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STATUTORY RULES OF NORTHERN IRELAND

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**2011 No. 440**

**ANIMALS**

**ANIMAL HEALTH**

**The Non-Commercial Movement of Pet  
Animals Order (Northern Ireland) 2011**

*Made* - - - - *21st December 2011*

*Coming into operation* *1st January 2012*

The Department of Agriculture and Rural Development is designated<sup>(1)</sup> for the purposes of section 2(2) of the European Communities Act 1972<sup>(2)</sup> in relation to the common agricultural policy of the European Union and measures in the veterinary and phytosanitary fields for the protection of public health.

To the extent that this Order makes provision for a purpose mentioned in section 2(2) of that Act, it appears to the Department that it is expedient for references in this Order to the Decision specified in paragraph (a), and to the provisions of the Regulation specified in paragraph (b), to be construed as references to those instruments as amended from time to time—

- (a) Commission Decision [2007/25/EC](#) as regards certain protection measures in relation to highly pathogenic avian influenza and movements of pet birds accompanying their owners into the Community<sup>(3)</sup>, and
- (b) Annexes I and II to Regulation [\(EC\) No 998/2003](#) of the European Parliament and of the Council on the animal health requirements applicable to the non-commercial movement of pet animals and amending Council Directive [92/65/EEC](#)<sup>(4)</sup>.

The Department makes this Order in exercise of the powers conferred by Articles 5, 19, 24, and 60 of the Diseases of Animals (Northern Ireland) Order 1981<sup>(5)</sup> and section 2(2) of, and paragraph 1A of Schedule 2 to, the European Communities Act 1972<sup>(6)</sup>.

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(1) [S.I. 2000/2812](#)

(2) [1972 c. 68](#)

(3) O.J. No L 8, 13.1.2007, p29, as last amended by Commission Decision 2010/734/EU (O.J. No L 316, 2.12.2010, p.10).

(4) O.J. No L 146, 13.6.2003, p1, as last amended by Commission Delegated Regulation (EU) No 1153/2011 (O.J. No L 296, 15.11.2011, p.13).

(5) [S.I. 1981/1115 \(N.I. 22\)](#) as amended by [S.I. 1984/702 \(N.I. 2\)](#) Article 17, [S.I. 1994/1891 \(N.I. 6\)](#) Articles 22 and 23 and [2010\(c.1\)](#) Section 19

(6) Paragraph 1A was inserted into Schedule 2 by section 28 of the [Legislative and Regulatory Reform Act 2006 \(c. 51\)](#) as amended by [2008 \(c. 7\)](#)

## PART 1

### GENERAL

#### Citation and commencement

1. This Order may be cited as the Non Commercial Movement of Pet Animals Order (Northern Ireland) 2011 and shall come into operation on 1st January 2012.

#### Commencement Information

II Art. 1 in operation at 1.1.2012, see [art. 1](#)

#### Interpretation

2.—(1) In this Order—

“carrier” means any undertaking carrying goods or passengers for hire by land, sea or air;

[<sup>F1</sup>“the Commission Implementing Regulation” means Commission Implementing Regulation (EU) No 577/2013 on the model identification documents for the non-commercial movement of dogs, cats and ferrets, the establishment of lists of territories and third countries and the format, layout and language requirements of the declarations attesting compliance with certain conditions provided for in Regulation (EU) No 576/2013 of the European Parliament and of the Council [<sup>F2</sup>, as amended by Commission Implementing Regulation (EU) 2016/561](7);]

“Decision 2003/459/EC” means Commission Decision 2003/459/EC on certain protection measures with regard to monkey pox virus(7);

“Decision 2006/146/EC” means Commission Decision 2006/146/EC on certain protection measures with regard to certain fruit bats, dogs and cats coming from Malaysia (Peninsula) and Australia(8);

“Decision 2007/25/EC” means Commission Decision 2007/25/EC as regards certain protection measures in relation to highly pathogenic avian influenza and movements of pet birds accompanying their owners into the EU(9);

[<sup>F3</sup>“declaration” means a declaration given in accordance with Article 12(1)(c), Article 25(3) or Article 30(3) of the Pets Regulation;]

“the Department” means the Department of Agriculture and Rural Development;

“health certificate” means a certificate issued in accordance with [<sup>F4</sup>Article 26 or Article 31] of the Pets Regulation;

“inspector” means a person appointed by the Department for the purposes of this Order or the Diseases of Animals (Northern Ireland) Order 1981 and includes a veterinary inspector;

“pet bird” has the same meaning as in Decision 2007/25/EC;

[<sup>F5</sup>“the Pets Regulation” means Regulation (EU) No 576/2013 of the European Parliament and of the Council on the non-commercial movement of pet animals and repealing Regulation (EC) 998/2003(8);]

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(7) O.J. No L 154, 21.6.2003, p112.

(7) O.J. No L 154, 21.6.2003, p112.

(8) O.J. No. L 55, 25.2.2006, p.44

(9) O.J. No. L 8, 13.1.2007, p.29, which was last amended by Commission Decision 2009/818/EC (O.J. No. L 291, 7.11.2009, p.27)

(8) O.J. No. L 55, 25.2.2006, p.44

“premises” means—

- (a) any land, building, shed, pen or other place;
- (b) any receptacle or container;
- (c) any ship, vessel, boat, aircraft, hovercraft or vehicle of any other description;

[<sup>F6</sup>“the supplementary Regulation” means Commission Delegated Regulation (EU) 2018/772 supplementing Regulation (EC) No 576/2013 of the European Parliament and of the Council with regard to preventive health measures for the control of *Echinococcus multilocularis* infection in dogs.]

(2) The Interpretation Act (Northern Ireland) 1954(**11**) shall apply to this Order as it applies to an Act of the Northern Ireland Assembly.

