

---

STATUTORY RULES OF NORTHERN IRELAND

---

**1997 No. 345**

**EUROPEAN COMMUNITIES  
ANIMALS**

**Welfare of Animals (Transport) (Remedial Action and  
Cost Recovery) Regulations (Northern Ireland) 1997**

*Made* - - - - *25th July 1997*  
*Coming into operation* *1st September 1997*

The Department of Agriculture, being a Department designated(1) for the purposes of section 2(2) of the European Communities Act 1972(2) in relation to the common agricultural policy of the European Community, in exercise of the powers conferred on it by the said section 2(2) and of every other power enabling it in that behalf, hereby makes the following Regulations:

**Citation and commencement**

1. These Regulations may be cited as the Welfare of Animals (Transport) (Remedial Action and Cost Recovery) Regulations (Northern Ireland) 1997 and shall come into operation on 1st September 1997.

**Interpretation**

2.—(1) In these Regulations—

“inspector” has the same meaning as in the Diseases of Animals (Northern Ireland) Order 1981(3); and

“transporter” has the same meaning as in the Welfare of Animals (Transport) Order (Northern Ireland) 1997(4).

(2) The Interpretation Act (Northern Ireland) 1954(5) shall apply to these Regulations as it applies to a Measure of the Northern Ireland Assembly.

---

(1) S.I.1972/1811  
(2) 1972 c. 68  
(3) S.I. 1981/1115 (N.I. 22) to which there are amendments not relevant to this Order  
(4) S.R. 1997 No. 346  
(5) 1954 c. 33 (N.I.)

---

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

---

### **Remedial action and cost recovery**

**3.** If any person fails to comply with the requirements of a notice served under Article 17 of the Welfare of Animals (Transport) Order (Northern Ireland) 1997, an inspector may, without prejudice to any proceedings arising out of such default, carry out those requirements himself or cause them to be carried out, and the cost of such action shall be recoverable from the transporter on demand by the Department of Agriculture for Northern Ireland.

Sealed with the Official Seal of the Department of Agriculture for Northern Ireland on

L.S.

25th July 1997.

*P. T. Toal*  
Assistant Secretary

## EXPLANATORY NOTE

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

These Regulations implement as respects Northern Ireland the provisions of Article 9(2) of Council Directive 91/628 which require that the competent authority shall recover the costs of any measures which it had to have carried out because of the failure of the transporter to comply with its instructions.

An inspector of the Department of Agriculture who has served a notice under Article 17 of the Welfare of Animals (Transport) Order (Northern Ireland) 1997 is empowered, where the person on whom the notice has been served fails to comply with its requirements, to carry out the requirements himself or cause them to be carried out. The cost of such an action shall be recoverable by that Department from the transporter of the animals concerned.