

1986 No. 325

ANIMALS

**The Export of Sheep (Prohibition) (No. 2) Order
(Northern Ireland) 1986**

Made 15th October 1986

Coming into operation 16th October 1986

The Department of Agriculture, in exercise of the powers conferred on it by Article 32 of the Diseases of Animals (Northern Ireland) Order 1981(a) and of every other power enabling it in that behalf, in the interests of human health hereby makes the following Order:

Citation and commencement

1. This Order may be cited as the Export of Sheep (Prohibition) (No. 2) Order (Northern Ireland) 1986 and shall come into operation on 16th October 1986.

Prohibition of export of sheep

2.—(1) A person shall not export from Northern Ireland to a member State any sheep to which this Order applies.

(2) Subject to paragraph (3) this Order applies to any sheep—

(a) which, notwithstanding the prohibition in—

- (i) Article 5(1) of the Food Protection (Emergency Prohibitions) (England) (No. 2) Order 1986(b);
- (ii) Article 5(1) of the Food Protection (Emergency Prohibitions) (Wales) (No. 2) Order 1986(c);
- (iii) Article 5(1) of the Food Protection (Emergency Prohibitions) (No. 8) Order 1986(d),

has been moved in accordance with the terms of a consent under Section 2(1) of the Food and Environment Protection Act 1985(e) (which enables the appropriate Minister to consent to the doing in a particular case of anything prohibited by an emergency order under Section 1 of that Act) which was subject to the condition that the sheep to which it applies should be marked in a manner specified therein in that consent; or

(b) which has been moved from such an area in contravention of a prohibition under any of these Orders.

(3) This Order applies to a sheep only for so long as the area from which it has been moved remains a designated area for the purposes of an Order referred to in paragraph (2)(a).

(a) S.I. 1981/1115 (N.I. 22)

(b) S.I. 1986/1689

(c) S.I. 1986/1681

(d) S.I. 1986/1574 amended by S.I. 1986/1595, S.I. 1986/1615 and S.I. 1986/1688

(e) 1985 c. 48

Revocation

3. The Export of Sheep (Prohibition) Order (Northern Ireland) 1986(a) is hereby revoked.

Sealed with the Official Seal of the Department of Agriculture on 15th October 1986.

(L.S.)

S. R. Armstrong

Assistant Secretary

(a) S.R. 1986 No. 288

EXPLANATORY NOTE

(This note is not part of the Order.)

The Orders mentioned in Article 2(2) ("emergency Orders") among other things restrict the movement of sheep which have been in areas designated in those Orders as areas affected by an accident at a nuclear power station at Chernobyl in the USSR ("designated areas").

This Order prohibits the export from Northern Ireland to a member State of the European Communities of sheep moved from a farm, holding or agricultural premises in a designated area in the circumstances described in Article 2.

The Order revokes and replaces the Export of Sheep (Prohibitions) Order (Northern Ireland) 1986. The principal change is that the present Order does not apply in the case of sheep moved from a designated area in accordance with the terms of a consent given by the appropriate Minister under Section 2(1) of the Food and Environment Protection Act 1985 which did not require the sheep to be marked.

Export of a sheep is prohibited only for so long as the area from which it was moved continues to be a designated area. The prohibition extends to sheep which have been moved in accordance with a Ministerial consent which required that the sheep to which it applies should be marked in a specified manner and to sheep which have been moved in contravention of a restriction.

Any person who without lawful authority or excuse, proof of which shall lie on him, contravenes any provision of this Order shall be guilty of an offence against the Diseases of Animals (Northern Ireland) Order 1981. The penalties for such an offence are on summary conviction, a fine not exceeding £2,000 or in the case of an offence committed with respect to more than five animals, not exceeding £400 per animal.