

## 1977 No. 11

## ANIMALS

**The Rabies (Control) Order (Northern Ireland) 1977**

Made . . . . . 19th January 1977

Coming into operation . . . . . 14th February 1977

The Department(a) of Agriculture, in exercise of the powers conferred on it by sections 4, 5, 7, 8, 13 and 53 of the Diseases of Animals Act (Northern Ireland) 1958(b), (as extended in the case of sections 4 and 7 by Articles 3, 4 and 6 of the Diseases of Animals (Northern Ireland) Order 1975(c)), and of every other power enabling it in that behalf, hereby makes the following Order:

*Citation, commencement and purpose*

1.—(1) This Order may be cited as the Rabies (Control) Order (Northern Ireland) 1977 and shall come into operation on 14th February 1977.

(2) This Order is made for the purpose of preventing the spreading of disease within Northern Ireland.

*Interpretation***2. In this Order—**

“the Act” means the Diseases of Animals Act (Northern Ireland) 1958;

“animal” means an animal belonging to any of the orders of mammals specified in Part I of the First Schedule of the Act (as extended by the Rabies (Importation of Mammals) Order (Northern Ireland) 1972(d));

“cat” means an animal belonging to the species *Felis catus* of the order of mammals Carnivora;

“Department” means the Department of Agriculture;

“disease” means rabies;

“diseased” means affected with rabies;

“Divisional Veterinary Officer” means a Divisional Veterinary Officer of the Department;

“dog” means an animal belonging to the species *Canis familiaris* of the order of mammals Carnivora;

“infected area” means an area declared to be an infected area for purposes connected with the control and eradication of disease by a notice published by the Department under Article 8;

“infected place” means a place declared to be an infected place by a notice served by a veterinary inspector under Article 5;

(a) Formerly Ministry: see 1973 c. 36 Sch. 5 para. 8(1)

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

(c) S.I. 1975/418 (N.I. 3)

(d) S.R. & O. (N.I.) 1972 No. 17 (p. 58)

“premises” includes land, with or without buildings, and where a person occupies land which comprises two or more non-adjacent areas, each of those areas shall be deemed to be separate premises for the purposes of this Order;

“suspected” means suspected of being diseased:

“veterinary inspector” means a person appointed by the Department to be an inspector for the purposes of the Act, being either a member of the Royal College of Veterinary Surgeons or a veterinary practitioner qualified as approved by the Department.

### *Revocation*

3. The Rabies (Ireland) Order of 1900(e) is hereby revoked.

### *Notice of disease or suspected disease*

4.—(1) The provisions of section 4 of the Act shall in the case of disease be varied in the manner provided in paragraphs (2) and(3).

(2) Subject to paragraph (5), a person who knows or suspects that an animal (whether in captivity or not) is diseased, or was at the time of its death diseased, shall with all practicable speed give notice of that fact to a Divisional Veterinary Officer or to a member of the Royal Ulster Constabulary, unless he believes on reasonable grounds that another person has given notice under this paragraph in respect of that animal.

(3) Without prejudice to paragraph (2), a person who knows or suspects that an animal in his possession or under his charge is, or was at the time of its death, diseased shall, as far as practicable, keep that animal or, as the case may be, the carcase of that animal separate from any other animal.

(4) Where notice under paragraph (2) is given to a member of the Royal Ulster Constabulary he shall immediately transmit the information received by him to the local Divisional Veterinary Officer.

(5) Paragraphs (2) and (3) shall not apply in such cases as may be prescribed by an Order made under section 53 of the Act for the purpose of regulating the keeping, importation or use of rabies virus.

### *Declaration of infected place*

5.—(1) Where a Divisional Veterinary Officer receives information under Article 4 concerning the existence at any premises of a diseased or suspected animal, or of the death of any such animal at any such premises, or where, through any other cause, he has reasonable grounds for suspecting that disease exists or has within the preceding 56 days existed at any premises, or that there is an animal thereat which has been or which may have been exposed to the infection of disease, he may cause a notice in the form set out in Schedule 1 to be served on the occupier of the said premises.

