

2013 No. 29

ANIMALS

Disease Control (Standstill) Order (Northern Ireland) 2013

Made - - - - *12th February 2013*

Coming into operation - *4th March 2013*

The Department of Agriculture and Rural Development^(a), in exercise of the powers conferred by Articles 5(1), 19, 44 and 60(1) of the Diseases of Animals (Northern Ireland) Order 1981^(b), makes the following Order.

PART 1

INTRODUCTION

Citation and commencement

1. This Order may be cited as the Disease Control (Standstill) Order (Northern Ireland) 2013, and shall come into operation on 4th March 2013.

Interpretation and application

2.—(1) In this Order—

“animal” means any livestock, deer, llama or alpaca;

“general licence” means a licence issued under this Order which applies to all persons, or any class of persons, specified therein;

“holding” means any establishment, construction or, in the case of an open-air farm, place (including land with or without buildings) occupied by the same person and in which animals are held, kept or handled;

“livestock” means any bovine animal (excluding bison and yak), goat, pig or sheep; and

“specific licence” means a licence issued under this Order which only applies to the person named in the licence.

(2) The provisions of this Order are without prejudice to the requirements or prohibitions imposed by or under any other statutory provision relating to the movement of animals.

(a) Formerly the Department of Agriculture for Northern Ireland; see the Departments (Northern Ireland) Order 1999 (S.I. 1999/283 (N.I. 1)) Article 3(4)

(b) 1981/1115 (N.I. 22); Articles 5(1) and 19 were amended by Article 17 of the Agriculture (Miscellaneous Provisions) (Northern Ireland) Order 1984, S.I.1984/702 (N.I. 2), by Article 23(2) of the Agriculture (Miscellaneous Provisions) Order 1994, S.I.1994/1891 (N.I.6) and by sections 8 and 14 of the Diseases of Animals Act (Northern Ireland) 2010 (2010 c.1 (N.I.)); Article 60(1) was substituted by Article 23(1) of the Agriculture (Miscellaneous Provisions) (Northern Ireland) Order 1994

Exception

3. This Order shall not apply in relation to the movement of an animal to or from a zoo licensed under the Welfare of Animals Act (Northern Ireland) 2011(a).

PART 2

MOVEMENT RESTRICTIONS

Requirement for a licence to move animals

4. A person shall not move or cause or permit to be moved an animal from any holding except under and in accordance with the conditions of a licence issued by the Department.

Restriction on the movement of livestock

5. A person shall not, except under and in accordance with the conditions of a licence issued by the Department, move or cause or permit to be moved any livestock from a holding if any animal has been moved on to that holding during the previous 13 days.

Change of occupation of premises

6.—(1) Where, on the termination of his right of occupation of any premises, the owner of any animal on those premises is unable to remove it from those premises by reason of any restriction imposed by or under this Order, the person entitled to the occupation of those premises shall—

- (a) afford the owner of that animal and any person authorised by him for the purpose, all such facilities as may be necessary for feeding, tending or otherwise using that animal (including selling it) as the owner may reasonably require; or
- (b) where the owner of that animal is unable or unwilling to avail themselves of such facilities, take all such steps as may be necessary to ensure that the animal is properly fed, tended and kept.

(2) The provisions of paragraph (1) shall continue to apply until the expiry of a period of 7 days from the date on which any restriction on the movement of the animal off the premises ceases to apply under this Order and the owner of the animal shall be liable to pay to the person who affords any facilities or feeds, tends or otherwise keeps that animal, in accordance with those provisions, such sums by way of remuneration and reimbursement of expenses as may be just and reasonable in all the circumstances.

PART 3

LICENCES AND NOTICES

Licences

7.—(1) A licence under this Order shall be in writing, may be subject to conditions and may be either a general licence or a specific licence.

