

1975 No. 294

## ANIMALS

## Sales, Markets and Lairs Order (Northern Ireland) 1975

Made . . . . . 17th October 1975

Coming into operation . . . . . 1st December 1975

The Department(a) of Agriculture, in exercise of the powers conferred on it by sections 5, 13, 15 and 53 of the Diseases of Animals Act (Northern Ireland) 1958(b) and of every other power enabling it in that behalf, hereby makes the following Order:

*Citation and commencement*

1. This Order may be cited as the Sales, Markets and Lairs Order (Northern Ireland) 1975 and shall come into operation on 1st December 1975.

*Revocation*

2. The Public Sales (Cattle) Order (Northern Ireland) 1962(c) and Articles 6 and 7 of the Animals Disinfection (Northern Ireland) Order 1927(d) are hereby revoked.

*Interpretation*

## 3. In this Order—

“animals” means bovine animals and swine and in Part IV is extended to include sheep and goats;

“approved assembly point” means an assembly point in respect of which a notice of approval is for the time being in operation under Article 17;

“approved market” means a market in respect of which a notice of approval is for the time being in operation under Article 13;

“calf” means a bovine animal not older than 3 months;

“Community instrument” has the meaning given to it in Schedule 1 of the European Communities Act 1972(e);

“Department” means the Department of Agriculture;

“draft sale” means a sale held on private premises of surplus stock from not more than 3 herds of bovine animals or of swine;

“EEC approved market” means a market in respect of which a notice of approval is for the time being in operation under Article 16;

“herd” means one or more bovine animals or swine in the same ownership;

“lair” means a building, erection, pen, yard or other enclosure used for the reception or temporary detention of animals brought to a market for sale or to a port or airport for shipment but does not include a grass enclosure;

(a) Formerly Ministry: see 1973 c. 36 Sch. 5 para. 8

(e) 1972 c. 68

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

(c) S.R. &amp; O. (N.I.) 1962 No. 102 (p. 429)

(d) S.R. &amp; O. (N.I.) 1927 No. 52 (p. 30)

“lairage authority” means a district council or person in charge of the premises of a lair;

“market” means a market place, sale yard or other premises or place in or upon which animals are exhibited for the purpose of public sale;

“market authority” means a district council or person in charge of the premises of a market;

“public place” means a place to which the public have a right of access or which the public is permitted to enter for the time being but does not include an approved market or premises where a draft sale is held;

“public sale” means a sale to which animals the property of different owners are brought for sale by auction or otherwise.

## PART I

### PUBLIC SALES

4. A person shall not offer or expose for sale any animal in a public place.

5. A person shall not hold or organise or advertise or permit to be held a public sale other than in an approved market, provided that this Article shall not apply to draft sales where not more than one such sale of either bovine animals or swine is held in any period of 6 months on the same premises.

## PART II

6. This Part shall apply to approved markets, to lairs used in connection with such markets and to lairs used for animals at a port or airport.

### *Standards of planning and construction of markets and lairs*

7.—(1) All markets and lairs shall be planned, constructed and operated so as to satisfy the Department that—

(a) they do not constitute a hazard to the health or welfare of the animals therein;

(b) they can be effectively cleansed and disinfected;

(c) accommodation is adequate to allow for proper segregation and efficient management of the numbers and classes of animals normally handled.

(2) Without prejudice to paragraph (1), all markets and lairs shall conform to the standards of planning and construction set out in Schedule I.

### *Provision for cleansing and disinfection of markets and lairs*

8.—(1) Markets and lairs connected thereto shall be maintained in a good state of repair and shall be cleansed and disinfected as provided in Schedule 2 as soon as possible following the completion of a sale of any livestock and not later than 48 hours after the completion of the said sale. If two sales are to be held within a period of 48 hours the premises shall be so cleansed and disinfected after the completion of the first sale and before the commencement of the second sale.

(2) Lairs at a port or airport shall be cleansed and disinfected as provided in Schedule 2 after any consignment of livestock has been evacuated from the lair and before a further consignment is admitted.

*Provision of covered accommodation for calves, dairy cows in milk and swine*

9.—(1) Subject to the provisions of Article 11 no person shall keep or permit to be kept a calf, dairy cow in milk or swine in a market or lair otherwise than in accommodation approved under this Article.

(2) Subject to the provisions of Article 11 the market authority of every market in which calves, dairy cows in milk or swine are exposed for sale, and the lairage authority of every lair at a port or airport shall, for the purpose of protecting such animals from unnecessary suffering by exposure to adverse weather including excessive exposure to direct sunlight, provide or cause to be provided for them in the market or lair adequate covered accommodation, with adjustable ventilation, approved by the Department in accordance with the provisions of this Article.

(3) Before giving approval the Department shall be satisfied that the accommodation is adequate in design, construction and extent for the purpose referred to in paragraph 2 and for the number of calves, dairy cows in milk and swine presented for sale in the market or held in the lair at any one time.