(2) On service of such a notice the premises, within the limits specified in the notice, shall become an infected place, and such place, and any person from time to time therein, shall be subject to—

(a) the rules prescribed in Schedule 2, and

(b) any additional rules which may be specified in a further notice,

in so far as such rules are from time to time in force.

(3) A veterinary inspector may from time to time, by service of a further notice on the occupier of the infected place, direct all or any of the following things, namely—

- (a) that the limits of the infected place shall be altered in the manner described in the notice;
  - (b) that any of the rules prescribed in Schedule 2 or by a previous notice served in accordance with this paragraph shall cease to apply to the infected place, or to persons therein, or shall be varied, modified or otherwise amended to the extent or in the manner specified in the notice; or
  - (c) that such additional rules as may be specified in the notice shall apply to the infected place, or to persons from time to time therein.
- (4) The restrictions imposed by a notice served under the foregoing provisions of this Article shall remain in force until varied or cancelled by a notice to that effect served by a veterinary inspector on the occupier of the infected place.

*Veterinary inquiry as to the existence of disease*

6.—(1) Where by reason of information received, whether under Articles 4 and 5 or otherwise, a veterinary inspector has grounds for suspecting that disease exists, or has within the preceding 56 days existed at any premises, or that there is an animal thereat which has been or which may have been exposed to the infection of disease, he shall with all practicable speed inquire as to the correctness of such information, and examine any animal or the carcase of any animal found at the premises.

(2) For the purpose of discharging his functions under this Article, a veterinary inspector may—

- (a) enter on any part of the premises;
- (b) remove or cause to be removed from the premises any diseased or suspected animal, or any animal which has been in contact with a diseased or suspected animal, or the carcase of any such animal, to a place where the animal can conveniently be kept under veterinary observation by or on behalf of the Department, or to a place where the animal or carcase can be subjected to diagnostic tests; and
- (c) take such samples as may be required for the purpose of diagnosis from any animal on the premises, whether or not such animal is diseased or suspected or has been in contact with a diseased or suspected animal;

and the occupier of the premises and the persons in his employment shall render such reasonable assistance to the veterinary inspector as may be required for the purposes of this Article.

(3) The occupier of any premises on which there is or has been a diseased or suspected animal, or the carcase of any such animal, or an animal or the carcase of an animal which has been in contact with a diseased or suspected animal, and the veterinary surgeon (if any) who has been attending or has been consulted respecting the animal or carcase, and any person who has been in charge of the animal or carcase or in any manner in contact with it, shall give all reasonable facilities for an inquiry under this Article, and for the removal of any animal or carcase and the taking of samples.

(4) Any such occupier, veterinary surgeon or person as aforesaid shall, if so required by an officer of the Department, give such information as he possesses as to the animal or carcase, as to the location or movements of any other animal in his possession or under his charge, and as to any other animal with which any such animal may have been in contact.

#### *Notice of intended slaughter*

7.—(1) Where the Department proposes to cause an animal to be slaughtered under the powers conferred on it by section 10 and the Second Schedule of the Act, a veterinary inspector shall serve a notice of intended slaughter on the owner or other person in charge of the animal, informing him of the proposed slaughter, and (except where the animal has already been removed by a veterinary inspector under Article 6(2)(b)) requiring him to surrender the animal for slaughter, or to detain the animal pending its slaughter (or pending its surrender and removal for slaughter) on such part of the premises at which the animal is kept as may be specified in the notice, and to isolate it as far as practicable from any other animal.

(2) The person on whom such a notice has been served shall comply therewith, and shall not move the animal, or cause or permit it to be moved, off the part of the premises on which it is required to be detained, except under the authority of a licence granted by an inspector and in accordance with the terms and conditions subject to which it was granted.

#### *Declaration of infected area*

8.—(1) Where the Department believes or suspects that disease exists or has within the preceding six months existed in an area, it may, by notice published in such of the newspapers circulating in Northern Ireland as appear to the Department reasonably necessary for the purpose of bringing specifically to the knowledge of persons likely to be specially affected, or in such other manner as appears appropriate to the Department, declare that area, together with any adjoining area into which the Department considers there may be a possibility of disease spreading, to be an infected area for purposes connected with the control and eradication of disease, and the provisions of Articles 9 to 11 shall apply in relation to every infected area so declared.