(2) The Department may vary, suspend or revoke any licence under this Order—

- (a) in the case of a general licence, by a notice, published, so far as is practicable, in the same manner and to the same extent as the licence; and
- (b) in the case of a specific licence, by a notice served on the person to whom the licence was issued.

(a) 2011 c. 16

(3) An animal which is moved under the authority of a licence under this Order shall be kept separate throughout such movement from any animal which is not being moved under the authority of that licence.

General licences

8. A general licence shall be issued by the publication of it in such manner and to such extent as appears to the Department to be sufficient to bring it to the attention of those persons likely to be affected by it.

Notices prohibiting movement under a general licence

9.—(1) Where a general licence has been issued, the Department may—

- (a) vary, suspend or revoke the licence in so far as it applies to any person specified in the notice mentioned in Article 7(2)(a);
- (b) by notice served in accordance with paragraph (2) prohibit any person specified in the notice from moving an animal under the authority of that licence either generally or to or from any premises specified in the notice; or
- (c) by notice served and published in accordance with paragraph (3) prohibit the movement under the authority of that licence of an animal to or from any premises specified in the notice.

(2) A notice issued under paragraph (1)(b) shall be served on the person prohibited from moving animals by the notice and on the occupier of any premises individually named in the notice.

(3) A notice issued under paragraph (1)(c) shall be served on the occupier of each of the premises specified in the notice and published in any other way that the Department thinks fit to draw the notice to the attention of any person affected by it.

Specific licences

10.—(1) An animal moved under the authority of a specific licence shall be—

- (a) moved by the most direct route available to the place of destination specified in the licence; and
- (b) accompanied throughout the movement by the licence.

(2) The person in charge of any animal moved under a specific licence shall, on demand made by an inspector or a member of the Police Service of Northern Ireland—

- (a) produce the licence and allow a copy or an extract therefrom to be taken; and
- (b) if so required, furnish his name and address.

(3) Where any animal is moved under the authority of a specific licence, then, unless the licence provides otherwise, the occupier of the premises to which it is moved shall—

- (a) ensure that he or his representative is given the licence before allowing the animal to be unloaded; and
- (b) retain the licence for 3 years and, during that period, produce it to an inspector on demand.

PART 4
MISCELLANEOUS

Action in case of default

11. Where a person fails to comply with any requirements imposed on him or her under this Order or by virtue of any licence issued under it, an inspector may, without prejudice to any proceedings arising out of such default, carry out or cause to be carried out those requirements.

Cleansing and disinfection

12. Where an animal is moved under the authority of a licence issued under this Order, the occupier of the premises to which it is moved shall provide adequate facilities, equipment and materials for any cleansing and disinfection required by the licence.

Revocation

13. The Disease Control (Standstill) Order (Northern Ireland) 2004(a) is revoked.

Sealed with the Official Seal of the Department of Agriculture and Rural Development on 12th February 2013



C McMaster

A senior officer of the Department of Agriculture and Rural Development

(a) S.R. 2004 No. 492

EXPLANATORY NOTE

(This note is not part of the Order)

This Order revokes and remakes in part the Disease Control (Standstill) Order (Northern Ireland) 2004 and provides for controls on the movement of animals to or from a holding.

Article 4 provides that an animal may not be moved from a holding except under and in accordance with the conditions of a licence issued by the Department of Agriculture and Rural Development.

Article 5 provides that livestock may not be moved from a holding, except under licence, if an animal has been moved on to that holding in the previous 13 days.

Article 6 sets out requirements where there is a change of occupation of premises during movement restrictions imposed by or under this Order.

Articles 7 to 10 make provision for the issue, variation, suspension and revocation of licences.

Article 11 enables an inspector, in a case of default, to carry out any requirements imposed under this Order or by virtue of any licence issued under it.

Article 12 provides that where animals are moved under a licence issued under this Order, the occupier of premises to which they are moved, shall provide facilities for any cleansing and disinfection required by the licence.

Article 13 revokes the Disease Control (Standstill) Order (Northern Ireland) 2004.

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