1972. No. 90 **[C]**

AGRICULTURAL MARKETING

Movement of Pigs

REGULATIONS, DATED 27TH MARCH 1972, MADE BY THE MINISTRY OF AGRICULTURE UNDER SECTION 17(1) OF THE AGRICULTURAL MARKETING ACT (NORTHERN IRELAND) 1964(a) AS AMENDED BY SECTION 9 OF THE AGRICULTURE (MISCELLANEOUS PROVISIONS) ACT (NORTHERN IRELAND) 1970(b).

The Ministry of Agriculture, in exercise of the powers conferred by Section 17(1) of the Agricultural Marketing Act (Northern Ireland) 1964 as amended by Section 9 of the Agriculture (Miscellaneous Provisions) Act (Northern Ireland) 1970 and all other powers thereunto it enabling, hereby makes the following regulations:—

Citation and commencement

1. These regulations, which may be cited as the Movement of Pigs Regulations (Northern Ireland) 1972, shall come into operation on 1st May 1972.

Interpretation

2. In these regulations:—

"authorised person" means any person authorised in writing by the Pigs Marketing Board (Northern Ireland) to exercise powers under these regulations (including, with the approval of the Ministry, any officer of the Ministry) and shall be deemed to include any member of the Royal Ulster Constabulary or a Reserve Constable on full time police duty;

"bacon pigs" has the meaning assigned to it by Article 2 of the Pigs Marketing Scheme (Northern Ireland) 1933(c);

"the Board" means the Pigs Marketing Board (Northern Ireland).

Prohibition of movement

3. A person shall not move pigs from any land or premises if the movement of such pigs has been prohibited by a notice served by an authorised person under regulation 5(*a*).

Transportation of bacon pigs

4.—(1) Subject to the provisions of these regulations not more than two bacon pigs shall be transported in any vehicle unless they are being transported by or on behalf of a producer to a purchasing centre operated by the Board.

(2) The person in charge of a vehicle in which more than two bacon pigs are being transported to a purchasing centre as aforesaid shall have in his possession a document issued by the Board being either:—

(*a*) a notification to the producer acknowledging receipt by the Board of that producer's entry for sale to the Board of the number of pigs stated

(a) 1964. c. 13 (N.I.). (b) 1970. c. 20 (N.I.).
(c) S.R. & O. (N.I.) 1933, No. 93.

therein, and advising the producer of the date on which, and the purchasing centre to which, such pigs should be delivered; or

(*b*) in the case of pigs being transported by a haulier, a notification to that haulier advising him that the producer named on the said notification wishes him to collect the number of pigs stated therein for delivery, in the week during which the pigs are being transported, to a purchasing centre operated by the Board.

(3) The number of bacon pigs transported in a vehicle shall not exceed the aggregate number of pigs specified in the notification or notifications of the kind mentioned in paragraph (2) (*a*) or (*b*) which the person in charge of the vehicle has in his possession.

Powers of authorised persons

5. An authorised person may do all or any of the following, that is to say:—

(*a*) serve a notice on the occupier of any land or premises in which there are pigs prohibiting for a period stated therein not exceeding twenty-four hours the movement of pigs from any such land or premises;

(*b*) halt any vehicle suspected to contain pigs;

(*c*) inspect the vehicle and any pigs which are being carried in it;

(*d*) require the person in charge of the vehicle to produce any document such as is mentioned in regulation 4, or any movement permit such as is mentioned in regulation 10 and may inspect and detain any such document or permit;

(*e*) require the vehicle to be taken to the nearest suitable and available weighing equipment and the pigs to be unloaded from the vehicle and weighed, or require the person in charge of the vehicle to have it check-weighed;

(*f*) require the person in charge of the vehicle to state the name and address of the owner of the pigs, the address to which they are being moved and, where the pigs have been sold, the name and address of the seller;

(*g*) apply or cause to be applied to any bacon pig being transported in any vehicle a mark identifying it as such;

(*h*) seize and detain any pig being, or which has been, moved or which is suspected of being, or having been, moved in contravention of these regulations, and any vehicle, container or thing in which any such pig is being, or is suspected of having been, carried or handled.

Seizures and detentions

6.—(1) Where any pig, vehicle, container or thing has been seized and detained under regulation 5(*h*) the following procedures shall be followed:—

(*a*) the authorised person shall within forty-eight hours of the time of seizure cause a notice (hereinafter called a "seizure notice") to be displayed at a police station in the same petty sessions district as the place of seizure;

(*b*) the Board shall within fourteen days of the date of seizure cause the seizure notice to be published once in the Belfast Gazette.

The seizure notice shall be in the form set out in the First Schedule where pigs are seized, or in the form set out in the Second Schedule where a vehicle, container or thing is seized.

(2) At the hearing of any proceedings for forfeiture the affidavit of a constable at the police station at which the seizure notice was displayed shall be

received in evidence by the Court and shall be sufficient proof of the display thereof, in compliance with these regulations, unless the contrary is proved.

Forfeitures

7.—(1) Any pig, vehicle, container or thing seized under regulation 5(*h*) may be detained for a period of twenty-one days from the date of seizure or ten days from the publication of a seizure notice in the Belfast Gazette, whichever period last terminates, and at the end of such period shall, unless a notice of claim as provided in paragraphs (2) and (3) has been received in respect thereof in accordance with paragraph (2) or a person has been charged with an offence under Section 17(4A) of the Agricultural Marketing Act ((Northern Ireland) 1964 in relation to it, be forfeited.

(2) Where within twenty-one days of the date of seizure or ten days from the publication of a seizure notice in the Belfast Gazette, whichever period last terminates, a notice in writing in accordance with the provisions in that behalf set out in the seizure notice is received by the Board from a person (hereinafter called a "claimant") that he claims:—

(*a*) as regards any such pig, that it was at the time of seizure his property and that it was not being moved in contravention of these regulations; or

(*b*) as regards any such vehicle, container or thing, that it was at the time of seizure his property and that it was not used for the carriage or handling of bacon pigs in contravention of these regulations;

the forfeiture of the things seized shall not be effected under this regulation except by an order made by a Court of Summary Jurisdiction on the application of the Board.

(3) Each notice served by a claimant under paragraph (2) shall specify the name and address of the claimant, and, where the claimant is outside Northern Ireland, the name and place of business of a solicitor in Northern Ireland who is authorised to accept service of proceedings and to act on behalf of the claimant.

(4) If the Board admits a claim made in accordance with paragraph (2) or if proceedings for forfeiture under paragraph (2) having been taken, the Court makes no order in respect thereof then:—

(*a*) the pigs shall be returned or, if they have been dealt with by the Board as though they had been purchased from the owner in accordance with paragraph (*a*) of regulation 8, the amount which the Board would have paid for them if they had been so purchased at the date of seizure shall be paid to the claimant and that return or payment to the claimant shall relieve the Board and any person acting on its behalf under these regulations from all liability to the claimant or any other person in respect of the seizure or sale of the pigs;

(*b*) the vehicle, container or thing shall be returned, or if such vehicle, container or thing has been delivered to the claimant in accordance with paragraph (*b*) of regulation 8, the amount paid by the claimant in accordance with that regulation shall be repaid and such return or delivery and repayment to the claimant shall relieve the Board and any person acting on its behalf under these regulations from all liability to the claimant or to any other person in respect of the seizure of the said vehicle, container or thing.

(5) Notwithstanding anything contained in the foregoing provisions of these regulations, where any pig, vehicle, container or thing has been forfeited under these regulations the Board may at its discretion return it or, if any pig has been