(2) A notice to which paragraph (1) relates may—

(a) provide for the division of the infected area into zones delineated in accordance with the notice;

(b) provide for the application in each such zone of such of the provisions of Schedule 3 as may be specified therein, and, where appropriate, prescribe the descriptions of animals and other matters in respect of which any such provision shall apply; and

(c) be varied or revoked by a subsequent notice.

(3) Where a notice to which paragraph (1) relates does not provide for the division of the infected area into zones, the area as a whole shall, for the purposes of sub-paragraph (2)(b), be deemed to be a zone, and the provisions of Schedule 3 may be applied thereto as provided for in that sub-paragraph.

#### *Destruction of foxes in infected areas*

9.—(1) Where the Department considers it expedient so to do, it may take steps to secure the destruction in an infected area of foxes (other than foxes held in captivity), and an officer of the Department, and any person authorised by the Department for the purpose, may enter any land (other than a dwelling-house) for the purpose of carrying out, or of deciding whether to carry out, such destruction.

(2) Where the Department exercises the power conferred on it by paragraph (1), methods of destruction may be used which would, apart from this provision, be unlawful.

(3) Before commencing destruction of foxes on any land, the Department shall take all reasonable steps, whether by service of a notice or by such other method as may be appropriate in the circumstances, to inform the occupier, and any other person who may be on the land, of the proposal, and of the methods of destruction to be used.

(4) Where destruction is carried out under the provisions of this Article, the Department may erect or cause to be erected fences or other obstacles for the purpose of restricting the movement of animals into and out of the area affected.

(5) The carcase of every fox destroyed under the provisions of this Article shall belong to the Department, and shall be buried or otherwise disposed of in such manner as the Department may determine.

(6) No person shall obstruct the destruction of foxes under the provisions of this Article, or interfere with the carcase of any fox so destroyed.

#### *Prohibition of sporting or recreational activities*

10. A veterinary inspector may prohibit by notice the holding of any sporting or recreational activity on any land in an infected area specified in the notice when, in the opinion of the veterinary inspector, the holding of such activity on that land may cause the spread of disease, and any such notice (which may be withdrawn or varied by a subsequent notice) shall be served on the person responsible for the holding of such activity.

#### *Erection of warning notices*

11.—(1) The Department may erect or cause to be erected notices—

- (a) at any place within and on the boundaries of an infected area, indicating that the area is an infected area for the purposes connected with the control and eradication of disease; and
- (b) on the boundaries of and on any access to land on which destruction of foxes is carried out in accordance with Article 9, indicating the nature of the operations being carried out on the land, and the methods of destruction being used.

(2) It shall be unlawful for a person to remove, destroy, deface or alter any notice exhibited under any of the provisions of this Order.

#### *Offences*

12. Any person who contravenes any provision of this Order, or any provision of this Order as applied in an infected area by an infected area notice, or any provision of a licence granted or notice served under any such provision, or who causes or permits any such contravention, shall be guilty of an offence against the Act.

Sealed with the Official Seal of the Department of Agriculture for Northern Ireland on 19th January 1977.

(L.S.)

J. C. Chalmers

Assistant Secretary

## SCHEDULE 1

## Article 5

**Form of notice declaring and defining the limits of an infected place**

DISEASES OF ANIMALS ACT (NORTHERN IRELAND) 1958  
 RABIES (CONTROL) ORDER (NORTHERN IRELAND) 1977

**Notice declaring and defining the limits of an infected place**

To

of

I, the undersigned, being a veterinary inspector of the Department of Agriculture, hereby give you notice as the occupier of the under-mentioned premises that in accordance with the provisions of the Rabies (Control) Order (Northern Ireland) 1977 the under-mentioned premises are hereby declared to be an infected place for the purposes of the said Order, and that the premises, and any person from time to time thereat, accordingly become subject to the Rules specified in this notice which are printed on the back hereof. Any person infringing these Rules is liable to prosecution.