(3) Terms and expressions used in this Order and in the Pets Regulation have the same meaning as in the Pets Regulation.

(4) In this Order—

- (a) any reference to Decision [2007/25/EC](#) is a reference to that Decision as amended from time to time<sup>F7</sup>...

<sup>F8</sup>(b) .....

- F1** Words in art. 2(1) inserted (23.7.2015) by [The Non-Commercial Movement of Pet Animals \(Amendment\) Order \(Northern Ireland\) 2015 \(S.R. 2015/282\)](#), arts. 1, **4(1)(a)**
- F2** Words in art. 2(1) inserted (11.4.2019) by [The Animal Health and Welfare \(Amendment\) Regulations \(Northern Ireland\) 2019 \(S.R. 2019/82\)](#), reg. 1, **Sch. 5 para. 29(a)**
- F3** Words in art. 2(1) inserted (23.7.2015) by [The Non-Commercial Movement of Pet Animals \(Amendment\) Order \(Northern Ireland\) 2015 \(S.R. 2015/282\)](#), arts. 1, **4(1)(b)**
- F4** Words in art. 2(1) substituted (23.7.2015) by [The Non-Commercial Movement of Pet Animals \(Amendment\) Order \(Northern Ireland\) 2015 \(S.R. 2015/282\)](#), arts. 1, **4(1)(c)**
- F5** Words in art. 2(1) substituted (23.7.2015) by [The Non-Commercial Movement of Pet Animals \(Amendment\) Order \(Northern Ireland\) 2015 \(S.R. 2015/282\)](#), arts. 1, **4(1)(d)**
- F6** Words in art. 2(1) substituted (11.4.2019) by [The Animal Health and Welfare \(Amendment\) Regulations \(Northern Ireland\) 2019 \(S.R. 2019/82\)](#), reg. 1, **Sch. 5 para. 29(b)**
- F7** Word in art. 2(4) omitted (23.7.2015) by virtue of [The Non-Commercial Movement of Pet Animals \(Amendment\) Order \(Northern Ireland\) 2015 \(S.R. 2015/282\)](#), arts. 1, **4(2)(a)**
- F8** Art. 2(4)(b) omitted (23.7.2015) by virtue of [The Non-Commercial Movement of Pet Animals \(Amendment\) Order \(Northern Ireland\) 2015 \(S.R. 2015/282\)](#), arts. 1, **4(2)(b)**

**Commencement Information**

- I2** Art. 2 in operation at 1.1.2012, see [art. 1](#)

**Designation**

[<sup>F9</sup>**3.** The Department is the competent authority for the purposes of—

- (a) Articles 3(g) and (h), 10(3)(b), 22(3), 23, 32(1)(b)(i), 33(2), 34 and 35 of the Pets Regulation,
- (b) Article 2(1) of Decision [2007/25/EC](#), and
- (c) article 10 of this Order]

**F9** Art. 3 substituted (23.7.2015) by [The Non-Commercial Movement of Pet Animals \(Amendment\) Order \(Northern Ireland\) 2015](#) (S.R. 2015/282), arts. 1, 5

**Commencement Information**

**I3** Art. 3 in operation at 1.1.2012, see [art. 1](#)

**Notices**

4. Any notice issued by the Department under this Order—
- (a) shall be in writing;
  - (b) may be made subject to conditions; and,
  - (c) may be amended, suspended or revoked at any time.

**Commencement Information**

**I4** Art. 4 in operation at 1.1.2012, see [art. 1](#)

## PART 2

### CONTROLS ON DISEASES

**Controls on rabies and certain other diseases of mammals**

5.—(1) The Rabies (Importation of Dogs, Cats and Other Mammals) Order (Northern Ireland) 1977<sup>(12)</sup> does not apply to the landing of a pet animal in Northern Ireland which—

- (a) is an animal of a species listed in Part A<sup>F10</sup>... of Annex I to the Pets Regulation and is brought into Northern Ireland and satisfies—
  - (i) the requirement in respect of Rabies in Article 6
  - (ii) the requirement in respect of Nipah disease in Article 7 (where applicable);
  - (iii) the requirement in respect of Hendra disease in Article 8 (where applicable); and
  - (iv) the requirement in respect of *Echinococcus multilocularis* in Article 9 (where applicable),
- (b) is brought into Northern Ireland directly from Great Britain, the Channel Islands or the Isle of Man; or
- <sup>F11</sup>(c) is an animal of a species listed in Part B of Annex I to the Pets Regulation and is brought into Northern Ireland from [<sup>F12</sup>a] member State.]

(2) The Rabies (Importation of Dogs, Cats and Other Mammals) Order (Northern Ireland) 1977 does apply to the importation into Northern Ireland of a pet animal which is—

- (a) a prairie dog originating in, or coming from, the United States of America; or
- (b) a rodent of non-domestic species or a squirrel originating in or coming from a third country of the African sub-Saharan region.

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(12) S.R. 1977 No. 113 as amended by S.R. 1977 No. 256, S.R. 1994 No. 402, S.R. 2000 No. 10 and S.R. 2005 No. 275 and disapplied by S.R. 2006 No. 401

- F10** Words in art. 5(1)(a) omitted (23.7.2015) by virtue of The Non-Commercial Movement of Pet Animals (Amendment) Order (Northern Ireland) 2015 (S.R. 2015/282), arts. 1, **6(1)**
- F11** Art. 5(1)(c) substituted (23.7.2015) by The Non-Commercial Movement of Pet Animals (Amendment) Order (Northern Ireland) 2015 (S.R. 2015/282), arts. 1, **6(2)**
- F12** Word in art. 5(1)(c) substituted (31.12.2020) by The Trade in Animals and Related Products (Amendment) (Northern Ireland) (EU Exit) Regulations 2019 (S.I. 2019/811), regs. 1(1), **13(2)**; 2020 c. 1, Sch. 5 para. 1(1)

**Commencement Information**

- I5** Art. 5 in operation at 1.1.2012, see **art. 1**

### Rabies

6. The requirement in respect of rabies is that the animal complies with [<sup>F13</sup>Article 6 or 10] of the Pets Regulation (as the case may be).

