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STATUTORY INSTRUMENTS

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1975 No. 1307 (N.I. 12)

NORTHERN IRELAND

**The Diseases of Animals (Amendment) (Northern Ireland)  
Order 1975**

*Laid before Parliament in draft*

*Made* 6th August 1975

*Coming into Operation* 20th August 1975

At the Court at Buckingham Palace, the 6th day of August 1975

Present,

The Queen's Most Excellent Majesty in Council

Whereas a draft of this Order has been approved by a resolution of each House of Parliament:

Now, therefore, Her Majesty, in exercise of the powers conferred by paragraph 1 of Schedule 1 to the Northern Ireland Act 1974 (a) and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

*Title and commencement*

1. This Order may be cited as the Diseases of Animals (Amendment) (Northern Ireland) Order 1975 and shall come into operation on the fourteenth day after the day on which it is made.

*Interpretation*

2.—(1) The Interpretation Act (Northern Ireland) 1954 (b) 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 Act” means the Diseases of Animals Act (Northern Ireland) 1958 (c).

*Extension of import controls*

3.—(1) In section 18 (1) of the Act for the words from “the landing” to the end of the subsection there shall be substituted the words—

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(a) 1974 c. 28.

(b) 1954 c. 33 (N.I.).

(c) 1958 c. 13 (N.I.).

“or regulating the importation of—

(a) animals, poultry, carcasses and eggs, and

(b) other things, whether animate or inanimate, by or by means of which it appears to the Department that any disease might be carried or transmitted.”

(2) In section 23 (1) of the Act—

(a) for the words from “imported” to “other things” there shall be substituted the words—

“(i) imported animals and carcasses; and

(ii) other imported things, whether animate or inanimate, by or by means of which it appears to the Department that any disease might be carried or transmitted; and

(iii) persons, animals, poultry and other things, whether animate or inanimate, which have been or may have been in contact with such imported animals, carcasses or other things;”;

(b) after paragraph (c) there shall be added the following paragraph:—

“(ca) for enabling—

(i) the detention on board any vessel, hovercraft, aircraft or vehicle of any other description of any consignment the landing of which would contravene an order of the Department; and

(ii) the export of any such consignment or the export, treatment or destruction of any other consignment which has been landed in contravention of an order of the Department;”.

(3) For section 41 (4) of the Act there shall be substituted the following subsection:—

“(4) For the purpose of ascertaining whether the provisions of this Act or any order of the Department have been or are being complied with, an inspector may at any time enter any pen, vessel, boat, hovercraft, aircraft or vehicle of any other description.”.

(4) After section 45 of the Act there shall be added the following section:—

**“Prohibition on possession of illegal imports. 45A.—**(1) If any person has in his possession any thing which has been imported in contravention of an order of the Department he shall be guilty of an offence against this Act.

(2) Where a person is charged with an offence under subsection (1) and he satisfies the court that he had no reason to suppose the thing to have been unlawfully imported, and that he took all reasonable precautions and exercised all due diligence to avoid the commission of such an offence, the charge against that person shall be dismissed.”.

(5) The Department may make such further or other provision under Part III of Schedule 3 to the Act as the Department thinks necessary or expedient with regard to animals or poultry which are suspected of being diseased, which have been in contact with diseased stock or which have not passed disease tests, and accordingly in that Part for the words from the beginning to “expedient” there shall be substituted the words—

“1. The Department may by order make such further or other provision as the Department thinks necessary or expedient with regard to animals or poultry which, while in a landing place or quarantine station—

- (a) are found to be affected with disease; or
- (b) are suspected of being diseased; or
- (c) are found to have been in contact with diseased stock; or
- (d) do not pass disease tests;”.

*Prevention of disease*

4. After section 5 (g) of the Act there shall be added the following paragraphs:—

- “(ga) for prescribing and regulating the use and distribution of any thing, whether animate or inanimate, by or by means of which it appears to the Department that any disease might be carried or transmitted;
- (gb) for prohibiting or regulating the collection, holding or processing of animal or poultry carcasses or of animal or poultry products or any thing, whether animate or inanimate, which has been in contact with such carcasses or products;”.

*Records and returns*

5. After section 40 of the Act there shall be added the following sections:—

“Records and returns. **40A.** The Department may by order require any owner of animals or poultry and any person engaged in the purchase, sale, dispatch, transit or delivery of animals, poultry or the products of animals or poultry—

- (a) to keep such records and retain such documents as may be specified in the order; and
- (b) to furnish to the Department such information and returns as may be so specified; and
- (c) to permit an inspector to inspect and take extracts from such records and documents.

Seizure of records.

**40B.**—(1) For the purpose of inspecting records and documents under section 40A (c) an inspector may, at any time, enter any premises and seize and detain any such records and documents found therein.

(2) A power of entry under subsection (1) shall not be exercisable except—

- (a) with the consent given by or on behalf of the occupier of the premises; or
- (b) after at least twenty-four hours’ notice of the entry has been served on the occupier of the premises; or
- (c) under the authority of a warrant granted under subsection (3).

(3) Where a justice of the peace is satisfied by complaint on oath—

- (a) that admission to premises is reasonably required for the purpose specified in the complaint; and
- (b) that an authorised person would, apart from subsection (2), be entitled for that purpose to exercise in respect of the premises a power of entry under subsection (1); and

(c) that—

- (i) admission to the premises has been refused, or that a refusal is apprehended, and (in either case) that notice of the intention to apply for a warrant has been served on the occupier; or
- (ii) the requirements of subsection (2) (b) have been complied with; or
- (iii) an application for admission, or the serving of a notice under subsection (2) (b), would defeat the object of the entry;

he may issue a warrant under his hand authorising an inspector to enter the premises, by force if necessary.