This notice remains in force in its present form until it is cancelled or varied by a subsequent notice served by a veterinary inspector of the Department on the occupier of the infected place.

Description of infected place—

Dated

Signed

.....  
 Veterinary Inspector

Note—A notice declaring an infected place may be served under Article 5 of the Rabies (Control) Order (Northern Ireland) 1977 in respect of any premises at which there is a diseased or suspected animal, or at which such an animal has died, or in respect of premises at which a veterinary inspector has reasonable grounds for suspecting that disease has existed within the previous 56 days, or that there is an animal which has been or may have been exposed to the infection of disease through contact with a diseased or suspected animal.

## SCHEDULE 2

## Article 5

**Rules relating to an infected place**

(1) Any premises declared to be an infected place by a notice served under Article 5, and any person from time to time thereat, shall be subject to the following Rules, namely—

- Rule 1.—Any diseased or suspected animal in the infected place, or any animal therein which has been in contact with a diseased or suspected animal, shall be detained and isolated in a part of the infected place approved for the purpose by an inspector.
- Rule 2.—No person shall have access to an animal detained and isolated under Rule 1, except under the authority of a licence granted by an inspector and in accordance with the terms and conditions subject to which it was granted. This prohibition shall not apply to an inspector, the owner of the animal or his representative, a person tending the animal or a veterinary surgeon employed by the owner.
- Rule 3.—No animal shall be moved into or out of an infected place, except under the authority of a licence granted by an inspector and in accordance with the terms and conditions subject to which it was granted.
- Rule 4.—No carcase shall be removed from an infected place, except under the authority of a licence granted by an inspector and in accordance with the terms and conditions subject to which it was granted, and the carcase of an animal dying at the infected place shall be disposed of in a manner specified by a veterinary inspector.
- Rule 5.—Subject to the power of a veterinary inspector to remove an animal under Article 6(2), any diseased or suspected animal in the infected place or any animal which has been in contact with a diseased or suspected animal, may be slaughtered by or on behalf of its owner, but only after notice of the intended slaughter has been given to a veterinary inspector. Where such slaughter takes place, steps shall be taken to ensure that the head and neck of the animal are not damaged, and if required, the carcase shall be made available to a veterinary inspector for veterinary investigation.
- Rule 6.—Notice of the death of any animal in the infected place shall be given with all practicable speed to a veterinary inspector by the owner or other person in charge of the animal, or by the occupier of the infected place.
- Rule 7.—No litter, dung, utensil, pen, hurdle or other thing coming from, or used in connection with, the diseased or suspected animal, or an animal which has been in contact with a diseased or suspected animal, shall be removed from the infected place, except under the authority of a licence granted by an inspector and in accordance with the terms and conditions subject to which it was granted.
- Rule 8.—Every part of an infected place where a diseased or suspected animal, or an animal which has been in contact with a diseased or suspected animal, has been, shall be disinfected by the occupier of the infected place in a manner approved by an inspector.
- Rule 9.—The occupier shall ensure that notices in a form approved by an inspector are prominently displayed at the infected place, indicating that it has been declared so to be, and drawing attention to the existence or possible existence of disease thereat.

(2) Where the occupier of an infected place fails to comply with the requirements of Rule 8 or Rule 9 the Department, without prejudice to the recovery of any penalty for infringement of these Rules, may carry out or cause to be carried out the necessary disinfection, or erect or cause to be erected the requisite notices; and, without prejudice to any proceedings arising out of the default, the reasonable expenses incurred by the Department in making good the default may be recovered on demand as a civil debt from the occupier of the infected place.



## SCHEDULE 3

## Article 8

## Provisions which may be applied in zones in infected areas

## Provision I

*Restriction of movement of animals into and out of a zone*

(1) The movement of animals of such descriptions or species as may be prescribed by an infected area notice into or out of any zone as may be so prescribed, is hereby prohibited, except under the authority of a licence granted by an inspector and in accordance with the terms and conditions subject to which it was granted.

