STATUTORY INSTRUMENTS

2004 No. 1993

The Dangerous Wild Animals (Northern Ireland) Order 2004

Inspection by the Department

5.—(1) The Department may authorise in writing any veterinary surgeon or such other person as it may think competent to do so to inspect any premises where any animal is proposed to be held under the authority of a licence.

(2) A person authorised under paragraph (1) may, on producing his authority if so required, enter any premises mentioned in that paragraph at all reasonable times and inspect them and any animal or other thing found there, for the purpose of ascertaining whether or not a licence should be granted.

(3) Where the Department has authorised any person to inspect premises under paragraph (1), the Department may require the person who applied for the licence to pay it the reasonable costs of the inspection.

(4) Where the Department has granted a licence, it may authorise in writing any veterinary surgeon or such other person as it may think competent to do so to inspect any premises where any animal is or may be held under the authority of the licence.

(5) A person authorised under paragraph (4) may, on producing his authority if so required, enter any premises mentioned in that paragraph at all reasonable times and inspect them and any animal or other thing found there, for the purpose of ascertaining—

(a) whether or not a licence should be varied; or

(b) whether an offence under this Order is being committed.

(6) Where the Department has authorised any person to inspect premises under paragraph (4), the Department may require the licence holder to pay it the reasonable costs of the inspection.

(7) The Department may authorise in writing any veterinary surgeon or such other person as it may think competent to do so to inspect any premises if it has reasonable grounds for suspecting that an animal is being kept there in contravention of Article 3(1).

(8) Subject to paragraph (9), a person authorised under paragraph (7) may—

(a) enter any premises mentioned in that paragraph at all reasonable times;

(b) inspect them and any animal or other thing found there; and

(c) take bodily samples from any animal found there,

for the purpose of ascertaining whether an animal is being kept there in contravention of Article 3(1).

(9) A person authorised to inspect premises under paragraph (7) may only enter those premises under the authority of a warrant issued under paragraph (10).

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

(a) that admission to the premises is reasonably required for the purpose specified in the complaint; and

(b) that a person authorised under paragraph (7) would, apart from paragraph (9), be entitled for that purpose to exercise in respect of the premises a power of entry under paragraph (8),

he may issue a warrant under his hand authorising that person to enter the premises.

(11) A warrant issued under paragraph (10) shall continue in force until the purpose for which entry is required has been satisfied.

(12) Where a person enters any premises in pursuance of a power of entry under this Article, that person shall ensure that the premises are left no less secure by reason of the entry, and the Department shall make good or pay compensation for any damage to property caused by the person in entering the premises, in carrying out any inspection, in taking bodily samples from any animal, in seizing any animal under Article 6(1) or in making the premises secure.

(13) Any question of disputed compensation under paragraph (12) shall be referred to and determined by the Lands Tribunal.

(14) Any person who intentionally obstructs any person in the exercise of any power under this Article shall be guilty of an offence.

(15) In this Article—

"bodily samples" means samples of bodily fluid or bodily tissue taken for the purpose of scientific tests; and

"scientific tests" means scientific tests carried out with the object of ascertaining whether an animal is of a kind for the time being specified in the Schedule.