
STATUTORY RULES OF NORTHERN IRELAND

1999 No. 308

**Bovines and Bovine Products (Trade)
Regulations (Northern Ireland) 1999**

Suspension notices and orders

20.—(1) If an inspector is satisfied that there is a despatch risk in relation to any consignment or part of a consignment on business premises of any goods, products, by-products or materials of a kind described in regulation 3(1), 4(1) or 8, any controlled bovine by-products or foreign origin bovine by-products or any foreign origin export eligible goods, DBES goods or ECHS goods, he may, by a notice served on the proprietor of the business concerned (a “suspension notice”), suspend the use of the premises for—

- (a) the despatch of those goods, products, by-products or material; and
- (b) the receipt or despatch of any other goods, by-products or material of a similar kind.

(2) If a Magistrates' Court is satisfied, on the application of an inspector, that there is a despatch risk in relation to a consignment or part of a consignment on business premises of any goods, products, by products or materials to which paragraph (1) refers, the Court shall, by an order (a “suspension order”), suspend the use of the premises for—

- (a) the despatch of those goods, products, by-products or materials; and
- (b) the receipt or despatch of any other goods, products, by-products or materials of a similar kind.

(3) An inspector shall not apply for a suspension order in relation to any business premises unless, at least one day before the date of the application, he has served notice on the proprietor of the business concerned of his intention to apply for the order.

(4) As soon as practicable after the service of a suspension notice, an inspector shall affix a copy of the notice in a conspicuous position in the premises to which it relates.

(5) As soon as reasonably practicable after the making of a suspension order in relation to any business premises, an inspector shall—

- (a) serve a copy of the order on the proprietor of the business concerned; and
- (b) affix a copy of the notice in a conspicuous position on the premises.

(6) A suspension notice shall cease to have effect—

- (a) if an application for a suspension order is not made under paragraph (2) within the period of three days beginning with the service of the notice, at the end of that period; and
- (b) if such an application is so made, on the final determination of whether or not to grant that application or the abandonment of the application.

(7) A suspension notice or suspension order relating to any business premises shall cease to have effect on the issue by the Department of a certificate to the effect that it is satisfied that the proprietor of the business concerned has taken sufficient measures to ensure that there is no longer despatch risk in relation to any consignment or part of a consignment on, or likely to be on, the premises.

(8) The Department shall issue a certificate under paragraph (7) within three days of its being satisfied as mentioned in that paragraph; and on an application by the proprietor of any business which would thereby be affected by such a certificate, the Department shall—

- (a) determine, as soon as is reasonably practicable, and in any event within 14 days, whether or not it is so satisfied; and
- (b) if it determines that it is not so satisfied, give notice to the proprietor of the business of the reasons for that determination.

(9) Where a suspension notice is served on the proprietor of a business, the Department shall compensate him in respect of any loss suffered by reason of his complying with the notice unless—

- (a) an application for a suspension order is made under paragraph (2) within the period of three days beginning with the service of the notice; and
- (b) the Court which finally determines the application declares itself satisfied, on the hearing of the application, that there was a despatch risk in relation to any consignment or part of a consignment on the business premises at the time when the notice was served,

and any disputed question as to the right to or the amount of any compensation payable under this paragraph shall be determined by arbitration.

(10) A person shall not contravene any suspension notice or order.

(11) For the purposes of this regulation, “despatch risk” in respect of a consignment or part of a consignment of goods, products, by-products or material on any business premises is the risk that the proprietor of the business will despatch some or all of those goods, products, by-products or material to a member State or third country.