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## STATUTORY INSTRUMENTS

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# 1981 No. 1115

## The Diseases of Animals (Northern Ireland) Order 1981

### PART II

#### DISEASES OF ANIMALS AND POULTRY

##### *Eradication of disease*

##### **Expenditure for the eradication of diseases**

3.—(1) Without prejudice to any power conferred on it by any other enactment, the Department may, with the approval of the Department of Finance, expend such sums as the Department thinks fit with the object of eradicating or, so far as practicable, preventing diseases of animals and poultry in Northern Ireland.

(2) Without prejudice to paragraph (1), the Department may by order made with the approval of the Department of Finance, make a scheme under which the owner of any herd of cattle in Northern Ireland may be paid such sums as the Department thinks fit to be expended with the object of securing so far as practicable, that the herd will be free from tuberculosis.

(3) With a view to promoting the breeding and distribution of stocks of poultry free from disease and without prejudice of paragraph (1), the Department may, with the approval of the Department of Finance, make arrangements for persons carrying on, at any premises in Northern Ireland recognised by the Department for the purposes of this paragraph, the business of breeding and distributing stocks of poultry or of producing and distributing hatching eggs, to be afforded, free of charge, facilities for having poultry, whether alive or dead, inspected, tested and examined with the object of determining whether the birds are free from disease, or from what cause they have died.

(4) In this Article “disease” is not restricted by its definition in Article 2 (2).

##### **Eradication areas and attested areas**

4. The Department may by order—

- (a) where the Department is satisfied that a substantial majority of the animals or poultry in any area are free from any disease declare that area to be an eradication area for purposes connected with the control of that disease;
- (b) where the Department is satisfied that any disease of animals or poultry is for practical purposes non-existent in any area, declare that area to be an attested area for purposes connected with the control of that disease;
- (c) prohibit or regulate the movement of animals or poultry into, out of, or within any area which is an eradication area or an attested area and provide for exemptions from any such prohibition by means of the grant of licences<sup>[F1]</sup> subject to such conditions as may be specified in the licences].

**Changes to legislation:** The Diseases of Animals (Northern Ireland) Order 1981, Cross Heading: Eradication of disease is up to date with all changes known to be in force on or before 04 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

**F1** 1984 NI 2

## [<sup>F2</sup>Biosecurity guidance

**4A.**—(1) The Department shall prepare guidance on the appropriate biosecurity measures to be taken in relation to any disease specified by order of the Department.

(2) After preparing a draft of the guidance the Department—

- (a) shall send a copy of the draft to such persons and organisations as it thinks are representative of those having an interest in biosecurity measures;
- (b) shall consider any representations made to it about the draft by such persons and organisations;
- (c) may amend the draft accordingly.

(3) After the Department has proceeded under paragraph (2) it shall publish the guidance in such manner as it thinks appropriate.

(4) The Department shall from time to time review the guidance and if it thinks it appropriate revise the guidance.

(5) Subject to paragraph (6), paragraphs (1) to (3) apply to a revision of the guidance as they apply to its preparation.

(6) If the Department thinks that it is necessary to revise the guidance urgently it may publish revised guidance without proceeding under paragraph (2).

(7) Biosecurity measures are measures taken to prevent the spread of causative agents of disease.

(8) In paragraph (7), “causative agent” includes any virus, bacterium and any other organism or infectious substance or particle which may cause or transmit disease.

(9) It is immaterial that anything done for the purposes of paragraphs (1) to (3) is done before the coming into operation of section 7 of the Diseases of Animals Act (Northern Ireland) 2010.

**F2** Arts. 4A, 4B inserted (12.3.2010) by Diseases of Animals Act (Northern Ireland) 2010 (c. 1), ss. 7, 22(1); S.R. 2010/70, art. 2

## Biosecurity compliance

**4B.**—(1) If a person to whom paragraph (2) applies fails to comply with guidance which has been published under Article 4A(3) and has not been withdrawn, that person is not by reason only of that failure liable in any civil or criminal proceedings but the guidance is admissible in evidence in such proceedings and a court may take account of any failure to act in accordance with it in deciding any question in the proceedings.

(2) This paragraph applies to—

- (a) any person having functions under this Order;
- (b) any person who is the owner or occupier of premises on which animals or poultry are kept;
- (c) any person who is the owner of, or has charge of, animals or poultry;
- (d) any person who is under the direction or control of a person mentioned in sub-paragraphs (a) to (c).

