
STATUTORY INSTRUMENTS

1981 No. 1115

The Diseases of Animals (Northern Ireland) Order 1981

PART II

DISEASES OF ANIMALS AND POULTRY

Infected places and areas

Power to destroy wild life

13.—(1) Without prejudice to any other powers conferred on the Department under this Order, where the Department is satisfied in the case of any area,—

- (a) that there exists among the wild members of one or more species in the area a disease, other than rabies, which has been or is being transmitted from members of that or those species to livestock of any kind in the area; and
- (b) that destruction of wild members of that or those species in that area is necessary in order to eliminate, or substantially reduce the incidence of, that disease in livestock of any kind in the area;

the Department may, after consultation with the Department of the Environment and subject to the following provisions of this Article, by order, provide for the destruction of wild members of that or those species in that area.

(2) An order under this Article shall specify the area to which it applies, the disease to which it applies, and the one or more species to which it relates.

(3) An order under this Article providing for the destruction of wild members of one or more species in any area may—

- (a) where the Department is satisfied, having regard to all relevant considerations and, in particular, the need to avoid causing unnecessary suffering to wild members of the species in question, that use of the method or methods in question is the most appropriate way of carrying out that destruction, authorise the use of methods of destruction which would otherwise be unlawful;
- (b) make provision for ensuring that destruction of wild members of any species to which the order relates is properly and effectively carried out, and in particular for preventing persons from taking into captivity, harbouring, concealing or otherwise protecting wild members of any such species with intent to prevent their destruction, or in any other way obstructing or interfering with any thing which has been, is being or is to be done or used in connection with that destruction;
- (c) regulate the ownership and disposal of the carcasses of members of any such species destroyed in the area to which the order relates.

(4) Before commencing the destruction of wild members of a species on any land within an area to which an order under this Article applies the Department shall take all reasonable steps to inform the occupier of the land and any other person who may be there of the Department's intention to

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carry out that destruction and of the methods of destruction to be used; and the Department shall ensure that destruction is carried out on any such land in as safe a manner as is possible in all the circumstances.

(5) Where an order under this Article is in force, the Department may take such measures (including the erection of fences or other obstacles) as the Department considers appropriate—

- (a) for preventing the movement of living creatures into or out of the area or any part of the area to which the order applies while destruction of wild members of any species to which the order relates is being carried out in the area; and
- (b) where destruction of wild members of any such species has been or is to be carried out in any part of that area, for preventing the recolonisation of that part by members of that species for as long as the Department considers necessary to prevent reappearance among them of the disease to which the order applies.

(6) As soon as may be after the Department is satisfied, in the case of any land, that any measures affecting that land which have been taken in connection with an order under this Article are no longer necessary, the Department shall remove from the land anything placed or erected on it and shall take such other steps as are reasonably practicable to reinstate the land.

(7) In this Article—

“livestock”, subject to paragraph (8), means cattle, sheep, goats and other ruminants, swine, horses, domestic fowl, turkeys, geese, ducks, guinea fowl, pigeons, pheasants and partridges;

“species” means any species of animals or poultry;

and references to wild members of any species in an area are references to members of the species in the area that are neither domesticated nor held in captivity.

(8) The Department may by order modify the definition of “livestock” in paragraph (7).

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Changes and effects yet to be applied to :

- Instrument am (pt prosp) by [S.I. 1994/1891 \(N.I.\) arts.19-23](#)
- Instrument rep in pt by [S.I. 1994/1891 \(N.I.\) art.24\(1\)Sch](#)