
STATUTORY INSTRUMENTS

1981 No. 1115

The Diseases of Animals (Northern Ireland) Order 1981

PART IV

MISCELLANEOUS AND GENERAL

General administrative provisions

General powers of inspectors

46.—(1) An inspector shall have, for the purposes of this Order, all the powers which a constable has, under this Order or otherwise (except the powers conferred on a constable by Article 42(8), (9) or (10)); and those powers shall be exercisable throughout Northern Ireland.

(2) An inspector may at any time enter any [^{F1}premises]—

(a) in which he has reasonable grounds for supposing—

(i) that disease exists or has within fifty-six days existed; or

(ii) that the carcass of a diseased or suspected animal or bird is or has been kept, or has been buried, destroyed, or otherwise disposed of; or

(iii) that there is to be found any [^{F2}pen, place, receptacle, container or thing or ship, vessel, boat, aircraft, hovercraft or vehicle of any other description] in respect of which any person has on any occasion failed to comply with the provisions of this Order, or of an order of the Department; or

(iv) that this Order or an order of the Department has not been or is not being complied with;

(b) for the purpose of ascertaining whether any disease exists or has within fifty-six days existed;

(c) in which he has reasonable grounds for supposing that there is any thing, whether animate or inanimate, by or by means of which it appears to the inspector that any disease might be carried or transmitted, being a thing—

(i) which has been imported and the importation of which is prohibited or regulated by an order under this Order; or

(ii) the use or distribution of which is prescribed and regulated by an order under this Order; or

(iii) the collection, holding or processing of which is prohibited or regulated by an order under this Order.

[^{F3}(2A) An inspector may at all reasonable times enter premises—

(a) for the purpose of—

(i) ascertaining whether a power conferred by or under this Order to cause an animal or bird to be slaughtered should be exercised;

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- (ii) doing anything in the exercise of that power;
- (b) for the purpose of exercising any power conferred by Article 11.
- (2B) An inspector may at all reasonable times enter premises for the purpose of ascertaining—
 - (a) the identity of any animal or bird;
 - (b) whether an immune response exists in animals or poultry on the premises;
 - (c) whether any animal or bird on the premises or which was kept there at any time is, or was at that time, infected with disease;
 - (d) whether any causative agent of disease in animals or poultry is present on the premises.
- (2C) An inspector may at all reasonable times enter premises for the purpose of—
 - (a) carrying out any function he has under or in pursuance of Part 2A, or
 - (b) ascertaining whether any such function should be exercised.]
- (3) An inspector may at any time, for the purpose of enforcing any order for protecting animals or poultry from unnecessary suffering,—
 - (a) examine animals or poultry in any circumstances to which the order relates; and
 - (b) examine any receptacle or vehicle used for their conveyance or exposure for sale; and
 - (c) enter any premises ^{F4} . . . in which the inspector has reasonable ground for supposing that there are animals or poultry exposed for sale, or in course of conveyance, or packed for conveyance or exposure for sale.
- (4) For the purpose of ascertaining whether the provisions of this Order or an order of the Department have been or are being complied with, an inspector may at any time enter any [^{F5}premises].
- (5) An inspector entering under this Article shall, if required by the owner or occupier or person in charge of the [^{F6}premises], state in writing his reasons for entering.
- [^{F7}(5A) Paragraphs (1) to (4) do not apply to any premises used exclusively as a dwelling-house unless 24 hours' notice of the intended entry is given to the occupier of the premises.]
- (6) A certificate of a veterinary inspector to the effect that an animal or bird is or was affected with a disease specified in the certificate shall, for the purposes of this Order, be conclusive evidence in all courts of justice of the matter certified.
- [^{F8}(7) An inspector may—
 - (a) examine—
 - (i) any animals or poultry on or in any [^{F9}premises] entered by him under this Article, and
 - (ii) any thing found there, whether animate or inanimate, by or by means of which it appears to him that any disease might be carried or transmitted;
 - (b) for the purpose of any examination under this Article, apply such tests, take such samples and apply such marks as he considers necessary;
 - (c) prohibit the movement of any animals, poultry or thing examined by him under this Order or an order of the Department pending the results of any tests or samples applied or taken by him, except in accordance with a licence granted by the Department and subject to such conditions as may be specified in the licence.
- (7A) The Department may by order—
 - (a) require an inspector to examine—

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- (i) any animals or poultry on or in any [^{F10}premises] entered by him under this Article, and
- (ii) any thing found there, whether animate or inanimate, by or by means of which it appears to the Department that any disease might be carried or transmitted;
- (b) require an inspector to apply such tests, take such samples and apply such marks for the purpose of any examination under this Article or an order of the Department as may be specified in an order under this paragraph;
- (c) prohibit or regulate the movement of any animals, poultry or thing examined by an inspector under this Order or an order of the Department pending the results of any tests or samples so specified;
- (d) provide for exemptions from any such prohibition by means of the grant of licences subject to such conditions as may be specified in the licences.