(3) The Department may by order prescribe the circumstances in which it may withhold, either wholly or partly, compensation or any other payment in respect of an animal slaughtered under this Order where—

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- (a) the slaughter has been necessitated by brucellosis;
- (b) guidance relating to brucellosis has been published under Article 4A(3) and has not been withdrawn; and
- (c) the owner or person having charge of the animal has failed to comply with the guidance.]

**F2** Arts. 4A, 4B inserted (12.3.2010) by Diseases of Animals Act (Northern Ireland) 2010 (c. 1), ss. 7, 22(1); S.R. 2010/70, art. 2

## Prevention or checking of disease

- 5.—(1) <sup>F3</sup> . . . the Department may by order—
- (a) prescribe modes of cleansing and disinfection;
  - (b) prescribe and regulate the marking of animals or poultry<sup>F4</sup> and regulate the sale, supply, distribution, use and destruction of any article intended for use in such marking];
  - (c) prescribe and regulate the seizure, detention and disposal of a diseased or suspected animal or bird exposed, carried, kept or otherwise dealt with in contravention of an order of the Department;
  - (d) prescribe and regulate the liability of the owner, consignor or consignee of an animal or bird such as is mentioned in sub-paragraph (c) to the expenses connected with the seizure, detention and disposal;
  - (e) prescribe and regulate the destruction, burial, disposal or treatment of carcasses of animals or poultry dying while diseased or suspected;
  - (f) prohibit or regulate the digging up of carcasses which have been buried;
  - (g) prescribe and regulate the disinfection of the clothes of persons employed about, or coming in contact with, or likely to have been in contact with, diseased or suspected animals or poultry and the use of precautions against the spreading of disease by such persons;
  - (h) prohibit or regulate the [<sup>F5</sup>sale, supply or use] of any kind of fodder or litter by which disease might be spread;
  - (i) prescribe and regulate the use and distribution of any thing, whether animate or inanimate, by or by means of which it appears to the Department that any disease might be carried or transmitted;
  - (j) prohibit or regulate the collection, holding or processing of carcasses or of animal or poultry products or any thing, whether animate or inanimate, which has been in contact with such carcasses or products;
  - (k) prescribe and regulate the payment and recovery of expenses in respect of animals or poultry;
  - [<sup>F6</sup>(kk) prescribe and regulate the circumstances in which expenses incurred by the Department may be recovered from any person who fails to comply with any provision of this Order or an order of the Department;]
  - (l) prescribe, regulate and secure the periodical treatment of all sheep by effective dipping or by the use of some other remedy for sheep scab;
  - (m) provide for exemptions from any such prohibitions by means of the grant of licences<sup>F4</sup> subject to such conditions as may be specified in the licences].

(2) The Department may provide and maintain sheep dipping facilities and afford to the public, upon such terms and conditions (including conditions as to payment) as the Department may think proper, the use of those facilities and of any appliances and materials which are necessary to make

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that use effective, so, however, that nothing shall be done under this paragraph so as to affect injuriously the water in any stream, reservoir, aqueduct, well, pond or place constructed or used for the supply of water for any domestic purpose.

- F3** 1994 NI 6  
**F4** 1984 NI 2  
**F5** Words in [art. 5\(1\)\(h\)](#) substituted (12.3.2010) by [Diseases of Animals Act \(Northern Ireland\) 2010 \(c. 1\)](#), [ss. 8](#), 22(1); S.R. 2010/70, [art. 2](#)  
**F6** [Art. 5\(1\)\(kk\)](#) inserted (12.3.2010) by [Diseases of Animals Act \(Northern Ireland\) 2010 \(c. 1\)](#), [ss. 9\(1\)](#), 22(1); S.R. 2010/70, [art. 2](#)

### [<sup>F7</sup>Deliberate infection

**5A.—**(1) A person commits an offence if, without lawful authority or excuse (proof of which shall lie on him), he knowingly or recklessly does any act which causes or is intended to cause an animal or bird to be infected with a disease.

(2) A person commits an offence if, without lawful authority or excuse (proof of which shall lie on him), that person acquires or takes possession of an animal or bird which he knows, or ought reasonably to know, to be infected with a disease.

- F7** [Arts. 5A, 5B](#) inserted (12.3.2010) by [Diseases of Animals Act \(Northern Ireland\) 2010 \(c. 1\)](#), [ss. 10\(1\)](#), 22(1); S.R. 2010/70, [art. 2](#)

### Deliberate infection: disqualification

**5B.—**(1) If a person is convicted of an offence under Article 5A the court may by order disqualify that person, for such period as it thinks fit, from keeping or dealing in—

- (a) any animals or poultry, or
- (b) any animals or poultry of a specified kind.