- F13** Words in art. 6 substituted (23.7.2015) by The Non-Commercial Movement of Pet Animals (Amendment) Order (Northern Ireland) 2015 (S.R. 2015/282), arts. 1, **7**

**Commencement Information**

- I6** Art. 6 in operation at 1.1.2012, see **art. 1**

### Nipah disease

7. The requirement in respect of Nipah disease is that a dog or cat imported from Malaysia (Peninsula) must be accompanied by a certificate which—

- (a) is signed by a representative of the Malaysian government veterinary services;
- (b) states the number of the microchip implanted in the dog or cat; and
- (c) certifies that the conditions in Article 2(2) of Decision **2006/146/EC** have been met.

**Commencement Information**

- I7** Art. 7 in operation at 1.1.2012, see **art. 1**

### Hendra disease

8. The requirement in respect of Hendra disease is that a cat imported from Australia must be accompanied by a certificate which—

- (a) is signed by a representative of the Australian government veterinary services;
- (b) states the number of the microchip implanted in the cat; and
- (c) certifies that the condition in Article 3(2) of Decision **2006/146/EC** has been met.

**Commencement Information**

- I8** Art. 8 in operation at 1.1.2012, see **art. 1**

### **Echinococcus multilocularis**

9. The requirement in respect of *Echinococcus multilocularis* is that a dog complies with any preventive health measures in Article [F146] of the supplementary Regulation except where those measures do not apply by virtue of Article [F157(1)(b)] of that Regulation.

**F14** Word in art. 9 substituted (11.4.2019) by [The Animal Health and Welfare \(Amendment\) Regulations \(Northern Ireland\) 2019 \(S.R. 2019/82\)](#), reg. 1, **Sch. 5 para. 30(a)**

**F15** Word in art. 9 substituted (11.4.2019) by [The Animal Health and Welfare \(Amendment\) Regulations \(Northern Ireland\) 2019 \(S.R. 2019/82\)](#), reg. 1, **Sch. 5 para. 30(b)**

#### **Commencement Information**

**I9** Art. 9 in operation at 1.1.2012, see [art. 1](#)

### **Controls on highly pathogenic avian influenza**

10.—(1) This Article applies where a pet bird is part of a movement into Northern Ireland which does not comply with Decision [2007/25/EC](#).

(2) An inspector may serve a written notice on the person accompanying the bird, requiring that person to—

- (a) return the bird to its country of origin;
- (b) place the bird in quarantine for such period, at such premises and subject to such conditions as may be specified in the notice; or
- (c) where the return or quarantine of the bird is not possible, cause the bird to be destroyed by a date specified in the notice.

(3) A person on whom a notice is served must comply with it at that person's own expense.

(4) Where a notice is not complied with, an officer of the competent authority may seize the bird, detain it and arrange for it to be treated as required by the notice at the expense of the person on whom the notice is served.

#### **Commencement Information**

**I10** Art. 10 in operation at 1.1.2012, see [art. 1](#)

## [F16]PART 2A

### Microchipping of Pet Animals

**F16** Pt. 2A inserted (23.7.2015) by [The Non-Commercial Movement of Pet Animals \(Amendment\) Order \(Northern Ireland\) 2015 \(S.R. 2015/282\)](#), arts. 1, 8

### **Minimum qualifications for microchipping of pet animals**

10A.—(1) No person may implant a microchip in an animal of the species listed in Part A of Annex I to the Pets Regulation for the purposes of a non-commercial movement unless—

- (a) they are a veterinary surgeon or a veterinary nurse acting under the direction of a veterinary surgeon,

- (b) they are a student of veterinary surgery or student veterinary nurse and in either case acting under the direction of a veterinary surgeon,
- (c) they have been satisfactorily assessed on a training course approved by the competent authority for that purpose, or
- (d) before the 29th December 2014 they received training on implantation which included practical experience of implanting a microchip.

(2) In this Article—

“microchip” has the same meaning as “transponder” in the Pets Regulation;

“student veterinary nurse” and “veterinary nurse” have the meanings given by Schedule 3 of the Veterinary Surgeons Act 1966<sup>(9)</sup>;

“student of veterinary surgery” has the same meaning as in regulation 3 of the Schedule to the Veterinary Surgeons (Practice by Students) Regulations Order of Council 1981<sup>(10)</sup>;

“veterinary surgeon” means a person registered in the register of veterinary surgeons under section 2 of the Veterinary Surgeons Act 1966.]

## PART 3

### ASSISTANCE DOGS

#### Landing of assistance dogs

**11.**—(1) A [<sup>F17</sup>Community air carrier<sup>[F18</sup>, a UK air carrier, a United Kingdom carrier ] or a Union carrier,] may land a recognised assistance dog in Northern Ireland provided the recognised assistance dog complies with the Pets Regulation.

<sup>[F19]</sup>(2) In this article—

“Community air carrier” [<sup>F20</sup>and UK air carrier have] the meaning given by Article 2 of Regulation (EC) No 1107/2006 of the European Parliament and of the Council concerning the rights of disabled persons and persons with reduced mobility when travelling by air, and for the purposes of travelling by air “recognised assistance dog” shall be interpreted in accordance with that Regulation;

“Union carrier” has the meaning given by Article 3 of Regulation (EU) No 1177/2010 of the European Parliament and of the Council concerning the rights of passengers when travelling by sea and inland waterway [<sup>F21</sup>as it applies in the European Union as amended from time to time]]

<sup>[F22</sup>“United Kingdom carrier” means a carrier established within the territory of the United Kingdom or offering transport by a passenger service operated to or from the territory of the United Kingdom, and for the purposes of travelling by sea and inland waterway, “recognised assistance dog” shall be interpreted in accordance with Regulation (EU) No 1177/2010 of the European Parliament and of the Council concerning the rights of passengers when travelling by sea and inland waterway.]

