal for slaughter) on such part of the premises at which the animal is kept as may be specified in the notice, and to isolate it as far as practicable from any other animal.

(2) The person on whom such a notice has been served shall comply therewith, and shall not move the animal, or cause or permit it to be moved, off the part of the premises on which it is required to be detained, except under the authority of a licence granted by an inspector and in accordance with the terms and conditions subject to which it was granted.

Declaration of infected area

8.—(1) Where the Department believes or suspects that disease exists or has within the preceding six months existed in an area, it may, by notice published in such of the newspapers circulating in Northern Ireland as appear to the Department reasonably necessary for the purpose of bringing specifically to the knowledge of persons likely to be specially affected, or in such other manner as appears appropriate to the Department, declare that area, together with any adjoining area into which the Department considers there may be a possibility of disease spreading, to be an infected area for purposes connected with the control and eradication of disease, and the provisions of Articles 9 to 11 shall apply in relation to every infected area so declared.

(2) A notice to which paragraph (1) relates may—

(*a*) provide for the division of the infected area into zones delineated in accordance with the notice;

(*b*) provide for the application in each such zone of such of the provisions of Schedule 3 as may be specified therein, and, where appropriate, prescribe the descriptions of animals and other matters in respect of which any such provision shall apply; and

(*c*) be varied or revoked by a subsequent notice.

(3) Where a notice to which paragraph (1) relates does not provide for the division of the infected area into zones, the area as a whole shall, for the purposes of sub-paragraph (2)(*b*), be deemed to be a zone, and the provisions of Schedule 3 may be applied thereto as provided for in that sub-paragraph.

Destruction of foxes in infected areas

9.—(1) Where the Department considers it expedient so to do, it may take steps to secure the destruction in an infected area of foxes (other than foxes held in captivity), and an officer of the Department, and any person authorised by the Department for the purpose, may enter any land (other than a dwelling-house) for the purpose of carrying out, or of deciding whether to carry out, such destruction.

(2) Where the Department exercises the power conferred on it by paragraph (1), methods of destruction may be used which would, apart from this provision, be unlawful.

(3) Before commencing destruction of foxes on any land, the Department shall take all reasonable steps, whether by service of a notice or by such other method as may be appropriate in the circumstances, to inform the occupier, and any other person who may be on the land, of the proposal, and of the methods of destruction to be used.

(4) Where destruction is carried out under the provisions of this Article, the Department may erect or cause to be erected fences or other obstacles for the purpose of restricting the movement of animals into and out of the area affected.

(5) The carcase of every fox destroyed under the provisions of this Article shall belong to the Department, and shall be buried or otherwise disposed of in such manner as the Department may determine.

(6) No person shall obstruct the destruction of foxes under the provisions of this Article, or interfere with the carcase of any fox so destroyed.'

Prohibition of sporting or recreational activities

10. A veterinary inspector may prohibit by notice the holding of any sporting or recreational activity on any land in an infected area specified in the notice when, in the opinion of the veterinary inspector, the holding of such activity on that land may cause the spread of disease, and any such notice (which may be withdrawn or varied by a subsequent notice) shall be served on the person responsible for the holding of such activity.

Erection of warning notices

11.—(1) The Department may erect or cause to be erected notices—

(*a*) at any place within and on the boundaries of an infected area, indicating that the area is an infected area for the purposes connected with the control and eradication of disease; and

(*b*) on the boundaries of and on any access to land on which destruction of foxes is carried out in accordance with Article 9, indicating the nature of the operations being carried out on the land, and the methods of destruction being used.

(2) It shall be unlawful for a person to remove, destroy, deface or alter any notice exhibited under any of the provisions of this Order.

Offences

12. Any person who contravenes any provision of this Order, or any provision of this Order as applied in an infected area by an infected area notice, or any provision of a licence granted or notice served under any such provision, or who causes or permits any such contravention, shall be guilty of an offence against the Act.

Sealed with the Official Seal of the Department of Agriculture for Northern Ireland on 19th January 1977.

(L.S.)

J. C. Chalmers
Assistant Secretary