
STATUTORY INSTRUMENTS

1981 No. 1115

The Diseases of Animals (Northern Ireland) Order 1981

PART IV

MISCELLANEOUS AND GENERAL

Offences and legal proceedings

Offences

52.—(1) Any person who without lawful authority or excuse, proof of which shall lie on him,—

- (a) contravenes any provision of this Order, or of an order of the Department; or
- (b) refuses to an inspector or other officer, acting in execution of this Order or of an order of the Department, admission to any [^{F1}premises] which the inspector or officer is entitled to enter or examine, or obstructs or impedes him in so entering or examining, or otherwise in any respect obstructs or impedes an inspector or constable or other officer in the execution of his duty, or
- (c) in purported compliance with a requirement to furnish information which is imposed on him under Article 7, knowingly or recklessly furnishes information which is false in a material particular, or
- (d) throws or places, or causes or suffers to be thrown or placed, into or in any river, stream, canal, navigation or other water, or into or in the sea within 4.8 kilometres of the shore, the carcass of an animal or bird which has died of disease, or been slaughtered as diseased or suspected,

shall be guilty of an offence against this Order.

(2) Subject to Article 54, any person who—

- (a) has in his possession any thing which has been imported in contravention of an order of the Department, or
- [^{F2}(aa) has in his possession any animal or poultry which is marked in contravention of an order of the Department or any other thing which is specified by order of the Department for the purposes of this sub-paragraph, or]
- (b) with intent unlawfully to evade this Order or an order of the Department, does anything for which a licence is requisite under this Order or an order of the Department without having obtained a licence, or
- (c) where a licence is requisite, having obtained a licence with the like intent, does the thing licensed after the licence has expired, or
- (d) uses or offers as such a licence an instrument not being a complete licence, or an instrument untruly purporting or appearing to be a licence, or
- (e) with intent unlawfully to evade this Order or an order of the Department, alters, falsely makes, ante-dates, counterfeits, offers or utters, knowing the same to be altered, falsely

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made, ante-dated or counterfeited, a licence, declaration, certificate, or instrument made or issued, or purporting to be made or issued, under or for any purpose of this Order or of an order of the Department, or

- (f) for the purpose of obtaining a licence, certificate, or instrument, makes a declaration or statement false in any material particular, or
- (g) obtains or endeavours to obtain such a licence, certificate, or instrument by means of a false pretence, or
- (h) grants or issues such a licence, certificate, or instrument, being false in any date or other material particular, or
- (i) grants or issues such a licence, certificate, or instrument, having and knowing that he has, no lawful authority to grant or issue the same, or
- (j) with intent unlawfully to evade or defeat this Order or an order of the Department, grants or issues an instrument being in form a licence, certificate, or instrument made or issued under this Order or an order of the Department for permitting or regulating the movement of a particular animal or bird, or the doing of any other particular thing, but being issued in blank, that is to say, not being before the issue filled up so as to specify any particular animal, bird or thing, or
- (k) uses or offers for any purpose of this Order or of an order of the Department, an instrument so issued in blank, or

Sub#para. (l) rep. by SR 2003/495

- (m) where the Department has by order prohibited, absolutely or conditionally, the use for the carrying of animals, or for any purpose connected with the carrying of animals, of a vessel, aircraft, vehicle or pen, or other place, without lawful authority or excuse, proof of which shall lie on him, does anything so prohibited, or
- (n) in any record or return required under this Order to be kept or made by him, or in any application for compensation made by him in pursuance of a scheme under Article 8, makes any statement which is false in a material respect,

shall be guilty of an offence against this Order.

(3) Subject to [F³paragraphs (5) to (8)], a person guilty of an offence against this Order shall be liable on summary conviction—

- (a) to a fine—
 - (i) not exceeding[F⁴ level 5 on the standard scale]; or
 - (ii) in the case of an offence committed with respect to more than five animals or birds, not exceeding[F⁴ level 3 on the standard scale] for each animal or bird; or
 - (iii) in the case of an offence committed in relation to carcasses or other inanimate things, not exceeding[F⁴ level 5 on the standard scale] together with a further fine not exceeding[F⁴ level 3 on the standard scale] in respect of every 508 kilogrammes in weight of the carcasses or other things after the first 508 kilogrammes; or
- (b) in the case of an offence under paragraph (2) (b) to (n), to imprisonment for a term not exceeding two months.

