1975 No. 294

ANIMALS

Sales, Markets and Lairs Order (Northern Ireland) 1975

Made . . . . . *17th October* 1975

Coming into operation . . . *1st December* 1975

The Department(a) of Agriculture, in exercise of the powers conferred on it by sections 5, 13, 15 and 53 of the Diseases of Animals Act (Northern Ireland) 1958(b) 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 Sales, Markets and Lairs Order (Northern Ireland) 1975 and shall come into operation on 1st December 1975.

Revocation

2. The Public Sales (Cattle) Order (Northern Ireland) 1962(c) and Articles 6 and 7 of the Animals Disinfection (Northern Ireland) Order 1927(d) are hereby revoked.

Interpretation

3. In this Order—

"animals" means bovine animals and swine and in Part IV is extended to include sheep and goats;

"approved assembly point" means an assembly point in respect of which a notice of approval is for the time being in operation under Article 17;

"approved market" means a market in respect of which a notice of approval is for the time being in operation under Article 13;

"calf" means a bovine animal not older than 3 months;

"Community instrument" has the meaning given to it in Schedule 1 of the European Communities Act 1972(e);

"Department" means the Department of Agriculture;

"draft sale" means a sale held on private premises of surplus stock from not more than 3 herds of bovine animals or of swine;

"EEC approved market" means a market in respect of which a notice of approval is for the time being in operation under Article 16;

"herd" means one or more bovine animals or swine in the same ownership;

"lair" means a building, erection, pen, yard or other enclosure used for the reception or temporary detention of animals brought to a market for sale or to a port or airport for shipment but does not include a grass enclosure;

(a) Formerly Ministry: *see* 1973 c. 36 Sch. 5 para. 8
(b) 1958 c. 13 (N.I.)
(c) S.R. & O. (N.I.) 1962 No. 102 (p. 429)
(d) S.R. & O. (N.I.) 1927 No. 52 (p. 30)
(e) 1972 c. 68

"lairage authority" means a district council or person in charge of the premises of a lair;

"market" means a market place, sale yard or other premises or place in or upon which animals are exhibited for the purpose of public sale;

"market authority" means a district council or person in charge of the premises of a market;

"public place" means a place to which the public have a right of access or which the public is permitted to enter for the time being but does not include an approved market or premises where a draft sale is held;

"public sale" means a sale to which animals the property of different owners are brought for sale by auction or otherwise.

PART I

PUBLIC SALES

4. A person shall not offer or expose for sale any animal in a public place.

5. A person shall not hold or organise or advertise or permit to be held a public sale other than in an approved market, provided that this Article shall not apply to draft sales where not more than one such sale of either bovine animals or swine is held in any period of 6 months on the same premises.

PART II

6. This Part shall apply to approved markets, to lairs used in connection with such markets and to lairs used for animals at a port or airport.

Standards of planning and construction of markets and lairs

7.—(1) All markets and lairs shall be planned, constructed and operated so as to satisfy the Department that—

(*a*) they do not constitute a hazard to the health or welfare of the animals therein;

(*b*) they can be effectively cleansed and disinfected;

(*c*) accommodation is adequate to allow for proper segregation and efficient management of the numbers and classes of animals normally handled.

(2) Without prejudice to paragraph (1), all markets and lairs shall conform to the standards of planning and construction set out in Schedule 1.

Provision for cleansing and disinfection of markets and lairs

8.—(1) Markets and lairs connected thereto shall be maintained in a good state of repair and shall be cleansed and disinfected as provided in Schedule 2 as soon as possible following the completion of a sale of any livestock and not later than 48 hours after the completion of the said sale. If two sales are to be held within a period of 48 hours the premises shall be so cleansed and disinfected after the completion of the first sale and before the commencement of the second sale.

(2) Lairs at a port or airport shall be cleansed and disinfected as provided in Schedule 2 after any consignment of livestock has been evacuated from the lair and before a further consignment is admitted.

Provision of covered accommodation for calves, dairy cows in milk and swine

9.—(1) Subject to the provisions of Article 11 no person shall keep or permit to be kept a calf, dairy cow in milk or swine in a market or lair otherwise than in accommodation approved under this Article.

