



2010 CHAPTER 1

General

Biosecurity guidance

7. After Article 4 of the 1981 Order insert—

“Biosecurity guidance

4A.—(1) The Department shall prepare guidance on the appropriate biosecurity measures to be taken in relation to any disease specified by order of the Department.

(2) After preparing a draft of the guidance the Department—

- (a) shall send a copy of the draft to such persons and organisations as it thinks are representative of those having an interest in biosecurity measures;
- (b) shall consider any representations made to it about the draft by such persons and organisations;
- (c) may amend the draft accordingly.

(3) After the Department has proceeded under paragraph (2) it shall publish the guidance in such manner as it thinks appropriate.

(4) The Department shall from time to time review the guidance and if it thinks it appropriate revise the guidance.

(5) Subject to paragraph (6), paragraphs (1) to (3) apply to a revision of the guidance as they apply to its preparation.

(6) If the Department thinks that it is necessary to revise the guidance urgently it may publish revised guidance without proceeding under paragraph (2).

(7) Biosecurity measures are measures taken to prevent the spread of causative agents of disease.

(8) In paragraph (7), “causative agent” includes any virus, bacterium and any other organism or infectious substance or particle which may cause or transmit disease.

(9) It is immaterial that anything done for the purposes of paragraphs (1) to (3) is done before the coming into operation of section 7 of the Diseases of Animals Act (Northern Ireland) 2010.

Biosecurity compliance

4B.—(1) If a person to whom paragraph (2) applies fails to comply with guidance which has been published under Article 4A(3) and has not been withdrawn, that person is not by reason only of that failure liable in any civil or criminal proceedings but the guidance is admissible in evidence in such proceedings and a court may take account of any failure to act in accordance with it in deciding any question in the proceedings.

(2) This paragraph applies to—

- (a) any person having functions under this Order;
- (b) any person who is the owner or occupier of premises on which animals or poultry are kept;
- (c) any person who is the owner of, or has charge of, animals or poultry;
- (d) any person who is under the direction or control of a person mentioned in sub-paragraphs (a) to (c).

(3) The Department may by order prescribe the circumstances in which it may withhold, either wholly or partly, compensation or any other payment in respect of an animal slaughtered under this Order where—

- (a) the slaughter has been necessitated by brucellosis;
- (b) guidance relating to brucellosis has been published under Article 4A(3) and has not been withdrawn; and
- (c) the owner or person having charge of the animal has failed to comply with the guidance.”.