**F17** Words in art. 11(1) substituted (23.7.2015) by [The Non-Commercial Movement of Pet Animals \(Amendment\) Order \(Northern Ireland\) 2015 \(S.R. 2015/282\)](#), arts. 1, **9(1)**

**(9)** O.J. No. L 8, 13.1.2007, p.29, which was last amended by Commission Decision [2009/818/EC](#) (O.J. No. L 291, 7.11.2009, p.27)

**(10)** O.J. No. L 146, 13.6.2003, p.1 which was last amended by Regulation (EU) No. 438/2010 (O.J. No. L 132, 29.5.2010, p.3)

- F18** Words in art. 11(1) inserted (31.12.2020) by *The Trade in Animals and Related Products (Amendment) (Northern Ireland) (EU Exit) Regulations 2019* (S.I. 2019/811), regs. 1(1), **13(3)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F19** Art. 11(2) substituted (23.7.2015) by *The Non-Commercial Movement of Pet Animals (Amendment) Order (Northern Ireland) 2015* (S.R. 2015/282), arts. 1, **9(2)**
- F20** Words in art. 11(2) substituted (31.12.2020) by *The Trade in Animals and Related Products (Amendment) (Northern Ireland) (EU Exit) Regulations 2019* (S.I. 2019/811), regs. 1(1), **13(3)(b)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F21** Words in art. 11(2) substituted (31.12.2020) by *The Trade in Animals and Related Products (Amendment) (Northern Ireland) (EU Exit) Regulations 2019* (S.I. 2019/811), regs. 1(1), **13(3)(b)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F22** Words in art. 11(2) inserted (31.12.2020) by *The Trade in Animals and Related Products (Amendment) (Northern Ireland) (EU Exit) Regulations 2019* (S.I. 2019/811), regs. 1(1), **13(3)(b)(iii)**; 2020 c. 1, Sch. 5 para. 1(1)

#### Commencement Information

- I11** Art. 11 in operation at 1.1.2012, see [art. 1](#)

## PART 4

### ENFORCEMENT

#### Powers of inspectors

**12.**—(1) An inspector may, on producing a duly authenticated authorisation if required, enter any premises at any reasonable hour for the purpose of enforcing the relevant instruments. In this Part the “relevant instruments” are the *Pets Regulation*, [F23the *Commission Implementing Regulation*,] *Decision 2003/459/EC*, *Decision 2006/146/EC*, *Decision 2007/25/EC*, the *supplementary Regulation* and this Order.

(2) The inspector may be accompanied by such other persons as the inspector considers necessary. F24....

(3) Admission to any premises used wholly or mainly as a private dwelling house may not be demanded as of right unless the entry is in accordance with a warrant granted under paragraph (4).

(4) A lay magistrate may by signed warrant permit an inspector to enter premises used wholly or mainly as a private dwelling house, if necessary by reasonable force, if satisfied on sworn complaint in writing—

- (a) that there are reasonable grounds to enter those premises for the purpose of enforcing the relevant instruments; and
- (b) that any of the conditions in paragraph (5) are met.

(5) The conditions are—

- (a) entry to the premises has been, or is likely to be, refused, and notice of the intention to apply for a warrant has been given to the occupier;
- (b) asking for admission to the premises, or giving such notice, would defeat the object of entry;
- (c) entry is required urgently; or
- (d) the premises are unoccupied or the occupier is temporarily absent.

(6) A warrant granted under this Order continues in force for one month.



(7) An inspector who enters any unoccupied premises shall leave them as effectively secured against unauthorised entry as they were before entry.

(8) An inspector who has entered premises for the purposes of enforcing the relevant instruments may for those purposes—

- (a) carry out any examination, investigation or test;
- (b) inspect and search the premises;
- (c) require the production of any document or record (including a passport or health certificate) and inspect and take a copy of or extract from such document or record;
- (d) require any person to provide such assistance, information or facilities as is reasonable;
- (e) seize and detain a pet animal or bird.

- F23** Words in art. 12(1) inserted (23.7.2015) by [The Non-Commercial Movement of Pet Animals \(Amendment\) Order \(Northern Ireland\) 2015 \(S.R. 2015/282\)](#), arts. 1, **10**
- F24** Words in art. 12(2) omitted (31.12.2020) by virtue of [The Trade in Animals and Related Products \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2019 \(S.I. 2019/811\)](#), regs. 1(1), **13(4)**; 2020 c. 1, Sch. 5 para. 1(1)

#### Commencement Information

**I12** Art. 12 in operation at 1.1.2012, see [art. 1](#)

### Offences

**13.** It is an offence—

- (a) to fail to comply with a notice served under Article [10\(2\)](#);
- (b) intentionally to obstruct any person acting in the execution of the relevant instruments;
- (c) without reasonable cause, to fail to give to any such person any assistance or information that that person may reasonably require;
- (d) to furnish to any such person any information knowing it to be false or misleading [<sup>F25</sup>(including information contained in a passport, health certificate or declaration)] ; or
- (e) to fail to produce a document or record [<sup>F26</sup>(including a passport, health certificate or declaration)] to any such person when required to do so.