*Provision of vehicle washing facilities*

10. Subject to the provisions of Article 11, a market authority or lairage authority shall, in the interest of disease control, provide in or adjacent to the market or lair facilities in accordance with the standards defined in Schedule 1, and approved by the Department, for the washing and disinfection of vehicles and containers used in transporting animals to and from the market or lair.

*Exemption from the provisions of Articles 9 and 10*

11. The Department may, where it considers there are exceptional circumstances in the case of a particular market or lair, grant a certificate exempting the market authority or the lairage authority from the requirements of Article 9 or Article 10 or both of those Articles insofar as they relate to that market or lair, for whatever period, not extending beyond 1st December 1977, and subject to such conditions, if any, as may be specified in the certificate, and the Department may revoke such certificate at any time by a notice in writing served on the authority concerned.

*Facilities for cleansing footwear*

12. Sufficient hydrants with hoses attached, or other suitable facilities approved by the Department, shall be provided by a market authority to enable persons attending the market to cleanse their footwear before leaving the premises. Such facilities shall be situated adjacent to the exit from the market, and adequate drainage for the disposal of water shall be provided.

*Notice of approval of markets*

13.—(1) The Department may issue to a market authority a notice of approval in writing approving the holding of public sales in the market specified in the said notice and such market shall be then deemed to be an approved market in accordance with the provisions of this Order.

(2) The Department may by letter served on the holder of a notice of approval, cancel the said notice in respect of any market if the said market ceases to be of the standard required by this Order, or if the requirements of this Order relating to the holding of public sales in the market are, in the opinion of the Department, not being fulfilled, and in such event the notice of approval shall cease to be in force from the date specified in the letter of cancellation.

(3) The Department may by letter served on the holder of a notice of approval cancel the said notice if the holder is convicted of any offence under the Movements of Animals (Records) Order (Northern Ireland) 1962(f) or the Movement of Animals (Records) Order (Northern Ireland) 1969(g) and in such event the notice of approval shall cease to be in force from the date specified in the letter of cancellation.

#### *Transitional provision*

14. Any notice of approval issued by the Department under Article 6 of the Public Sales (Cattle) Order (Northern Ireland) 1962, and in force immediately before the coming into operation of this Order, shall, notwithstanding the revocation of the aforesaid Order, be deemed to be a valid notice of approval for the purposes of Article 13 of this Order until 1st June 1976.

#### *General conditions*

15.—(1) During a sale the animals shall at all times be confined to the market.

(2) Swine shall not be admitted to a market on any day on which a sale of cattle is being held in that market.

(3) The Department may require a market authority to ensure that no animal is admitted to the market unless it is accompanied by a movement permit issued under the Brucellosis Control Order (Northern Ireland) 1972(h), and unless the ear number recorded on the movement permit corresponds with the number on the animal's ear tag.

### PART III

#### APPROVAL OF MARKETS AND ASSEMBLY POINTS FOR INTRA-COMMUNITY TRADE

##### *EEC approved markets*

16. The Department may, in respect of an approved market, issue to the holder of the notice of approval an additional notice in writing approving the said market for the purpose of holding public sales of animals intended for intra-Community trade, and such market shall be designated an EEC approved market.

##### *Approved assembly points*

17. The Department may issue to the appropriate authority a notice of approval in writing approving any assembly point specified in the said notice for the purpose of collecting animals in the manner and subject to the conditions specified in the appropriate Community instrument governing intra-Community trade in live animals, and such assembly point shall be designated an approved assembly point.

(f) S.R. & O. (N.I.) 1962 No. 100 (p. 424)

(g) S.R. & O. (N.I.) 1969 No. 304 (p. 1367)

(h) S.R. & O. (N.I.) 1972 No. 94 (p. 360)

*Conditions for approval*

18.—(1) A notice of approval under Article 16 or Article 17 shall be issued only where the Department is satisfied that the approved market or the assembly point, and the manner in which it is operated, meet the requirements of the appropriate Community instrument, and the notice of approval shall contain such conditions as the Department deems necessary to comply with the appropriate Community instrument.

(2) The Department may by letter served on the holder of a notice of approval under Article 16 or Article 17 revoke the said notice where the Department is satisfied that the EEC approved market or the approved assembly point as the case may be, has ceased to satisfy the requirements of the appropriate Community instrument.

*Sales in EEC approved markets*

19. A person shall not hold or organise or advertise or permit to be held in any approved market, other than an EEC approved market, a sale of animals intended for intra-Community trade:

Provided that this Article shall only apply where the animals are to be moved direct from the market to an embarkation point for shipment by sea or air to a receiving member State or to an approved assembly point prior to being moved to an embarkation point for shipment by sea or air to a receiving member State.

*Collection of animals at assembly points*

20. A person shall not collect or permit to be collected at any assembly point, other than an approved assembly point, any animals acquired at an EEC approved market, or at a farm under the conditions set out in the appropriate Community instrument, if such animals are intended to be moved direct to an embarkation point for shipment by sea or air to a member State.