(4) Where a person is convicted of an offence under sub-paragraphs (a), (b), (c) or (d) of paragraph (1) and is guilty of an offence against that sub-paragraph within one year after the conviction he shall be guilty of a further offence and shall be liable either to the fine mentioned in paragraph (3) (a) or to imprisonment for a term not exceeding one month.

(5) [F²A person guilty of an offence against this Order by reason of the contravention of any provision in Article 24, 29 or 30 or any order made under any such provision] shall be liable—

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- (a) on summary conviction, to the fine mentioned in paragraph (3) (a); or
- (b) on conviction on indictment, to imprisonment for a term not exceeding twelve months, or to a fine or both.

(6) A person guilty of an offence against this Order which is declared to be such by an order made under this Order and expressed to be made for the purpose of preventing the introduction or spreading of rabies into or within Northern Ireland shall, if that order so directs, be liable on summary conviction to a fine not exceeding^[F4] level 5 on the standard scale].

^[F5](7) A person guilty of an offence under Article 5A shall be liable—

- (a) on summary conviction, to imprisonment for a term not exceeding six months or to a fine not exceeding the statutory maximum or to both;
- (b) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine or to both.]

^[F6](8) A person who—

- (a) fails to give his name and address when required to do so under Article 46C(4); or
- (b) gives a false or inaccurate name or address in response to a requirement under that Article,

shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.]

- F1** Word in [art. 52\(1\)\(b\)](#) substituted (12.3.2010) by [Diseases of Animals Act \(Northern Ireland\) 2010](#) (c. 1), [ss. 4\(4\)](#), 22(1); S.R. 2010/70, [art. 2](#)
- F2** [1984 NI 2](#)
- F3** Words in [art. 52\(3\)](#) substituted (12.3.2010) by [Diseases of Animals Act \(Northern Ireland\) 2010](#) (c. 1), [ss. 21\(1\)](#), 22(1), [Sch. 2 para. 3](#); S.R. 2010/70, [art. 2](#)
- F4** [1984 NI 3](#)
- F5** [Art. 52\(7\)](#) added (12.3.2010) by [Diseases of Animals Act \(Northern Ireland\) 2010](#) (c. 1), [ss. 10\(2\)](#), 22(1); S.R. 2010/70, [art. 2](#)
- F6** [Art. 52\(8\)](#) added (12.3.2010) by [Diseases of Animals Act \(Northern Ireland\) 2010](#) (c. 1), [ss. 5](#), 22(1); S.R. 2010/70, [art. 2](#)

Modifications etc. (not altering text)

- C1** [Art. 52](#) applied (23.2.2006) by [Foot-and-Mouth Disease Regulations \(Northern Ireland\) 2006](#) (S.R. 2006/42), [reg. 60\(c\)](#);
[Art. 52](#) applied (23.2.2006) by [Foot-and-Mouth Disease \(Control of Vaccination\) Regulations \(Northern Ireland\) 2006](#) (S.R. 2006/43), [reg. 40\(c\)](#)
- C2** [Art. 52](#) applied (10.2.2007) by [Avian Influenza and Influenza of Avian Origin in Mammals Regulations \(Northern Ireland\) 2007](#) (S.R. 2007/68), [reg. 84\(g\)](#) (with [reg. 3](#))
- C3** [Art. 52](#) applied (with modifications) (10.2.2007) by [Avian Influenza \(Vaccination\) Regulations \(Northern Ireland\) 2007](#) (S.R. 2007/69), [reg. 22\(2\)](#)
- C4** [Art. 52](#) applied (10.2.2007) by [Avian Influenza \(Preventive Measures\) Regulations \(Northern Ireland\) 2007](#) (S.R. 2007/70), [reg. 18\(e\)](#)
- C5** [Art. 52](#) applied (24.3.2007) by [Avian Influenza \(H5N1 in Wild Birds\) Regulations \(Northern Ireland\) 2007](#) (S.R. 2007/208), [reg. 22\(f\)](#)

Changes to legislation:

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Changes and effects yet to be applied to :

- Instrument am (pt prosp) by [S.I. 1994/1891 \(N.I.\) arts.19-23](#)
- Instrument rep in pt by [S.I. 1994/1891 \(N.I.\) art.24\(1\)Sch](#)