- F25** Words in art. 13(d) substituted (23.7.2015) by [The Non-Commercial Movement of Pet Animals \(Amendment\) Order \(Northern Ireland\) 2015 \(S.R. 2015/282\)](#), arts. 1, **11(1)**
- F26** Words in art. 13(e) substituted (23.7.2015) by [The Non-Commercial Movement of Pet Animals \(Amendment\) Order \(Northern Ireland\) 2015 \(S.R. 2015/282\)](#), arts. 1, **11(2)**

#### Commencement Information

**I13** Art. 13 in operation at 1.1.2012, see [art. 1](#)

### Penalties

**14.—(1)** A person found guilty of an offence under Article [13\(a\)](#) is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(2) A person found guilty of an offence under Article [13\(b\)](#), [\(c\)](#), [\(d\)](#) or [\(e\)](#) is liable on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding level 5 on the standard scale.

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**Changes to legislation:** There are currently no known outstanding effects for the The Non-Commercial Movement of Pet Animals Order (Northern Ireland) 2011. (See end of Document for details)

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**Commencement Information**

**I14** Art. 14 in operation at 1.1.2012, see [art. 1](#)

## PART 5

### TRANSITIONAL, AMENDMENTS AND REVOCATIONS

#### Transitional

<sup>F27</sup>**15.** .....

**F27** Art. 15 omitted (31.12.2020) by virtue of [The Trade in Animals and Related Products \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2019 \(S.I. 2019/811\)](#), regs. 1(1), **13(5)**; 2020 c. 1, Sch. 5 para. 1(1)

#### Amendments

**16.** The Schedule (amendments) has effect.

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**Commencement Information**

**I15** Art. 16 in operation at 1.1.2012, see [art. 1](#)

#### Revocations

**17.** The Rabies (Importation of Dogs, Cats and Other Mammals) (Amendment) Order (Northern Ireland) 2005(**13**) is hereby revoked.

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**Commencement Information**

**I16** Art. 17 in operation at 1.1.2012, see [art. 1](#)

Sealed with the Official Seal of the Department of Agriculture and Rural Development on 21st December 2011



*C. McMaster*  
A senior officer of the Department of Agriculture  
and Rural Development

## SCHEDULE

Article 16

## Amendments

### Amendments to the Rabies (Importation of Dogs, Cats and Other Mammals) Order (Northern Ireland) 1977

1. The Rabies (Importation of Dogs, Cats and Other Mammals) Order (Northern Ireland) 1977 is amended in accordance with the following paragraphs.

#### Commencement Information

**I17** Sch. para. 1 in operation at 1.1.2012, see [art. 1](#)

#### Amendment of Article 3

2. In Article 3(1) (*interpretation*)—

(a) after the definition of “member State”, insert—

““the Pets Order” means the Non-Commercial Movement of Pet Animals Order (Northern Ireland) 2011;

“the Pets Regulation” means Regulation (EC) No. 998/2003 of the European Parliament and of the Council on the animal health requirements applicable to the non-commercial movement of pet animals and amending Council Directive 92/65/EEC, as amended from time to time;

“the Pets Regulation quarantine end date” means—

- (a) in the case of a cat or ferret subject to Article 5 of the Pets Regulation, the date on which the animal satisfies the requirements of that Article,
- (b) in the case of a cat or ferret subject to Article 8 of the Pets Regulation, the date on which the animal satisfies the requirements of that Article,
- (c) in the case of a dog subject to Article 5 of the Pets Regulation and Article 7 of the supplementary Regulation, the date on which the dog satisfies the requirements of both Articles,
- (d) in the case of a dog subject to Article 5 of the Pets Regulation but exempt from Article 7 of the supplementary Regulation, the date on which the dog satisfies the requirements of Article 5 of the Pets Regulation,
- (e) in the case of a dog subject to Article 8 of the Pets Regulation and Article 7 of the supplementary Regulation, the date on which the dog satisfies the requirements of both Articles,

and for the purposes of this definition “the supplementary Regulation” means Commission Delegated Regulation (EU) No 1152/2011 supplementing Regulation (EC) No 998/2003 of the European Parliament and of the Council as regards preventive health measures for the control of *Echinococcus multilocularis* infection in dogs<sup>(14)</sup>; and”, and

(b) in paragraph (2), after the words “leaves or escapes from, a vessel” insert “, vehicle”.

<sup>(14)</sup> O.J. No L 296, 15.11.2011, p.6.

### Commencement Information

**I18** Sch. para. 2 in operation at 1.1.2012, see [art. 1](#)

### Amendment of Article 4

3.—(1) For Article 4 (*prohibition on landing of animals*) substitute—

“(1) Subject to the provisions of this Order, the landing in Northern Ireland of an animal brought from a place outside Northern Ireland is prohibited.

(2) The prohibition referred to in paragraph (1) shall not apply to the landing in Northern Ireland of -

- (a) an animal which—
  - (i) is brought to Northern Ireland from another member State, Norway, Switzerland or Liechtenstein,
  - (ii) is subject to Council Directive [92/65/EEC](#), and
  - (iii) complies with the trade requirements,
- (b) an animal which—
  - (i) originates in, and is brought to Northern Ireland from, Great Britain, the Channel Islands or the Isle of Man, or
  - (ii) is subject to Council Directive [92/65/EEC](#) and was brought to Great Britain, the Channel Islands or the Isle of Man from a place outside those territories and subsequently brought to Northern Ireland,
- (c) an animal which originates in, and is brought to Northern Ireland from, the Republic of Ireland, unless—
  - (i) it is an animal which is subject to Article 5 of the Pets Regulation but fails to comply with the requirements of that Article, or
  - (ii) it is an animal which is subject to Council Directive [92/65/EEC](#) but fails to comply with the trade requirements,
- (d) an animal which—
  - (i) is brought to Great Britain, the Channel Islands, the Isle of Man or the Republic of Ireland from a place outside those countries or territories (other than Northern Ireland) and is subsequently brought to Northern Ireland,
  - (ii) is not subject to Council Directive [92/65/EEC](#) or the Pets Regulation, and
  - (iii) has been detained and isolated in quarantine in Great Britain, the Channel Islands, the Isle of Man or the Republic of Ireland for a period of at least four months before being brought to Northern Ireland.