(4) A warrant granted under this section shall continue in force for a period of one month.

(5) Where an inspector seizes any records or documents under subsection (1), he shall inform the person from whom they are seized.

(6) Where, in pursuance of a power of entry under subsection (1), entry is made on any premises by an inspector, he shall ensure that the premises are not left less secure by reason of the entry, and the Department shall make good or pay compensation for any damage caused by the inspector in entering the premises, in carrying out any inspection or in making the premises secure.

(7) Any question of disputed compensation under this section shall be referred to and determined by the Lands Tribunal.”

*Cesser of compensation payments*

6.—(1) The provisions of the Act relating to compensation or other payments in respect of animals compulsorily slaughtered shall not apply to animals which while in a quarantine station are found to be affected with disease, or to have been in contact with diseased stock, or are suspected of being diseased, except where the Department is satisfied that such slaughter was necessary due to the existence of disease which originated from a source unconnected with the animals in the quarantine station.

(2) In consequence of paragraph (1), in Part II of Schedule 3 to the Act—

- (a) in paragraph 5 for the words from “slaughter” to “so slaughtered” there shall be substituted the words “slaughter in the case of existence or suspicion of disease or in the case of contact with diseased stock”;
- (b) after paragraph 5 there shall be added the following paragraph:—

“5A. The provisions of the Act relating to compensation or other payments in respect of animals compulsorily slaughtered shall not apply to animals which while in a quarantine station are found to be affected with disease, or to have been in contact with diseased stock, or are suspected of being diseased, except where the Department is satisfied that such slaughter was necessary due to the existence of disease which originated from a source unconnected with the animals in the quarantine station.”

*Cesser of payments to district councils*

7. The Department of Agriculture shall cease to be liable to make any payments under section 12 (1) of the Administrative Provisions Act (Northern Ireland) 1926 (a) (reimbursement of one-half of any money paid by district councils for remuneration, expenses or allowances in accordance with the

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(a) 1926 c. 4 (N.I.).

Diseases of Animals Acts) and accordingly section 12 (1) shall cease to have effect.

*Amendments and repeals*

8.—(1) The provisions of the Act set out in Schedule 1 shall have effect subject to the amendments specified in that Schedule.

(2) The enactments set out in Schedule 2 are hereby repealed to the extent specified in column 3 of that Schedule.

*N. E. Leigh*

SCHEDULES

SCHEDULE 1

Article 8 (1).

AMENDMENTS

1. In section 8 of the Act—
  - (a) in paragraph (d) for the words from “, fodder” to “other things” substitute “or other things, whether animate or inanimate”;
  - (b) in paragraph (e) for the words from “, fodder” to “other things” substitute “or other things, whether animate or inanimate”.
2. In section 13 (1) of the Act—
  - (a) in paragraph (b) for “of dung or other thing” substitute “other things, whether animate or inanimate,”;
  - (b) in paragraph (e) for the words from “, fodder” to “other things” substitute “or other things, whether animate or inanimate”.
3. In section 18 (2) of the Act for “landing” substitute “importation”.
4. In section 23 (1) of the Act—
  - (a) in paragraph (g) for the words from “fodder” to “other things” substitute “or other things, whether animate or inanimate,”;
  - (b) in paragraph (m) for “fodder, litter, dung or other thing” substitute “or other things, whether animate or inanimate,”.
5. In section 46 (1) (c) of the Act for the words from “fodder” to “birds” substitute “or other inanimate things”.
6. In Part III of Schedule 3 to the Act after paragraph 1 add—
  - “2. In this Schedule, a “quarantine station” means—
    - (a) premises or accommodation approved by the Department for quarantine purposes; and
    - (b) premises or accommodation approved by the Department for the holding of animals for a further period of isolation following release from premises or accommodation such as is mentioned in sub-paragraph (a).”.

Article 8 (2).

SCHEDULE 2

REPEALS

Chapter	Short Title	Extent of Repeal
16 & 17 Geo. 5 c. 4.	The Administrative Provisions Act (Northern Ireland) 1926.	Section 12 (1).
1953 c. 16.	The Diseases of Animals Acts (Amendment) Act (Northern Ireland) 1953.	The whole Act.
1958 c. 13.	The Diseases of Animals Act (Northern Ireland) 1958.	In section 33 (1) the words from the beginning to "this Act" in the second place where they occur; and the words "that Act, so far as it relates to diseases of animals, or of".  In Schedule 3, in Part II, — in paragraph 3 the words "premises or accommodation approved by the Department for quarantine purposes and to be called"; in paragraph 5 the words "subject to paragraph 7"; paragraph 7.
1965 c. 3.	The Agriculture (Miscellaneous Provisions) Act (Northern Ireland) 1965.	In section 15 the words "the word "shall" there shall be inserted the words ", subject to paragraph 7," and after"; and the words from "7. The compensation" to the end of the section.

## EXPLANATORY NOTE

*(This Note is not part of the Order.)*

This Order extends the powers of import control under the Diseases of Animals Act (Northern Ireland) 1958. The Order also provides power to control the collection, holding and processing of animal and poultry carcasses and products and provides for the keeping of records by owners of, or persons dealing with, animals, poultry or their products. The Order amends the law regarding the payment of compensation for animals compulsorily slaughtered in quarantine and removes certain financial obligations of the Department of Agriculture for Northern Ireland in respect of expenditure incurred by district councils in connection with the Act of 1958.

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