

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^(a) for the purposes of section 2(2) of the European Communities Act 1972^(b) 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^(c), 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^(d).

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^(e) and section 2(2) of, and paragraph 1A of Schedule 2 to, the European Communities Act 1972^(f).

(a) S.I. 2000/2812
(b) 1972 c. 68
(c) 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).
(d) 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).
(e) 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
(f) 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.

Interpretation

2.—(1) In this Order—

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

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

“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(b);

“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(c);

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

“health certificate” means a certificate issued in accordance with Article 8(2) 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;

“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(d);

“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;

“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(e).

(2) The Interpretation Act (Northern Ireland) 1954(f) 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) O.J. No L 154, 21.6.2003, p112.

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

(c) 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)

(d) 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)

(e) O.J. No. L 296, 15.11.2011, p.6

(f) 1954 c. 33 (N.I.)

- (a) any reference to Decision 2007/25/EC is a reference to that Decision as amended from time to time, and
- (b) any reference to Annex I or II to the Pets Regulation is a reference to that Annex to that Regulation as amended from time to time.

Designation

3. The Department is the competent authority for the purposes of—
- (a) Article 5(1)(b) and Article 12 of the Pets Regulation; and
 - (b) Article 2(1) of Decision 2007/25/EC.

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.

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^(a) 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 or B 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
- (c) is an animal of a species listed in Part C of Annex I to the Pets Regulation and is brought into Northern Ireland from another member State or a territory listed in Part B of Annex II to the Pets Regulation.

(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.

(a) 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 disappplied by S.R. 2006 No. 401

Rabies

6. The requirement in respect of rabies is that the animal complies with Article 5 or 8 of the Pets Regulation (as the case may be).

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.

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.

Echinococcus multilocularis

9. The requirement in respect of *Echinococcus multilocularis* is that a dog complies with any preventive health measures in Article 7 of the supplementary Regulation except where those measures do not apply by virtue of Article 2(2) of that Regulation.

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.

PART 3

ASSISTANCE DOGS

Landing of assistance dogs

11.—(1) A community air carrier may land a recognised assistance dog in Northern Ireland provided the recognised assistance dog complies with the Pets Regulation.

(2) In this Article “Community air carrier” and “recognised assistance dog” have the same meaning as in 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^(a).

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, 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, including any representative of the European Commission.

(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.

Offences

13. It is an offence—

(a) O.J. No. L 204, 26.7.2006, p.1

- (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 (including information contained in a passport or health certificate); or
- (e) to fail to produce a document or record (including a passport or health certificate) to any such person when required to do so.

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.

PART 5

TRANSITIONAL, AMENDMENTS AND REVOCATIONS

Transitional

15.—(1) Where a pet animal is detained and isolated in quarantine in Northern Ireland immediately before 1st January 2012 under the Rabies (Importation of Dogs, Cats and Other Mammals) Order (Northern Ireland) 1977, the period of quarantine required by that Order ends on the earliest of the dates specified in paragraph (2).

(2) The dates are—

- (a) in the case of an animal which, immediately before 1st January 2012, was subject to Article 6 or 8(1)(a)(ii) of the Pets Regulation, the date it satisfies the requirements of Article 5 of that Regulation,
- (b) in the case of an animal which, immediately before 1st January 2012, was subject to Article 8(1)(b)(ii) of the Pets Regulation, the date it satisfies the requirements of Article 8(1)(b)(i) of that Regulation, or
- (c) the expiry of the period of six months beginning with the date on which the animal was originally detained.

Amendments

16. The Schedule (amendments) has effect.

Revocations

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

(a) S.R. 2005 No. 275

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.

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(a);”, and

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

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) O.J. No L 296, 15.11.2011, p.6.

- (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.

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, where 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.

(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”.

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.”.

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”.

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.”.

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.”.

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.”

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.”

Amendment of the Schedule

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

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.

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.

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