(3) The prohibition on landing contained in paragraph (1) shall not apply when the landing is under the authority of a licence granted by the Department, and in accordance with the terms and conditions subject to which it was granted.

(4) But a licence may not be granted for the importation of—

- (a) prairie dogs originating in or coming from the United States of America;
- (b) rodents of non-domestic species and squirrels originating in or coming from a third country of the African sub-Saharan region;
- (c) dogs or cats from Malaysia (Peninsula) which fail to meet the requirements in Article 7 of the Pets Order (in respect of Nipah disease); or

- (d) cats from Australia which fail to meet the requirements in Article 8 of the Pets Order (in respect of Hendra disease).
- (5) Only the Port of Belfast or Belfast International Airport may be used for the landing of animals in Northern Ireland.
- (6) The restriction in paragraph (5) does not apply to the landing in Northern Ireland of an animal to which, in accordance with paragraph (2), the prohibition in paragraph (1) does not apply.
- (7) The Department may on being satisfied that exceptional circumstances exist in connection with the bringing into Northern Ireland of a particular animal, grant a licence for the landing of that animal at a port or airport other than the Port of Belfast or Belfast International Airport and nothing in paragraph (5) shall be construed as precluding this power.
- (8) Nothing in paragraphs (5) and (7) shall render it unlawful (subject to the authority of an inspector first having been obtained) for an animal to be landed at a place in Northern Ireland (other than at the port of Belfast or Belfast International Airport, or a port or airport at which the animal is permitted to be landed in accordance with a licence granted under paragraph (7)) to which the vessel, vehicle or, as the case may be, the aircraft which is bringing the animal to Northern Ireland is ordered to be diverted in the interests of safety, or in the light of other exceptional circumstances.
- (9) While a direction under paragraph (10) is in force the landing in Northern Ireland of any animal brought from those countries or territories referred to in paragraph (2), or such of those countries or territories as shall be specified in the direction, is prohibited except under and in accordance with the conditions of a licence granted by the Department.
- (10) Notwithstanding the provisions of paragraph (2), if at any time the Department has reason to believe that there is an outbreak of rabies in one of the countries or territories referred to in that paragraph, and it appears to the Department necessary to act as a matter of urgency for the purpose of preventing the introduction of rabies into Northern Ireland, the Department may direct that the prohibition in paragraph (9) shall apply to all animals brought to Northern Ireland from those countries or territories referred to in paragraph (2) or such of them as shall be specified in the direction. A direction under this paragraph shall remain in force until revoked by the Department.
- (11) Where the Department makes a direction under paragraph (10) it shall take all reasonable steps to bring it to the notice of any person who is likely to be affected by it, and in any proceedings for an offence arising by virtue only of the direction, it shall be a defence that at the time when the offence was committed the accused had no reason to believe that the direction was in existence.
- (12) For the purposes of this Order, an animal which—
- (a) is taken from a place in Northern Ireland, Great Britain, the Channel Islands or the Isle of Man to a place outside those countries (whether or not it is landed at that place or comes into contact with any other animal while there, or during the journey thereto or therefrom); or
  - (b) while outside Northern Ireland, comes into contact with an animal to which, if it were brought to Northern Ireland, the prohibition on landing contained in paragraph (1) would apply,

shall be deemed to be an animal brought from a place outside Northern Ireland when landed in Northern Ireland.

(13) Where an animal landed in Northern Ireland is brought into Northern Ireland from a place other than a country outside Northern Ireland, the prohibition on landing contained in paragraph (1) shall apply to that animal if while outside Northern Ireland it has been or may have been in contact with an animal to which, if it were brought into Northern Ireland, the prohibition contained in paragraph (1) would apply.

(14) In this Article—

- (a) “the trade requirements” means—

- (i) the requirements of Council Directive [92/65/EEC](#); and
  - (ii) the requirements of the Trade in Animals and Related Products Regulations (Northern Ireland) 2011; and
- (b) “Council Directive [92/65/EEC](#)” means Council Directive [92/65/EEC](#) laying down animal health requirements governing trade in and imports into the Community of animals, semen, ova and embryos not subject to animal health requirements laid down in specific Community rules referred to in Annex A(I) to Directive [90/425/EEC](#).
- (15) For the purposes of paragraph 14(a), the requirements of Council Directive [92/65/EEC](#) include the requirement that animals (other than dogs, cats and ferrets) were born on a registered holding and have been kept in captivity since birth, as referred to in Article 10(4) of that Directive.”.
- (2) Articles 4B and 4C are revoked.

#### Commencement Information

**119** Sch. para. 3 in operation at 1.1.2012, see [art. 1](#)

#### Amendment of Article 5

4. In Article 5(detention and isolation in quarantine)—

(a) for paragraph(1), (2) and (2A) substitute—

“(1) Where an animal specified in Part I of the Schedule is landed in Northern Ireland in accordance with a licence granted under Article 4 it shall, after being so landed, be immediately detained and isolated in quarantine at its owner’s expense for the rest of its life, at such premises and subject to such conditions as may be specified in the licence; and in the event of such an animal being born in Northern Ireland (whether or not its parents, or any one of them, were brought from the place outside Northern Ireland) it shall, for the purposes of this Order, be deemed to be an animal brought from a place outside Northern Ireland and the foregoing provisions of this paragraph with regard to detention and isolation in quarantine for life shall apply to that animal.