## PART IV

## PROTECTION OF ANIMALS IN MARKETS AND LAIRS

*Treatment and removal of unfit animals*

21.—(1) Where in the opinion of a veterinary inspector an animal in a market or lair is being or is likely to be caused unnecessary suffering by reason of sickness, injury, over-stocking of the udder, lack of food or water, exposure to adverse weather, defective accommodation, unsuitable tethering or any other cause, he may treat the animal or cause it to be treated and take, or cause to be taken, such other steps as he considers necessary to protect it from such suffering, and he may for any such purpose remove the animal or cause it to be removed to a suitable place in the vicinity and keep it there for as long as he considers necessary for the purpose of treatment or otherwise protecting it from such suffering.

(2) The reasonable cost of treating, removing or keeping an animal, or of taking any steps to protect it from suffering in accordance with this Article, may be recovered by the Department as a civil debt from the owner of the animal, the market authority or the lairage authority according to whichever is deemed by the Department to be responsible for payment of such cost.

*Feeding and watering of animals*

22. The market authority and the lairage authority shall in respect of markets or lairs for which they are responsible provide—

- (a) an adequate supply of potable water to animals as often as is necessary to prevent them suffering from thirst, and
- (b) an adequate quantity of suitable food, water and bedding for animals which are kept in a market or lair overnight.

*Penning of animals*

23.—(1) No person shall permit animals in a market or lair to be penned otherwise than in accordance with the following provisions:

- (a) the animals shall be so contained and distributed within the pens as to avoid injury, overcrowding or other cause of unnecessary suffering, regard being had, where necessary, to unfitness and to differences of age, size and sex;
- (b) bulls and boars which are capable of being used for breeding purposes, shall be kept separate from other animals or, in the case of a bull, secured by the head or neck.

(2) Nothing in the preceding paragraph shall require an animal with unweaned young to be kept separate from her young if both the animal and her young are kept separate from all other animals.

*Offences*

24. A person who contravenes any of the provisions or requirements of this Order, or who permits or causes any person to contravene such provisions or requirements, shall be guilty of an offence against the Diseases of Animals Act (Northern Ireland) 1958.

Sealed with the Official Seal of the Department of Agriculture for Northern Ireland on 17th October 1975.

(L.S.)

J. C. Chalmers

Assistant Secretary

**SCHEDULE 1****Articles 7 and 10****Planning and construction of markets and lairs**

1. The floors of all pens, passage ways, loading and unloading areas shall consist of concrete or other hard material impervious to water and finished in a manner to reduce the risk of animals slipping.

2. All walls with which animals may come in contact shall be hard, impervious and smooth-finished to a height of 1.8 metres (approximately 6 feet) with all corners coved or chamfered.

3. All gates and railings shall be constructed of iron or other metal or alloy and, in the case of new erections or replacements after this Order comes into operation, the rails and posts shall be tubular and of adequate strength for the purpose required.

4. Pens and passageways shall be so constructed as to permit penning and driving of animals without causing abuse or injury.

5. A supply of water under pressure which is in the opinion of the Department adequate for the purpose of cleansing and disinfection of the market or lair shall be provided.

6. Adequate drainage and manure disposal facilities shall be provided.

7. Adequate vehicle washing facilities shall be provided to deal with the number of vehicles using the premises. Such facilities shall include a concrete base, suitable drainage and an adequate supply of water under pressure together with hoses.

## SCHEDULE 2

Article 8

**Cleansing and disinfection of markets and lairs**

1. All manure and other debris shall be collected and removed to a place set aside for the purpose.
2. All parts of the premises with which animals may come in contact shall be thoroughly washed and scrubbed to remove any remaining particles of manure or other debris.
3. Thereafter all parts of the premises with which animals may come in contact shall be adequately sprayed with a disinfectant approved by the Department under the Diseases of Animals (Approval of Disinfectants) Order (Northern Ireland) 1972(i).
4. A market authority or lairage authority shall comply with such further requirements in respect of cleansing and disinfection as may in the opinion of the Department be necessary to prevent the spread of disease.

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**EXPLANATORY NOTE**

*(This note is not part of the Order but is intended to indicate its general purport.)*

This Order revokes the Public Sales (Cattle) Order (Northern Ireland) 1962 and re-enacts the provisions of that Order in relation to public sales of cattle and swine.

The offering or exposure for sale of cattle or swine in a public place is prohibited and public sales of those animals may only be held in markets approved by the Department. Exception is made for certain draft sales held on private premises.

Standards are prescribed for the planning and construction of approved markets, lairs connected with such markets and lairs at a port or airport. Requirements include the provision of covered accommodation for the protection of calves, dairy cows in milk and swine, and facilities for the washing of vehicles used in transporting animals.

Approved markets may be further approved for the holding of sales of cattle and swine intended for EEC trade, and assembly points may be approved for the collection of such animals prior to shipment to a member State.

The Order includes provisions for the protection of animals (cattle, sheep, goats and swine) while in markets and lairs, and covers such matters as treatment and removal of unfit animals and the feeding, watering and penning of animals.