
STATUTORY INSTRUMENTS

1975 No. 1834 (N.I. 17)

NORTHERN IRELAND

**The Artificial Reproduction of Animals (Northern Ireland)
Order 1975]**

Laid before Parliament in draft

Made 12th November 1975

Coming into Operation 26th November 1975

[At the Court at Buckingham Palace, the 12th day of November 1975

Present,

The Queen's Most Excellent Majesty in Council

Whereas a draft of this Order has been approved by a resolution of each House of Parliament:

Now, therefore, Her Majesty, in exercise of the powers conferred by paragraph 1 of Schedule 1 to the Northern Ireland Act 1974 (a), and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

Title and commencement

1. This Order may be cited as the Artificial Reproduction of Animals (Northern Ireland) Order 1975 and shall come into operation on the fourteenth day after the day on which it is made.

Interpretation

2.—(1) The Interpretation Act (Northern Ireland) 1954 (b) shall apply to Article 1 and the following provisions of this Order as it applies to a Measure of the Northern Ireland Assembly.

(2) In this Order—

“animals” means cattle, sheep, goats, swine, horses, domestic fowl, turkeys, geese and ducks;

“authorised person” has the meaning assigned to it by Article 7 (1);

“the Department” means the Department of Agriculture;

“regulations” means regulations made by the Department subject to negative resolution;

“statutory instrument” has the meaning assigned to it by section 1 (d) of the Interpretation Act (Northern Ireland) 1954.

(a) 1974 c. 28.

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

Artificial reproduction centres

3. For the purposes of eliminating disease from animals and of developing and improving the breeding of animals by the practice of artificial reproduction, and for the purpose of conducting research and experiment in matters affecting that practice, the Department shall continue to have power to establish and operate such centres as it thinks fit.

Charges for reproduction services

4.—(1) The Department may make and recover such charges in respect of artificial reproduction services as the Department, with the approval of the Department of Finance, may determine.

(2) Any charge under paragraph (1) shall, without prejudice to any other method of recovery, be a debt recoverable summarily by the Department.

Control of artificial reproduction

5.—(1) The Department may make regulations for controlling the practice of artificial reproduction of animals.

(2) Without prejudice to the generality of paragraph (1), regulations may—

(a) prohibit—

- (i) the artificial insemination of any animal;
- (ii) the transplantation of ova from one animal into another;
- (iii) the collection, storage, distribution or sale of the semen or ova of any animal;

except by a person under and in accordance with the conditions of a licence granted by the Department;

(b) prohibit the collection, storage, distribution or sale of the semen or ova of any animal except in premises or vehicles for which a licence has been granted; and

(c) require, for the purpose of identification, the owner of progeny which have been artificially produced from any animal to mark the progeny in such manner and within such period after birth as may be prescribed by regulations.

(3) Where the Department is satisfied—

(a) that the withholding of a licence is necessary as a precaution against the spread of disease; or

(b) that the applicant is not a suitable person to hold a licence; or

(c) that the facilities for the collection, storage, distribution or sale of semen or ova are inadequate;

the Department shall not grant a licence under this Article.

(4) A licence under this Article may at any time be revoked by the Department.

Movement of semen or ova into Northern Ireland

6.—(1) Subject to the provisions of this Article, a person shall not bring or cause to be brought into Northern Ireland the semen or ova of any animal

except under and in accordance with the conditions of a licence granted by the Department.

(2) Where the Department is satisfied that the withholding of such a licence is necessary as a precaution against the spread of disease the Department shall not grant a licence under this Article.

(3) A licence under this Article may at any time be revoked by the Department.

Powers of entry

7.—(1) A person, authorised in writing by the Department (in this Order referred to as an “authorised person”) may, on production if required of his credentials, at any reasonable time enter any premises for the purpose of ascertaining whether there is or has been, in or in connection with those premises, a contravention of this Order.

(2) An authorised person may, on production if required of his credentials, at any reasonable time enter—

- (a) any ship, hovercraft or aircraft for the purpose of ascertaining whether there is in the ship, hovercraft or aircraft any semen or ova imported in contravention of Article 6;
- (b) any vehicle, stall or place other than premises for any purpose for which under paragraph (1) the authorised person would have a right to enter any premises.

(3) Without prejudice to paragraph (1), any authorised person may, on production if required of his credentials, at any reasonable time enter any premises occupied by the holder of a licence granted under Article 5 or 6 and used for or in connection with any activity authorised by the licence.

(4) A power of entry under paragraph (1) or (3) shall not be exercisable in respect of any premises used only as a private dwelling-house except—

- (a) with the consent given by or on behalf of the occupier of the premises; or
- (b) after at least twenty-four hours’ notice of the intended entry has been served on the occupier of the premises; or
- (c) under the authority of a warrant granted under paragraph (5).