(2) Where an animal specified in Part II of the Schedule is landed in Northern Ireland in accordance with a licence granted under Article 4 it must be immediately detained and isolated in quarantine at its owner’s expense at such premises and subject to any conditions specified in the licence.

(2A) Paragraph (2) does not apply to an animal of the order *Rodentia* or *Lagomorpha* where the licence states that it is being brought into Northern Ireland—

- (a) for use at research premises in accordance with scientific research; or
- (b) to a zoological establishment licensed under the Welfare of Animals (Northern Ireland) Act 1972.

(2B) The period of quarantine required under paragraph (2) is—

- (a) in the case of an animal subject to Article 5 or 8 of the Pets Regulation, the period ending with the Pets Regulation quarantine end date,
- (b) in any other case, subject to paragraph (2C), four months.

(2C) The Department may authorise the release of an animal which is not subject to Article 5 or Article 8 of the Pets Regulation from quarantine or waive its period of quarantine if it is satisfied that such release will present negligible risk of the introduction of rabies into or spread of rabies within Northern Ireland.

**Changes to legislation:** There are currently no known outstanding effects for the *The Non-Commercial Movement of Pet Animals Order (Northern Ireland) 2011*. (See end of Document for details)

(2D) Any offspring born to an animal during its quarantine must be kept in quarantine for the remainder of the period of the dam’s quarantine, unless the release of either animal is authorised under paragraph (2C).”

- (b) in the second paragraph of paragraph (3) for “referred to in that paragraph shall, unless the Department” substitute “referred to in paragraph (2B) shall, unless the animals are subject to Article 5 or Article 8 of the Pets Regulation or the Department”.

**Commencement Information**

**I20** Sch. para. 4 in operation at 1.1.2012, see [art. 1](#)

**Amendment of Article 6**

- 5. In Article 6 (vaccination of dogs and cats in quarantine)—
  - (a) for the heading “vaccination of dogs and cats in quarantine” substitute “Vaccination of animals in quarantine”;
  - (b) in paragraph (1) for the phrase “dog and cat” substitute “animal”;
  - (c) in paragraph (2) for the phrase “a dog or cat” substitute “an animal” and for the phrase “the dog or cat” substitute “the animal”; and
  - (d) after paragraph (2) insert—

“(3) This Article does not apply to an animal which is subject to Article 5 or 8 of the Pets Regulation.”.

**Commencement Information**

**I21** Sch. para. 5 in operation at 1.1.2012, see [art. 1](#)

**Amendment of Article 7**

- 6. In Article 7 (control of movement after landing)—
  - (a) for paragraph (1) substitute—

“(1) Where an animal is landed in Northern Ireland in accordance with a licence granted under Article 4(3) (other than an animal brought into Northern Ireland which is exempt from quarantine under Article 5(2A)), it shall be detained in the landing place in an area provided for the purpose by the port or airport authority and approved by the Department until an Inspector authorises its movement to an authorised carrying agent or approved quarantine premises.”.
  - (b) in paragraph (2), after “vessel” insert, “,vehicle”.

**Commencement Information**

**I22** Sch. para. 6 in operation at 1.1.2012, see [art. 1](#)

**Amendment of Article 8**

- 7. In Article 8 (control of animals passing through Northern Ireland), insert—



- (a) in paragraph (1) for “Articles 4(1) and (2), 5,6 and 7” substitute “Articles 4(1), (3), (8), (10) and (11)”;
- (b) in paragraph (3) for “Articles 4(1) and (2), 5,6 and 7” substitute “Articles 4(1), (3), (8), (10) and (11)”;
- (c) in paragraph (5) for “six months” substitute “four months”.
- (d) after paragraph (7) insert—
  - “(8) This Article does not apply to the landing of an animal which is subject to Article 5 or 8 of the Pets Regulation.”.

#### **Commencement Information**

**I23** Sch. para. 7 in operation at 1.1.2012, see [art. 1](#)

#### **Amendment of Article 12**

8. In Article 12 (detention of animals on board vessels in harbour)—
- (a) in paragraph (1) substitute “4” for “6”;
  - (b) for paragraph (3), substitute—
    - “(3) Paragraph (2)(c) shall not apply to an animal which is landed—
      - (a) in accordance with Article 4(2)(a); or
      - (b) In accordance with a licence granted under Article 4(3); or
      - (c) in the circumstances referred to in Article 8.”
  - (c) in paragraph (5) substitute “four” for “six”;
  - (d) after paragraph (5) insert—
    - “(5A) But—
      - (a) where an animal is subject to Article 5 or 8 of the Pets Regulation, the period of quarantine under paragraph (5) must end on the Pets Regulation quarantine end date;
      - (b) where an animal is not subject to Article 5 or 8 of the Pets Regulation, the Department may authorise release of the animal from quarantine or waive its period of quarantine if satisfied that such release will present negligible risk of the introduction of rabies into or spread of rabies within Northern Ireland.”.
  - (e) in paragraph (9)(ii), for “six” substitute “four”, and
  - (f) after paragraph (9), insert—
    - “(9A) But—
      - (a) where an animal is subject to Article 5 or 8 of the Pets Regulation, the period of quarantine under paragraph (9)(ii) must end on the Pets Regulation quarantine end date;
      - (b) where an animal is not subject to Article 5 or 8 of the Pets Regulation, the Department may authorise release of the animal from quarantine or waive its period of quarantine if satisfied that such release will present negligible risk of the introduction of rabies into or spread of rabies within Northern Ireland.”.

