
STATUTORY RULES OF NORTHERN IRELAND

2007 No. 68

The Avian Influenza and Influenza of Avian Origin
in Mammals Regulations (Northern Ireland) 2007

PART IX

INSPECTION, ENFORCEMENT, OFFENCES AND AMENDMENTS

Disapplication of measures

77. Measures prohibiting or restricting the movement of any person or the use of any thing do not apply to the Department or a district council, or any person authorized by either of them to act, in the execution of these Regulations.

Veterinary investigations

78.—(1) An inspector may—

- (a) mark, or cause to be marked, for identification purposes any bird, mammal, carcase or other thing;
- (b) count birds and mammals;
- (c) take samples from any bird, mammal, carcase or other thing;
- (d) take with him such people and things as he considers necessary.

(2) Any person who enters premises under paragraph (1)(d) may return unaccompanied to take any further steps necessary to carry out the relevant functions.

(3) A person carrying out a veterinary investigation who suspects that avian influenza or influenza virus of avian origin exists or has existed on the premises must seek to establish—

- (a) the length of time avian influenza has existed on the premises or on any vehicle;
- (b) the possible origin of avian influenza on the premises;
- (c) which premises may have been exposed to contamination by avian influenza from the same origin or from the premises under investigation; and
- (d) the extent to which avian influenza may have been carried to or from the premises under investigation by the movement of birds, people, animals, vehicles, eggs, carcasses, implements or any other thing.

(4) The occupier of the premises under investigation and any person appearing to the person carrying out the investigation to have charge of birds or mammals on the premises must provide such assistance as the person carrying out the investigation may reasonably require.

(5) A person shall not alter, remove, obliterate, or deface any mark applied under paragraph (1)(a) except with the written authority of an inspector.

(6) An inspector who carries out an investigation must keep a record of the dates he visits premises, of his findings at the premises and of any action he has required the occupier of the premises to take.

(7) A person who imposes any requirements or restrictions must take account of the results of any relevant veterinary inquiries of which he should reasonably be aware.

Powers of inspectors

79. An inspector may—

- (a) require the detention and isolation of any vehicle, equipment or other thing and its subsequent cleansing and disinfection by serving a notice requiring such action on the occupier of the premises where it is present, or on the person in charge of it;
- (b) cleanse and disinfect any premises and any thing;
- (c) require the cleansing and disinfection of any thing by serving a notice on the occupier of the premises where it is kept, or on the person in charge of it;
- (d) require the cleansing and disinfection of any premises by serving a notice on the occupier of the premises;
- (e) require the removal, laundering, cleansing and disinfection or disposal of the clothing or footwear of any person by serving a notice on him;
- (f) require, by notice, the occupier of any premises or the keeper of any animal or bird—
 - (i) to keep or isolate the animal or bird in a specified place, and
 - (ii) to separate the animal or bird from any other animal or bird.

Powers of inspectors in case of default

80.—(1) Where a person fails to comply with a requirement of these Regulations, an inspector may take any steps he considers necessary to ensure the requirement is met.

(2) Where a person acts in contravention of a requirement imposed by or under these Regulations, an inspector may take any steps he considers necessary to rectify the situation so as to prevent the spread of disease.

(3) In taking steps under paragraphs (1) or (2) an inspector may seize and detain any animal moved, kept or otherwise dealt with in contravention of a restriction or requirement imposed by or under these Regulations.

(4) In taking steps under paragraph (2), an inspector may direct any person to take or refrain from specified action in respect of any place, mammal, poultry, other captive bird, vehicle, or any thing.

(5) The person in default for the purposes of paragraph (1) or (2) shall reimburse any reasonable expenses incurred by the Department in taking any steps under this regulation and any such amount is recoverable summarily.

Duty to provide reasonable assistance

81.—(1) A person required to give assistance or information to a person executing these Regulations must, unless he has reasonable cause, do so without delay.

(2) The occupier of any premises from or to which he wishes any thing to be moved under licence under these Regulations must allow an inspector to enter those premises for the purposes of deciding whether or not such a licence should be granted or maintained.

(3) The occupier must give all reasonable assistance to an inspector who visits the premises to examine the birds and to take samples.

Provision of information

82. A person shall not provide information which he knows to be false or misleading to a person executing these Regulations.

Duty to comply with declarations, licences, notices and designations

83.—(1) A person to whom a requirement in or imposed by virtue of a declaration, licence, notice or designation applies must comply with—

- (a) the requirement (unless authorised otherwise by licence); and
- (b) any request which an inspector may make to him to ensure that the requirement is met unless he has reasonable cause, must do so without delay.

(2) Subject to regulations [42\(2\)](#), [46\(6\)](#) and [74\(4\)](#), the costs incurred by any person in taking any action required or of refraining from taking action prohibited under them, must be met by that person unless the Department directs otherwise in writing.

Enforcement, offences and proceedings

84. The following provisions of the 1981 Order shall apply as if these Regulations were an order made under the 1981 Order—

- (a) Article 6 (seizure and destruction of carcasses, etc., liable to spread disease);
- (b) Article 18 (6) (general provisions relative to slaughter and compensation) and the Diseases of Animals (Valuation) Order (Northern Ireland) 1989(1);
- (c) Article 42 (functions of constables);
- (d) Article 46 (general powers of inspectors);
- (e) Article 46A (powers of inspectors relating to Community obligations); and
- (f) Article 48 (power to detain vessels and aircraft)
- (g) Article 52 (offences);
- (h) Article 54 (defences and evidence);
- (i) Article 55 (extension of time for bringing summary proceedings);
- (j) Article 56 (venue); and
- (k) Article 57 (proceedings under Customs Acts for unlawful landing or shipping).

Powers to give directions

85.—(1) The Department shall issue directions in writing to a district council concerning the enforcement by the district council of any provisions of these regulations including the variation thereof.

(2) A district council shall comply with all relevant provisions of a direction issued under paragraph (1).

(3) Where a district council fails to execute or enforce any requirement of a direction under paragraph (1) the Department shall arrange for the requirement to be carried out.

(4) For the purposes of enforcement of a direction under this regulation an authorised officer of the district council shall have all the powers of an inspector.

Disapplication

86. The provisions of the Diseases of Poultry Order (Northern Ireland) 1995⁽²⁾ are disappplied insofar as they apply to avian influenza.