(2) Paragraph (1) shall not apply to an animal which is transported directly between two places outside the zone, provided the animal is not unloaded within the zone from the vehicle or vessel which is carrying it, or permitted to come into contact with any other animal while there.

## Provision II

*Control of dogs and cats*

(1) Subject to paragraphs (2) and (4), it shall be the duty of the owner or other person in charge of a dog or cat, and of the occupier of the premises at which the dog or cat is normally kept, or at which it may be temporarily staying, to ensure that the dog or cat—

- (a) is at all times securely confined within the premises, or a part thereof, and does not stray or escape therefrom;
- (b) does not come into contact with any other animal, other than an animal with which it is normally in contact at the premises; and
- (c) only leaves the premises in accordance with this Provision.

(2) Notwithstanding the requirements of paragraph (1), it shall not be unlawful for a dog or cat—

- (a) to be exercised outside the premises within which it is confined, on condition that, throughout the period of exercise, it is—
  - (i) held securely on a leash by the person in charge of the dog or cat, and in no circumstances permitted to run free;
  - (ii) prevented from coming into contact with any other animal, other than an animal with which it is normally in contact at the premises at which it is confined; and
  - (iii) in the case of a dog, securely fitted with a muzzle; or
- (b) to be moved to other premises within the same zone, on condition that—
  - (i) whilst being so moved, it is either controlled in the manner specified in the proviso to sub-paragraph (a) or carried in a suitable secure container which does not permit it to come into contact with any other animal other than an animal with which it is normally in contact at the premises at which it is confined; and
  - (ii) it does not (except under the authority of a licence granted by an inspector and in accordance with the terms and conditions subject to which it was granted) come into contact with any other animal at the premises to which it is moved.

(3) An inspector may serve on the owner or other person in charge of a dog or cat, or on the occupier of the premises at which the dog or cat is or should be confined, a notice setting out such requirements, and prescribing such conditions, with respect to the control and confinement of the dog or cat as the inspector may consider appropriate, and the person on whom such a notice is served shall take all necessary steps to comply with the provisions thereof.

(4) Where a veterinary inspector is satisfied that, having regard to the purpose for which a particular dog or cat is kept, any of the requirements of paragraphs (1) and (2) would, if applied to that dog or cat, unduly restrict its use for that purpose, he may by licence exempt the owner or other person in charge of that dog or cat from all or any of those requirements, subject to compliance by that person with such conditions as may be imposed by the licence.

### Provision III

#### *Control of animals other than dogs and cats*

(1) Subject to paragraphs (2) and (4), it shall be the duty of the owner or other person in charge of an animal of a description or species prescribed by the infected area notice, and of the occupier of the premises at which such animal is normally kept, or at which it may be staying temporarily, to ensure that the animal—

- (a) is at all times securely confined within the premises, or a part thereof, and does not stray or escape therefrom;
- (b) does not come into contact with any other animal, other than an animal with which it is normally in contact at the premises; and
- (c) only leaves the premises in accordance with this Provision.

(2) Notwithstanding the requirements of paragraph (1), it shall not be unlawful for an animal—

- (a) which is normally exercised outside the premises within which it is confined to be so exercised, on condition that, throughout the period of exercise, it is—
  - (i) closely controlled and properly restrained by the person in charge of the animal, and in no circumstances permitted to run free; and
  - (ii) prevented from coming into contact with any other animal, other than an animal with which it is normally in contact at the premises at which it is confined; or
- (b) to be moved to other premises within the same zone:

Provided that—

- (i) it is transported in such a way as will ensure that it is kept under proper control and restraint, and that it cannot come into contact with any other animal, other than an animal with which it is normally in contact at the premises at which it is confined; and
- (ii) it does not (except under the authority of a licence granted by an inspector and in accordance with the terms and conditions subject to which it was granted) come into contact with any other animal at the premises to which it is moved.

