

## 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**

**II** 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>(1)</sup>, and”, and

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

<sup>(1)</sup> O.J. No L 296, 15.11.2011, p.6.

**Commencement Information**

**I2** 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

**I3** 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, 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".

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**Commencement Information**

**I4** 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.”.

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**Commencement Information**

**I5** 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".

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**Commencement Information**

**I6** 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**

**I7** 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**

**I8** 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**

**I9** 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**

**I10** 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”.

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

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**Commencement Information**

**III** Sch. para. 11 in operation at 1.1.2012, see **art. 1**



**Changes to legislation:**

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