(2) Subject to the provisions of Article 11 the market authority of every market in which calves, dairy cows in milk or swine are exposed for sale, and the lairage authority of every lair at a port or airport shall, for the purpose of protecting such animals from unnecessary suffering by exposure to adverse weather including excessive exposure to direct sunlight, provide or cause to be provided for them in the market or lair adequate covered accommodation, with adjustable ventilation, approved by the Department in accordance with the provisions of this Article.

(3) Before giving approval the Department shall be satisfied that the accommodation is adequate in design, construction and extent for the purpose referred to in paragraph 2 and for the number of calves, dairy cows in milk and swine presented for sale in the market or held in the lair at any one time.

Provision of vehicle washing facilities

10. Subject to the provisions of Article 11, a market authority or lairage authority shall, in the interest of disease control, provide in or adjacent to the market or lair facilities in accordance with the standards defined in Schedule 1, and approved by the Department, for the washing and disinfection of vehicles and containers used in transporting animals to and from the market or lair.

Exemption from the provisions of Articles 9 and 10

11. The Department may, where it considers there are exceptional circumstances in the case of a particular market or lair, grant a certificate exempting the market authority or the lairage authority from the requirements of Article 9 or Article 10 or both of those Articles insofar as they relate to that market or lair, for whatever period, not extending beyond 1st December 1977, and subject to such conditions, if any, as may be specified in the certificate, and the Department may revoke such certificate at any time by a notice in writing served on the authority concerned.

Facilities for cleansing footwear

12. Sufficient hydrants with hoses attached, or other suitable facilities approved by the Department, shall be provided by a market authority to enable persons attending the market to cleanse their footwear before leaving the premises. Such facilities shall be situated adjacent to the exit from the market, and adequate drainage for the disposal of water shall be provided.

Notice of approval of markets

13.—(1) The Department may issue to a market authority a notice of approval in writing approving the holding of public sales in the market specified in the said notice and such market shall be then deemed to be an approved market in accordance with the provisions of this Order.

(2) The Department may by letter served on the holder of a notice of approval, cancel the said notice in respect of any market if the said market ceases to be of the standard required by this Order, or if the requirements of this Order relating to the holding of public sales in the market are, in the opinion of the Department, not being fulfilled, and in such event the notice of approval shall cease to be in force from the date specified in the letter of cancellation.

(3) The Department may by letter served on the holder of a notice of approval cancel the said notice if the holder is convicted of any offence under the Movements of Animals (Records) Order (Northern Ireland) 1962(f) or the Movement of Animals (Records) Order (Northern Ireland) 1969(g) and in such event the notice of approval shall cease to be in force from the date specified in the letter of cancellation.

Transitional provision

14. Any notice of approval issued by the Department under Article 6 of the Public Sales (Cattle) Order (Northern Ireland) 1962, and in force immediately before the coming into operation of this Order, shall, notwithstanding the revocation of the aforesaid Order, be deemed to be a valid notice of approval for the purposes of Article 13 of this Order until 1st June 1976.

General conditions

15.—(1) During a sale the animals shall at all times be confined to the market.

(2) Swine shall not be admitted to a market on any day on which a sale of cattle is being held in that market.

(3) The Department may require a market authority to ensure that no animal is admitted to the market unless it is accompanied by a movement permit issued under the Brucellosis Control Order (Northern Ireland) 1972(h), and unless the ear number recorded on the movement permit corresponds with the number on the animal's ear tag.

PART III

APPROVAL OF MARKETS AND ASSEMBLY POINTS FOR INTRA-COMMUNITY TRADE

EEC approved markets

16. The Department may, in respect of an approved market, issue to the holder of the notice of approval an additional notice in writing approving the said market for the purpose of holding public sales of animals intended for intra-Community trade, and such market shall be designated an EEC approved market.

Approved assembly points

17. The Department may issue to the appropriate authority a notice of approval in writing approving any assembly point specified in the said notice for the purpose of collecting animals in the manner and subject to the conditions specified in the appropriate Community instrument governing intra-Community trade in live animals, and such assembly point shall be designated an approved assembly point.

(f) S.R. & O. (N.I.) 1962 No. 100 (p. 424)
(g) S.R. & O. (N.I.) 1969 No. 304 (p. 1367)
(h) S.R. & O. (N.I.) 1972 No. 94 (p. 360)