

STATUTORY INSTRUMENTS

1994 No. 1891 (N.I. 6)

The Agriculture (Miscellaneous Provisions) (Northern Ireland) Order 1994

- - - - - 19th July 1994

Introductory

Title and commencement

1.—(1) This Order may be cited as the Agriculture (Miscellaneous Provisions) (Northern Ireland) Order 1994.

(2) Except as provided by [^{F1}paragraph (4)], this Order shall come into operation on the expiration of two months from the day on which it is made.

(3) Article 12 (sale of animals as pets in street or public place) and the Schedule so far as it relates to the definition of “petshop” in section 12(1) of the 1972 Act shall come into operation on the expiration of six months from the day on which this Order is made.

(4) Article 21 (replacement of provision for compensation for slaughter) and the Schedule so far as it relates to Part II of Schedule 2 to the 1981 Order shall come into operation on such day or days as the Head of the Department may by order appoint.

F1 Words in art. 1(2) substituted (11.7.2011) by [Welfare of Animals Act \(Northern Ireland\) 2011 \(c. 16\)](#), ss. 57(1), 59, [Sch. 4 para. 4](#) (with ss. 1(2), 52(1), 53, 54); S.R. 2011/245, [art. 2](#), Sch. 1

Interpretation

2.—(1) The Interpretation Act (Northern Ireland) 1954^{F2} shall apply to Article 1 and the following provisions of this Order as it applies to a Measure of the Northern Ireland Assembly.

(2) In this Order—

“the Department” means the Department of Agriculture;

“the 1972 Act” means the Welfare of Animals Act (Northern Ireland) 1972^{F3};

“the 1981 Order” means the Diseases of Animals (Northern Ireland) Order 1981^{F4}.

F2 1954 c. 33 (NI)

F3 1972 c. 7 (NI)

F4 1981 NI 22

Changes to legislation: The Agriculture (Miscellaneous Provisions) (Northern Ireland) Order 1994 is up to date with all changes known to be in force on or before 28 March 2022. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

General

Duty of Department to balance interests

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[^{F5}(1)] In discharging its functions in relation to any land the Department shall, so far as is consistent with the proper and efficient discharge of those functions, have regard to and endeavour to achieve a reasonable balance between the following considerations—

- (a) the promotion and maintenance of a stable and efficient agricultural industry;
- (b) the economic and social interest of rural areas;
- (c) the conservation and enhancement of the natural beauty and amenity of the countryside (including its flora and fauna and geological and physiographical features) and of any features of archaeological interest there; and
- (d) the promotion of the enjoyment of the countryside by the public.

[^{F6}(2) Paragraph (1) does not apply in relation to forestry land within the meaning of the Forestry Act (Northern Ireland) 2010.]

F5 Art. 3 renumbered (13.9.2010) as art. 3(1) by Forestry Act (Northern Ireland) 2010 (c. 10), ss. 38(2)(a), 39(1) (with s. 37); S.R. 2010/309, art. 2, Sch.

F6 Art. 3(2) inserted (13.9.2010) by Forestry Act (Northern Ireland) 2010 (c. 10), ss. 38(2)(b), 39(1) (with s. 37); S.R. 2010/309, art. 2, Sch.

Rural development

Grants for rural development

4. The Department may, with the approval of the Department of Finance and Personnel, make grants for the purpose of encouraging rural development.

Suckler cows

Additional grants for persons entitled to Community suckler cow premiums

5.—(1) In this Article “suckler cow premium” and “additional premium” have the same meanings as in paragraph 1 and paragraph 7 of Article 4d of Council Regulation (EEC) No. 805/68

[^{F7}(2) The Department may by regulations made with the consent of the Department of Finance and Personnel make provision for the payment of a grant—

- (a) to any person entitled to receive a suckler cow premium; and
 - (b) of an amount not exceeding the maximum payable by way of an additional premium.
- (3) Regulations under this Article may in particular—
- (a) require applications for a grant to be made within a specified period and at specified times;
 - (b) make provision as to the amount of any grant;
 - (c) make the payment of a grant subject to compliance with conditions, including conditions requiring repayment (or repayment with interest) in specified circumstances;
 - (d) confer powers of entry and inspection and impose requirements as to the keeping, preservation and production of records and other documents for the purpose of verifying entitlement to grants;

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- (e) in connection with any provision made by virtue of sub-paragraph (d) or the making of false statements for the purpose of obtaining a grant create offences punishable on summary conviction with a fine not exceeding level 5 on the standard scale;
 - (f) make such further incidental and supplementary provision as the Department thinks necessary or expedient for the purposes of this Article.
- (4) Regulations under this Article shall be subject to negative resolution.

F7 O.J. No. L148

Contributions and levy in respect of pigs

Abolition of contribution payable on sale of pigs to the Pigs Marketing Board

6. ^{F8}

F8 Art. 6 repealed (1.6.2009) by Public Authorities (Reform) Act (Northern Ireland) 2009 (c. 3), ss. 3(1) (d), 6, 7(1), Sch. 3 (with Sch. 1 Pt. 1 para. 4(3)); S.R. 2009/172, art. 2(c)(e)

Levy on pigs sold for slaughter or exported

7. ^{F9}

F9 Art. 7 repealed (1.6.2009) by Public Authorities (Reform) Act (Northern Ireland) 2009 (c. 3), ss. 3(1) (d), 6, 7(1), Sch. 3 (with Sch. 1 Pt. 1 para. 4(3)); S.R. 2009/172, art. 2(c)(e)

Livestock Marketing Commission renamed

Livestock and Meat Commission

8.—(1) The Livestock Marketing Commission for Northern Ireland established under section 1 of the Livestock Marketing Commission Act (Northern Ireland) 1967^{F10} is renamed the Livestock and Meat Commission for Northern Ireland.

