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STATUTORY RULES OF NORTHERN IRELAND

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**1996 No. 274**

**ANIMALS**

**Equine Viral Arteritis Order (Northern Ireland) 1996**

*Made* - - - - *3rd July 1996*  
*Coming into operation* *24th July 1996*

The Department of Agriculture, in exercise of the powers conferred on it by Articles 5(1), 10(6),(1) 19(e), (f), (g) and (k), 44, 46(7A)(2) and 60(1) of the Diseases of Animals (Northern Ireland) Order 1981(3) 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 Equine Viral Arteritis Order (Northern Ireland) 1996 and shall come into operation on 24th July 1996.

**Interpretation**

2. In this Order—

- “disease” means equine viral arteritis;
- “Divisional Veterinary Officer” means a Divisional Veterinary Officer of the Department;
- “licence” means a licence issued by the Department;
- “virus” means the virus of the disease.

**Notification of disease in horses**

3.—(1) Subject to paragraph (2), a person who knows or has reasonable grounds for suspecting that a stallion—

- (a) which is in his possession or under his charge; or
- (b) which he has examined or inspected,

is or may be diseased, or is or may be a carrier of the virus, shall with all practicable speed notify that fact to a Divisional Veterinary Officer, to an inspector or to any member of the Royal Ulster Constabulary.

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(1) As substituted by S.I.1994/1891 (N.I. 6) Art. 20  
(2) As inserted by S.I. 1994/1891 (N.I. 6) Art. 22  
(3) S.I. 1981/1115 (N.I. 22) as amended by S.I. 1984/702 (N.I. 2) Art. 17 and S.I. 1994/1891 (N.I. 6) Arts. 23(1) and (2) and 24(1) and Schedule

(2) Paragraph (1) shall not apply in respect of a stallion which has been vaccinated against the disease and which, immediately prior to vaccination, has been tested for the disease with a negative result.

(3) A person who knows or has reasonable grounds for suspecting that a mare which has been served, either naturally or by artificial insemination, within the previous 14 days—

- (a) which is in his possession or under his charge; or
- (b) which he has examined or inspected,

is or may be diseased, shall with all practicable speed notify to a Divisional Veterinary Officer, to an inspector or to any member of the Royal Ulster Constabulary—

- (i) that fact;
- (ii) the name of the stallion used to serve the mare; and
- (iii) the name and address of the owner of that stallion.

(4) A person who, following analysis by him of a sample of serum or semen taken from a stallion or a sample of serum taken from a mare which has been served, either naturally or by artificial insemination within the previous 14 days, reasonably supposes that the disease exists or that the stallion may be a carrier of the virus shall—

- (a) with all practicable speed notify that fact to a Divisional Veterinary Officer;
- (b) retain the sample analysed until its disposal is authorised in writing by a veterinary inspector; and
- (c) if required in writing to do so by a veterinary inspector, surrender any samples in whatever form they are to the Department.

(5) This Article shall not apply where the disease or virus has been deliberately introduced into a horse or sample in a laboratory.

#### **Restrictions and requirements on stallions and semen**

4.—(1) Upon the notification under Article 3, or if a veterinary inspector has other reasonable grounds for supposing that the disease or virus exists or has within 56 days existed in the stallion, a veterinary inspector shall—

- (a) by notice served on the owner or person in charge of the stallion, impose the restrictions and requirements contained in Part I of the Schedule; and
- (b) where appropriate, by notice served on any person who is identified as having obtained semen collected from a stallion in relation to which a notice under sub-paragraph (a) has been served, impose the restriction contained in Part II of the Schedule.

(2) The person upon whom a notice under this Article has been served shall take all reasonable steps to ensure that the notice is complied with, unless he is authorised by a licence to do anything which would otherwise be a breach of this Order.

(3) A notice served under paragraph (1) shall—

- (a) remain in force until amended or withdrawn by the Department by a further notice served on the owner or person in charge of the stallion or its semen to which the notice served under paragraph (1) relates; and
- (b) not be withdrawn until the Department is satisfied that the disease or the virus does not exist or no longer exists in the stallion or its semen.

(4) Until such time as a notice under this Article is served, a person who has in his possession or under his charge—

- (a) a stallion suspected of being diseased or of being a carrier of the virus; or

(b) semen collected from such a stallion,  
shall take all reasonable steps to ensure that the relevant restrictions and requirements contained in the Schedule are complied with.

(5) If any person fails to comply with any restriction or requirement imposed by a notice under this Article then, unless he has been authorised in that behalf under paragraph (2) the Department may, without prejudice to any proceedings for an offence arising out of such contravention—

- (a) seize or cause to be seized such diseased or suspected stallion and detain it at such place as it shall consider appropriate until the notice is amended or withdrawn; and
- (b) take such other action in relation to such stallion as may be necessary so as to ensure that any restriction or requirement imposed by the notice is complied with or carried out.

(6) The amount of any expenses reasonably incurred by the Department in the exercise of the powers under paragraph (5) in connection with the seizure and detention of a diseased or suspected stallion shall be recoverable as a civil debt by the Department from the owner of such a stallion.