(3) An inspector may serve on the owner or other person in charge of an animal to which this Provision applies, or on the occupier of the premises at which the animal is or should be confined, a notice setting out such requirements, and prescribing such conditions, with respect to the control and confinement of the animal as the inspector may consider appropriate, and the person on whom such a notice is served shall take all necessary steps to comply with the provisions thereof.

(4) Where a veterinary inspector is satisfied that, having regard to the purpose for which a particular animal to which this Provision applies is kept, any of the requirements of paragraphs (1) and (2) would, if applied to that animal, unduly restrict its use for that purpose, he may by licence exempt the owner or other person in charge of that animal from all or any of those requirements subject to compliance by that person with such conditions as may be imposed by the licence.

## Provision IV

*Seizure, detention and disposal of animals not under control*

(1) Where an animal to which Provision II or Provision III applies is not confined or controlled as required by those Provisions, or as required by a notice served or licence granted thereunder, an inspector or a member of the Royal Ulster Constabulary may seize and detain the animal, and the following paragraphs of this Provision shall apply thereto.

(2) The Department shall take all reasonable steps to draw the attention of members of the public to the address or location of any place at which animals seized under paragraph (1) are to be detained, and an animal seized under that paragraph shall be removed to such place and detained thereat for a period of 3 days, unless claimed by or on behalf of its owner within that period.

(3) Where an animal seized under this Provision is claimed by or on behalf of its owner within the period specified in paragraph (2), the animal may be detained at its owner's expense at such place and for such additional period as the Department may direct.

(4) Where the owner of an animal which has been claimed within the period specified in paragraph (2)—

(a) fails to meet within the period specified by the Department the reasonable expenses of the Department in seizing and detaining the animal, or

(b) where an additional period of detention has been directed in respect of the animal under paragraph (3), fails to enter into an arrangement satisfactory to the Department for meeting the reasonable expenses of the Department incurred or to be incurred in connection with such additional period of detention, or fails to comply with the terms of such an arrangement,

the Department may destroy the animal and dispose of its carcase, or otherwise dispose of the animal as it may think fit.

(5) Where an animal seized under this Provision is not claimed by or on behalf of its owner within the period specified in paragraph (2), the Department may destroy the animal and dispose of its carcase, or otherwise dispose of the animal as it may think fit.

(6) The reasonable expenses incurred by the Department in seizing, detaining, destroying or disposing of an animal or carcase under the foregoing paragraphs of this Provision shall, without prejudice to any proceedings arising for an offence against the Act, be recoverable by the Department on demand as a civil debt from the owner of the animal.

(7) Where circumstances prevent an animal which is liable to be seized under this Provision from being so seized, it shall be lawful for an officer of the Department, an inspector or a member of the Royal Ulster Constabulary to destroy the animal without so seizing it.

(8) An officer of the Department, an inspector or a member of the Royal Ulster Constabulary may enter any land for the purpose of seizing or destroying an animal which is liable to be seized or destroyed under the foregoing paragraphs of this Provision.

## Provision V

*Compulsory vaccination of animals*

(1) The owner of an animal of a description or species prescribed by the infected area notice shall take steps to ensure that the animal is, within such period as may be so prescribed, vaccinated against disease with a vaccine approved for the purpose by the Department.

(2) Where an animal is vaccinated under paragraph (1), the owner of the animal shall ensure that it is marked in such manner, or provided with such other means of identification, as the Department may require.

(3) Where a person fails to comply with any of the foregoing requirements of this Provision, the Department may seize the animal and—

- (a) arrange for those requirements to be carried out; or
- (b) destroy the animal and dispose of its carcase, or otherwise dispose of the animal as it may think fit.

(4) An officer of the Department or an inspector may enter any land for the purpose of seizing an animal under paragraph (3), and the owner or other person in charge of the animal, and the occupier of the land, shall render all reasonable assistance to such officer or inspector to enable him to exercise the powers conferred by this paragraph.

(5) The reasonable expenses of the Department incurred in connection with the seizure, vaccination, marking or identification, destruction or disposal of an animal under paragraphs (3) and (4) may be recovered on demand by the Department as a civil debt from the owner of the animal, without prejudice to any proceedings arising for an offence against the Act.