(2) In Part II of Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975^{F11}, for the entry “The Livestock Marketing Commission for Northern Ireland” there shall be substituted—
“The Livestock and Meat Commission for Northern Ireland” .

F10 1967 c. 21 (NI)
F11 1975 c. 25

Loans for fish farming

Repeal of power to make loans for fish farming

9. In section 1(1) of the Fish Industry Act (Northern Ireland) 1972^{F12} (power of Department to make grants or loans for fish farming), the words “or loan” shall cease to have effect.

F12 1972 c. 4 (NI)

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Welfare of animals

Regulations with respect to welfare of livestock

10. ^[F13]In section 2(1) of the 1972 Act (regulations with respect to the welfare of livestock), after paragraph (c) there shall be inserted the following paragraphs—

- “(ca) for prohibiting or regulating the movement of livestock;
- (cb) for requiring such information as may be prescribed to be made available to persons concerned with livestock by such persons as may be prescribed;
- (cc) for ensuring that persons concerned with livestock are aware of any codes under section 3;” .]

F13 Arts. 10-15 repealed (2.4.2012 for the repeal of arts. 13, 15 and otherwise prosp.) by [Welfare of Animals Act \(Northern Ireland\) 2011 \(c. 16\)](#), s. 59, [Sch. 5](#) (with ss. 1(2), 52(1), 53, 54); S.R. 2012/154, art. 2(b), Sch. 2

Extension of Part I of 1972 Act to selling of livestock

11. ^[F13]In section 7 of the 1972 Act (interpretation)—

- (a) in the definition of “agricultural land”, for the words “or keeping” there shall be substituted the words “, keeping or selling”; and
- (b) after the definition of “livestock” there shall be inserted the following definition—
““selling” includes exposing for sale and accommodating before or after selling” .]

F13 Arts. 10-15 repealed (2.4.2012 for the repeal of arts. 13, 15 and otherwise prosp.) by [Welfare of Animals Act \(Northern Ireland\) 2011 \(c. 16\)](#), s. 59, [Sch. 5](#) (with ss. 1(2), 52(1), 53, 54); S.R. 2012/154, art. 2(b), Sch. 2

Sale of animals as pets in street or public place

12.—^[F13](1) In section 10 of the 1972 Act (offences and penalties), after subsection (1) there shall be inserted the following subsection—

“(1A) Any person who carries on a business of selling animals as pets in a street or public place, or from a vehicle, stall or barrow, shall be guilty of an offence.” .

(2) For subsection (2) of that section (penalties) there shall be substituted the following subsection—

“(2) Any person guilty of an offence under subsection (1)(a), (b) or (c) or subsection (1A) shall be liable on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding level 4 on the standard scale or to both, and any person guilty of an offence under subsection (1)(d) shall be liable on summary conviction to a fine not exceeding level 2 on the standard scale.” .

(3) In section 12(1) of that Act (interpretation), in the definition of “petshop”, the words “structure (whether moveable or not), vehicle, cart or barrow” shall cease to have effect.]

F13 Arts. 10-15 repealed (2.4.2012 for the repeal of arts. 13, 15 and otherwise prosp.) by [Welfare of Animals Act \(Northern Ireland\) 2011 \(c. 16\)](#), s. 59, [Sch. 5](#) (with ss. 1(2), 52(1), 53, 54); S.R. 2012/154, art. 2(b), Sch. 2

Power to extend provisions of Part II of 1972 Act to livery establishments, etc.

^{F13}13.

F13 Arts. 10-15 repealed (2.4.2012 for the repeal of arts. 13, 15 and otherwise prosp.) by [Welfare of Animals Act \(Northern Ireland\) 2011 \(c. 16\)](#), s. 59, **Sch. 5** (with ss. 1(2), 52(1), 53, 54); S.R. 2012/154, art. 2(b), Sch. 2

Restriction of definition of “zoological establishment”

14.—^{F13}(1) In section 12(1) of the 1972 Act (interpretation), in the definition of “zoological establishment”, before the word “animals” there shall be inserted the word “wild”.

(2) In consequence of paragraph (1), at the end of the definition of “animal” in that subsection there shall be added the words “and “wild animal” means an animal not normally domesticated in Northern Ireland;”.]

F13 Arts. 10-15 repealed (2.4.2012 for the repeal of arts. 13, 15 and otherwise prosp.) by [Welfare of Animals Act \(Northern Ireland\) 2011 \(c. 16\)](#), s. 59, **Sch. 5** (with ss. 1(2), 52(1), 53, 54); S.R. 2012/154, art. 2(b), Sch. 2

Increase of fine for offences of cruelty

^{F13}15.

F13 Arts. 10-15 repealed (2.4.2012 for the repeal of arts. 13, 15 and otherwise prosp.) by [Welfare of Animals Act \(Northern Ireland\) 2011 \(c. 16\)](#), s. 59, **Sch. 5** (with ss. 1(2), 52(1), 53, 54); S.R. 2012/154, art. 2(b), Sch. 2

Art. 16 rep. by 1999 NI 6

Artificial reproduction of animals

Advertisements

17. In Article 5 of the Artificial Reproduction of Animals (Northern Ireland) Order 1975^{F14} (regulations for controlling the practice of artificial reproduction of animals), at the end of paragraph (2) there shall be added the following words—

“and

(d) make provision in respect of advertisements in connection with the artificial reproduction of animals.” .

F14 1975 NI 17

Fees for licences

18.—(1) In Article 5 of the Artificial Reproduction of Animals (Northern Ireland) Order 1975 (control of artificial reproduction), after paragraph (3) there shall be inserted the following paragraph—

“(3A) A licence under this Article may be granted by the Department on payment of such fee as the Department may determine.” .