#### **Veterinary inquiry as to the existence of disease**

5.—(1) In order to ascertain whether or not the disease or the virus exists or has within 56 days existed in a horse, a veterinary inspector may, subject to paragraph (2), carry out such inquiries, examinations and tests and take such samples as may be necessary for that purpose.

(2) Where the owner or person in charge of a stallion in relation to which a notice under Article 4(1)(a) has been served has made a written request to the Department and the Department has given its consent, a veterinary inspector may postpone the exercise of any of the powers under paragraph (1) in respect of that stallion until such time as specified by the Department.

(3) A veterinary inspector may mark or cause to be marked for identification purposes any horse in relation to which any of the powers under paragraph (1) or (2) have been exercised.

(4) A person shall not alter, remove, obliterate, deface or duplicate or cause or permit the alteration, removal, obliteration, defacing or duplication of any mark referred to in paragraph (3).

(5) The owner or person in charge of the horse or any person in his employment shall provide such information and render such reasonable assistance to a veterinary inspector as may be required for the purposes of this Article.

#### **Publication of results of veterinary inquiry**

6.—(1) Where an inquiry is carried out by a veterinary inspector under Article 5 and on completion of that inquiry the Department is of the opinion that the disease or virus exists or has within 56 days existed in a stallion—

- (a) the Department may publish, in such manner as it thinks fit, that fact and the name and location of the stallion; and
- (b) thereafter if the Department is satisfied that the disease or the virus no longer exists in the stallion, in respect of which publication has been made under sub-paragraph (a), the Department shall publish, in the same manner, that fact and the name and location of the stallion.

(2) Where, in exercise of the power under Article 5(2), an inquiry under Article 5(1) is postponed in pursuance of paragraph (2) of that Article—

- (a) the Department may publish, in such manner as it thinks fit, the fact that existence of the disease or the virus in the stallion is suspected and the name and location of that stallion; and

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- (b) thereafter if the Department is satisfied that the disease or the virus does not exist or no longer exists in the stallion, in respect of which publication has been made under subparagraph (a), it shall publish, in the same manner, that fact and the name and location of that stallion.

### **Licences**

7. Any licence issued under Article 4(2) or the Schedule may be issued subject to conditions and may be amended or revoked by a notice served by the Department on the person to whom the licence was issued.

Sealed with the Official Seal of the Department of Agriculture on

L.S.

3rd July 1996.

*P. T. Toal*  
Assistant Secretary

## SCHEDULE

Articles 4(1) and (4) and 7

### Restrictions and Requirements on Stallions and Semen

#### Part I

1. Except under the authority of and in accordance with any conditions contained in a licence a person shall not—
  - (a) use the stallion for the purposes of breeding;
  - (b) collect semen from the stallion; or
  - (c) transfer ownership of, lend or lease the stallion.
2. Where semen has previously been collected from the stallion and remains on the same premises as the stallion that semen shall not be used for artificial insemination unless—
  - (a) it has been tested for the virus of the disease with negative results and the Department has been notified of those results; or
  - (b) it is used under the authority of and in accordance with any conditions contained in a licence.
3. The owner or person in charge of the stallion shall give notice to the Department of any change of permanent residence of the stallion and of any change of name of the stallion within two working days of such change.
4. The owner or person in charge of the stallion shall give all reasonable assistance to a veterinary inspector to facilitate any necessary tracing and testing of semen collected from the stallion.

#### Part II

5. Where semen collected from a stallion which is subject to the restrictions under Part I is traced, such semen shall not be used for artificial insemination unless—
  - (a) it has been tested for the virus of the disease with negative results and the Department has been notified of those results; or
  - (b) it is used under the authority of and in accordance with any conditions contained in a licence.

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#### EXPLANATORY NOTE

*(This note is not part of the Order.)*

This Order introduces controls on equine viral arteritis in horses. The Order requires the Department to be notified where a person knows or has reasonable grounds to suspect that a mare which has been served either naturally or by way of artificial insemination within the previous 14 days or a stallion is or may be affected with equine viral arteritis or that a stallion is a carrier of the virus of

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the disease. It also requires notification where a person reasonably suspects that the disease or the virus exists following analysis of samples of serum or semen (Article 3).

The Order makes provision for certain restrictions and requirements to be imposed on stallions in which the disease or the virus exists or is suspected to exist and on their semen (Article 4) and for a veterinary inquiry to be carried out to ascertain the existence of disease or the virus.

The Order provides that the name and location of any stallion which has been confirmed as being, or within the previous 56 days as having been diseased or carrying the virus may be published by the Department. Where a veterinary inquiry to establish the presence of disease has been postponed at the request of the owner of a stallion the Department may publish the name and address of that stallion and the fact that the presence of disease is suspected (Article 6).

Where such details have been published, on finding that the disease or the virus does not, or no longer exists in the stallion, that finding shall also be published (Article 6).

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 penalty on summary conviction for such an offence is a fine not exceeding level 5 on the standard scale (currently £5,000).