## Provision VI

### *Prohibition of gatherings of animals*

Events of a kind described by the infected area notice at which animals, or such descriptions or species of animals as may be so described, are gathered together, are hereby prohibited, except under the authority of a licence granted by an inspector, and in accordance with the terms and conditions subject to which it was granted; and the occupier of any land on which an event prohibited by this Provision is held, and the person responsible for organising or holding that event, commits an offence against the Act.

## Provision VII

### *Prohibition of certain activities*

(1) The following activities are hereby prohibited, except under the authority of a licence granted by an inspector and in accordance with the terms and conditions subject to which it was granted, namely—

- (a) hunting (including the hunting and stalking of deer), and cubbing;
- (b) the racing or coursing, or the training for racing or coursing, of any hounds or dogs;
- (c) point-to-point meetings;
- (d) the shooting or attempted shooting of game or other wildlife;
- (e) beagling;
- (f) cross-country running; and
- (g) motor sports in quarries, on hill-sides or cross-country tracks.

(2) Any person who takes part in an activity prohibited by paragraph (1), and the occupier of any land on which that activity takes place, commits an offence against the Act.

## Provision VIII

### *Notification of death of animals*

(1) Any person who knows of the death of an animal of a description or species prescribed by the infected area notice, or who finds the carcase of such an animal, shall report the fact to an officer of the Department, unless he has reasonable grounds for believing that the animal did not die from disease, or that the fact of its death has already been reported.

(2) The carcase of every animal to which this Provision applies shall belong to the Department and shall be buried or otherwise disposed of in such manner as the Department may determine.

(3) An officer of the Department shall have power to enter any land for the purpose of taking possession of the carcase of any animal to which this Provision applies.

## EXPLANATORY NOTE

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

This Order is made under the Diseases of Animals Act (Northern Ireland) 1958 as extended by the Diseases of Animals (Northern Ireland) Order 1975. It revokes the Rabies Order of 1900 and introduces a far more comprehensive procedure for dealing with possible rabies outbreaks.

The Order applies to virtually all mammals whether domesticated or wild, or living in captivity or not, and it imposes a duty on any person who knows or suspects that such an animal is suffering from rabies, or has died from the disease, to report the fact to a Divisional Veterinary Officer of the Department.

Where there are grounds for believing that rabies exists or has previously existed at any premises, the Department may by notice declare the premises to be an infected place and the effect of such a notice is to impose severe restrictions contained in the Rules in Schedule 2 on persons and animals on the premises.

Where premises have been declared to be an infected place, the veterinary inspector is required to carry out an inquiry to establish whether rabies exists or has previously existed thereat, and for this purpose he is empowered to enter land, remove animals and carcasses for veterinary investigation, and to take samples for diagnostic purposes. The occupier of the infected place and other persons who are or have been connected with animals at the premises are required to assist in the inquiry and to supply such relevant information as they may possess.

The Department is given power to declare, by notice, that an area in which it believes rabies exists, or has within the preceding six months existed, together with any adjoining area into which it considers there is a possibility of rabies spreading, shall be an infected area for the purpose of controlling the disease. Such an area may be divided into zones and the Department may apply different controls in different zones.

The Department may, in any infected area, arrange for the destruction of foxes which are not held in captivity if it considers such action to be necessary, and for that purpose authorised persons may enter any land (other than a dwelling-house) and may use methods of destruction which would otherwise be unlawful.

The Order also permits a veterinary inspector of the Department to prohibit by notice any sporting or recreational activity on land within an infected area where he considers that the holding of the activity would give rise to the danger of rabies being spread.

Schedule 3 contains provisions which the Department may apply at its discretion to different zones in an infected area. Included amongst those is the power to prohibit (except under licence) hunting, shooting, dog-racing, point-to-point meetings, cross-country running etc., and the movement of animals into or out of a zone. Other provisions relate to the detention and confinement of dogs, cats and other animals within premises, their vaccination against rabies, the action to be taken in respect of breaches of such requirements, and other ancillary and incidental matters.