[^{F11}(7B) In this Article “causative agent” includes any virus, bacterium, and any other organism or infectious substance or particle which may cause or transmit disease.]]

- F1 Word in art. 46(2) substituted (12.3.2010) by Diseases of Animals Act (Northern Ireland) 2010 (c. 1), ss. 4(1)(a)(i), 22(1); S.R. 2010/70, art. 2
- F2 Words in art. 46(2)(a)(iii) substituted (12.3.2010) by Diseases of Animals Act (Northern Ireland) 2010 (c. 1), ss. 4(1)(a)(ii), 22(1); S.R. 2010/70, art. 2
- F3 Art. 46(2A)-(2C) inserted (12.3.2010) by Diseases of Animals Act (Northern Ireland) 2010 (c. 1), ss. 4(1)(b), 22(1); S.R. 2010/70, art. 2
- F4 Words in art. 46(3)(c) repealed (12.3.2010) by Diseases of Animals Act (Northern Ireland) 2010 (c. 1), ss. 4(1)(c), 21(2), 22(1), Sch. 3; S.R. 2010/70, art. 2
- F5 Word in art. 46(4) substituted (12.3.2010) by Diseases of Animals Act (Northern Ireland) 2010 (c. 1), ss. 4(1)(d), 22(1); S.R. 2010/70, art. 2
- F6 Word in art. 46(5) substituted (12.3.2010) by Diseases of Animals Act (Northern Ireland) 2010 (c. 1), ss. 4(1)(e), 22(1); S.R. 2010/70, art. 2
- F7 Art. 46(5A) inserted (12.3.2010) by Diseases of Animals Act (Northern Ireland) 2010 (c. 1), ss. 4(1)(f), 22(1); S.R. 2010/70, art. 2
- F8 1994 NI 6
- F9 Word in art. 46(7)(a)(i) substituted (12.3.2010) by Diseases of Animals Act (Northern Ireland) 2010 (c. 1), ss. 4(1)(g), 22(1); S.R. 2010/70, art. 2
- F10 Word in art. 46(7A)(a)(i) substituted (12.3.2010) by Diseases of Animals Act (Northern Ireland) 2010 (c. 1), ss. 4(1)(g), 22(1); S.R. 2010/70, art. 2
- F11 Art. 46(7B) substituted (12.3.2010) by Diseases of Animals Act (Northern Ireland) 2010 (c. 1), ss. 4(1)(h), 22(1); S.R. 2010/70, art. 2

Modifications etc. (not altering text)

- C1 Art. 46 applied (23.2.2006) by Foot-and-Mouth Disease (Control of Vaccination) Regulations (Northern Ireland) 2006 (S.R. 2006/43), reg. 36(1)(a)
- C2 Art. 46 applied (10.2.2007) by Avian Influenza and Influenza of Avian Origin in Mammals Regulations (Northern Ireland) 2007 (S.R. 2007/68), reg. 84(d) (with reg. 3)
- C3 Art. 46 applied (10.2.2007) by Avian Influenza (Vaccination) Regulations (Northern Ireland) 2007 (S.R. 2007/69), reg. 22(1)(c)
- C4 Art. 46 applied (10.2.2007) by Avian Influenza (Preventive Measures) Regulations (Northern Ireland) 2007 (S.R. 2007/70), reg. 18(c)
- C5 Art. 46 applied (14.8.2007) by Export Restrictions (Foot-and-Mouth Disease) Regulations (Northern Ireland) 2007 (S.R. 2007/357), reg. 13(3)(a)
- C6 Art. 46 applied (24.3.2007) by Avian Influenza (H5N1 in Wild Birds) Regulations (Northern Ireland) 2007 (S.R. 2007/208), reg. 22(c)

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C7 [Art. 46 applied \(30.6.2009\) by Swine Vesicular Disease Regulations \(Northern Ireland\) 2009 \(S.R. 2009/223\), reg. 37\(5\)\(a\)](#)

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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](#)