(5) Where a justice of the peace is satisfied by complaint on oath—

- (a) that admission to premises is reasonably required for the purpose specified in the complaint; and
- (b) that an authorised person would, apart from paragraph (4), be entitled for that purpose to exercise in respect of the premises a power of entry under paragraph (1) or (3); and
- (c) that—
 - (i) admission to the premises has been refused, or that a refusal is apprehended, and (in either case) that notice of the intention to apply for a warrant has been served on the occupier; or
 - (ii) the requirements of paragraph (4) (b) have been complied with; or
 - (iii) an application for admission, or the serving of a notice under paragraph (4) (b) would defeat the object of the entry; or

(iv) the premises are unoccupied or the occupier is temporarily absent; he may issue a warrant under his hand authorising any authorised person to enter the premises, by force if necessary.

(6) Paragraph (5) shall have effect in relation to entering any ship, hovercraft, aircraft, vehicle, stall or place which may be entered under paragraph (2) as it has effect in relation to entering any premises subject to the modification that for any reference to the occupier there were substituted a reference to the master, commander or other person in charge of the ship, hovercraft, aircraft, vehicle, stall or place.

(7) A warrant granted under this Article shall continue in force for a period of one month.

Power to inspect and seize

8.—(1) For the purpose of ascertaining whether there is or has been a contravention of this Order an authorised person may—

(a) inspect—

(i) any premises, ship, hovercraft, aircraft, vehicle, stall or place which may be entered under Article 7; and

(ii) any animals, plant or equipment in any such premises, ship, hovercraft, aircraft, vehicle, stall or place;

(b) carry out such tests or other investigations as he thinks fit;

(c) require the occupier of the premises, stall or place, or the master, commander or other person in charge of the ship, hovercraft, aircraft, or the owner of the vehicle or the owner of any animal, semen or ova kept in such premises, stall, place, ship, hovercraft, aircraft or vehicle—

(i) to give such information as may be required; and

(ii) to produce such records (if any) as that person may, by regulations, be required to keep;

(d) take copies of, or of any entry in, any record produced under subparagraph (c) (ii).

(2) An authorised person may seize and detain—

(i) any semen or ova and their containers, whether animate or inanimate, which he has reasonable cause to believe to be semen or ova in relation to which, or by means of which, an offence under this Order is being or has been committed;

(ii) any animal which he has reasonable cause to believe was the subject of or the result of artificial insemination or transplantation of ova;

(iii) any plant, equipment or documents which he has reasonable cause to believe to be plant, equipment or documents which may be required as evidence in proceedings under this Order.

(3) Where an authorised person seizes any semen, ova, animals, plant, equipment or documents under paragraph (2), he shall inform the person from whom they are seized.

Premises to be left secure

9.—(1) Where, in pursuance of any power conferred by Article 7, entry is made on any property (that is to say, any premises, ship, hovercraft, aircraft, vehicle, stall or place) by an authorised person, that person shall ensure that the property is not left less secure by reason of the entry, and the Department shall

make good or pay compensation for any damage caused by the authorised person in entering the property, in carrying out any inspection or work therein or in making the property secure.

(2) Any question of disputed compensation under this Article shall be referred to and determined by the Lands Tribunal.

Offences

10. Any person who—

- (a) fails to comply with any condition subject to which any licence is granted under Article 5 or 6;
- (b) contravenes Article 6 (1);
- (c) contravenes any regulation made under this Order;
- (d) knowingly obstructs an authorised person—
 - (i) in exercising a power of entry under Article 7 so as to prevent him from gaining admission after due notice has been served or a warrant authorising him to enter has been obtained; or
 - (ii) in carrying out such inspections, tests or other actions as he is entitled to perform after entry;
- (e) without reasonable cause fails to give to an authorised officer any information which the authorised person may reasonably require for the purpose of the performance of his functions under this Order;
- (f) fails to produce to an authorised person any record which he is required to produce;
- (g) in giving any information for the purposes of any provision of this Order, knowingly or recklessly makes a statement which is false in a material particular,

shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £500 or, in the case of a second or subsequent conviction, to imprisonment for a term not exceeding three months or to a fine not exceeding £500 or to both and any semen, ova or animal detained under Article 8 (2) by means or in respect of which the offence was committed shall be liable to be forfeited.

Indemnification of authorised persons

11. An authorised person shall not be personally liable for any loss or damage occasioned by or in the cause of the exercise of any of the powers conferred on him by this Order unless such loss or damage was caused by him wantonly or maliciously.

Repeal

12.—(1) The Artificial Insemination of Animals Act (Northern Ireland) 1947 (a) is hereby repealed.

(2) Without prejudice to section 29 (3) of the Interpretation Act (Northern Ireland) 1954, all statutory instruments made under the Artificial Insemination of Animals Act (Northern Ireland) 1947, so far as they are in force immediately before the commencement of this Order, shall with the necessary modifications continue in force until they are revoked by any regulations under this Order and shall have the like effect, and the like proceedings may be had thereon and in respect thereof as if they had been made under this Order.

N. E. Leigh

(a) 1947 c. 17 (N.I.).

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order re-enacts with amendments the provisions for the regulation and control of the practice of artificial reproduction of animals. It continues the power of the Department of Agriculture for Northern Ireland to establish and operate centres for the provision of artificial reproduction services and to conduct research and experiments into the practice of artificial reproduction of animals.