**Commencement Information**

**I24** Sch. para. 8 in operation at 1.1.2012, see [art. 1](#)

**Amendment of Article 13**

9. In Article 13 (action in case of illegal landing or breach of quarantine)—
- (a) in paragraph (1)(ii) for “six” substitute “four”;
  - (b) after paragraph (1), insert—

“(1A) But where an animal is subject to Article 5 or 8 of the Pets Regulation, the period of quarantine under paragraph (1) must end on the Pets Regulation quarantine end date (and notice given under that paragraph ceases to have effect on that date).”
  - (c) in paragraph (3), for “six”, substitute “four”, and
  - (d) after paragraph (3), insert—

“(3A) But—

    - (a) where an animal is subject to Article 5 or 8 of the Pets Regulation, the notice may not be terminated under paragraph (3) before the Pets Regulation quarantine end date;
    - (b) where an animal is not subject to Article 5 or 8 of the Pets Regulation, the Department may, if satisfied that release of the animal from quarantine or waiver of its quarantine period will present negligible risk of the introduction of rabies into or spread of rabies within Northern Ireland, terminate the operation of the notice by notice served to the person in charge of the animal.”

**Commencement Information**

**I25** Sch. para. 9 in operation at 1.1.2012, see [art. 1](#)

**Amendment of Article 14**

10. In Article 14 (power to destroy imported animals)—
- (a) renumber the provision as paragraph (1), and
  - (b) after paragraph (1), insert—

“(2) But where the animal is subject to Article 8 of the Pets Regulation, paragraph (1) is subject to Article 14(c) of the Pets Regulation.”

**Commencement Information**

**I26** Sch. para. 10 in operation at 1.1.2012, see [art. 1](#)

**Amendment of the Schedule**

11. In the heading of Part II of the Schedule 2 for “6” substitute “4”.

### Commencement Information

**I27** Sch. para. 11 in operation at 1.1.2012, see [art. 1](#)

## EXPLANATORY NOTE

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

This Order enforces—

- (a) Commission Decision [2003/459/EC](#) on certain protection measures with regard to monkey pox virus (O.J. No L 154, 21.6.2003, p.112),
- (b) Regulation [\(EC\) No 998/2003](#) on the animal health requirements applicable to the non-commercial movement of pet animals and amending Council Directive [92/65/EEC](#) (O.J. No L 146, 13.6.2003, p.1),
- (c) Commission Decision [2006/146/EC](#) on certain protection measures with regard to certain fruit bats, dogs and cats coming from Malaysia (Peninsula) and Australia (O.J. No L 55, 25.2.2006, p.44),
- (d) Commission Decision [2007/25/EC](#) as regards certain protection measures in relation to highly pathogenic avian influenza and movements of pet birds accompanying their owners into the Community (O.J. No L 8, 13.1.2007, p.29), and
- (e) Commission Delegated Regulation (EU) No 1152/2011 supplementing Regulation [\(EC\) No 998/2003](#) of the European Parliament and of the Council as regards preventive health measures for the control of *Echinococcus multilocularis* infection in dogs (O.J. No L 296, 15.11.2011, p.6).

Part 1 provides definitions and designates the Department as the competent authority responsible for various functions under the Order.

Part 2 concerns the preventive health measures that apply to the movement of pet animals to Northern Ireland to protect against the risk of the introduction of rabies, *Echinococcus multilocularis* (tapeworm), Hendra disease, Nipah disease and highly pathogenic avian influenza into Northern Ireland. Article 5 (1)(a) operates so as to exempt a pet dog, cat or ferret from the provisions of the Rabies (Importation of Dogs, Cats and Other Mammals) Order (Northern Ireland) 1977 ([S.R. 1977 No.113](#)) (“the 1977 Order”) provided the pet dog, cat or ferret meets all preventive health measures that are applicable to that animal. Pet rodents and rabbits (as well as certain other species) brought to Northern Ireland from another member State or other European country listed in Part B of Annex II to Regulation [\(EC\) No 998/2003](#) are also exempt from the provisions of the 1977 Order, as are pet animals brought to Northern Ireland from Great Britain, the Channel Islands or the Isle of Man (Article 5(1)(b) and (c)). A pet bird brought to Northern Ireland from a third country (subject to certain exceptions) which does not comply with the preventive health measures in Commission Decision [2007/25/EC](#) may be re-exported, detained in quarantine or destroyed.

Part 3 provides for the landing in Northern Ireland of recognised assistance dogs being brought into Northern Ireland on a Community air carrier.

Part 4 contains provisions relating to enforcement. Inspectors are given powers to require compliance with the Order, including powers of entry and seizure.

**Changes to legislation:** *There are currently no known outstanding effects for the The Non-Commercial Movement of Pet Animals Order (Northern Ireland) 2011. (See end of Document for details)*

Offences listed in Article 13(a) are punishable on summary conviction to a fine only. Offences listed in Article 13(b) to 13(e) relating to obstruction of authorised officers or falsification of documentation is punishable on summary conviction to a fine or up to three months' imprisonment.

A pet animal that is not brought into Northern Ireland in accordance with the relevant EU instruments will be subject to the quarantine provisions in the 1977 Order.

The owner of the pet animal may also be subject to the offences in Article 16 of that Order. A pet animal that fails to meet the preventative health measures relating to Hendra or Nipah is prohibited entry into Northern Ireland.

Part 5 provides a transitional arrangement for pet animals already detained and isolated in quarantine on the coming into force of this Order and deals with amendments to other legislation, principally the 1977 Order.

The Schedule amends the 1977 Order to reduce the quarantine period for rabies-susceptible animals (other than animals subject to Article 5 or 8 of Regulation (EC) No 998/2003) from 6 months to 4 months and to give a discretionary power to the appropriate authorities to reduce or waive the 4 month quarantine period if satisfied that the release of an animal from quarantine will present negligible risk of the introduction of rabies into Northern Ireland.

**Changes to legislation:**

There are currently no known outstanding effects for the The Non-Commercial Movement of Pet Animals Order (Northern Ireland) 2011.