(2) If a person is convicted of an offence under Article 5A and, at any time after the date of that conviction, that person is convicted of a further offence under that Article, the court shall by order disqualify that person, for such period as it thinks fit, from keeping or dealing in—

- (a) any animals or poultry; or
- (b) any animals or poultry of a specified kind.

(3) The court may suspend the operation of an order made under paragraph (1) or (2)—

- (a) for such period as it thinks necessary to enable arrangements to be made for the keeping of any animals or poultry to which the disqualification relates;
- (b) pending an appeal.

(4) A person who is disqualified under paragraph (1) or (2) may from time to time apply to the court which imposed the disqualification to remove it or vary it.

(5) On an application under paragraph (4) the court may by order—

- (a) refuse the application,
- (b) remove the disqualification, or
- (c) vary the disqualification to apply it only to such animals or poultry or such kind of animals or poultry as it specifies.

(6) In considering an application under paragraph (4) the court may have regard to—

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- (a) the nature of the offence in respect of which the disqualification was imposed;
- (b) the character of the applicant;
- (c) the conduct of the applicant since the disqualification was imposed.

(7) The first application under paragraph (4) must not be made before the end of the period of one year starting with the date the disqualification starts.

(8) A further application shall not be made before the end of the period of one year starting with the date of the court's last order.

- (9) For the purposes of this Article keeping or dealing in an animal or bird includes—
- (a) having custody, control or possession of an animal or bird;
  - (b) being concerned in the management or control of a body (whether or not incorporated) whose activities include keeping or dealing in animals or poultry.]

**F7** Arts. 5A, 5B inserted (12.3.2010) by Diseases of Animals Act (Northern Ireland) 2010 (c. 1), ss. 10(1), 22(1); S.R. 2010/70, art. 2

### Seizure and destruction of carcasses, etc., liable to spread disease

6.—(1) The Department, if satisfied that it is expedient for the purpose of preventing the spread of disease, may seize any carcase, fodder, feeding stuffs, litter, milk, eggs, [<sup>F8</sup>fertilisers, or any other thing, whether animate or inanimate,] and destroy, bury, dispose of or treat any thing so seized.

(2) The Department shall pay compensation for any carcase (not being a carcase of an animal or bird which has died of disease or was infected with disease at the time of its slaughter by a person other than the Department), fodder, feeding stuffs, litter, milk, [<sup>F9</sup>fertilisers, or any other thing] seized under paragraph (1) and, subject in the case of imported eggs to any order made under Article 30, for eggs so seized.

(3) The compensation payable under paragraph (2) for any thing seized under paragraph (1) shall be the value of that thing at the time of seizure and shall be calculated as if it was not affected with disease at that time.

(4) Where any thing destroyed, buried or disposed of under an order made under sub-paragraph (e) of Article 14 could have been seized under paragraph (1) of this Article, the Department shall pay the like compensation, if any, for that thing as if it had been so seized at the time of the destruction, burial or disposal.

(5) Paragraph (7) of Article 18 shall have effect in relation to things seized under this Article as it has effect in relation to animals slaughtered at the direction of the Department and the carcasses of such animals.

**F8** Words in art. 6(1) substituted (12.3.2010) by Diseases of Animals Act (Northern Ireland) 2010 (c. 1), ss. 11(a), 22(1); S.R. 2010/70, art. 2

**F9** Words in art. 6(2) substituted (12.3.2010) by Diseases of Animals Act (Northern Ireland) 2010 (c. 1), ss. 11(b), 22(1); S.R. 2010/70, art. 2

### Modifications etc. (not altering text)

**C1** Art. 6 applied (10.2.2007) by Avian Influenza and Influenza of Avian Origin in Mammals Regulations (Northern Ireland) 2007 (S.R. 2007/68), reg. 84(a) (with reg. 3)

**C2** Art. 6 applied (24.3.2007) by Avian Influenza (H5N1 in Wild Birds) Regulations (Northern Ireland) 2007 (S.R. 2007/208), reg. 22(a)

## Control of zoonoses

7.—(1) The Department may by order designate any disease of, or organism carried in, animals or poultry which in the opinion of the Department constitutes a risk to human health.

(2) Where any disease or organism is for the time being designated under this Article, the Department may by order—

- (a) provide for any provision of this Order which has effect in relation to the disease to have effect subject to such modifications as may be specified in the order;
- (b) apply any provision of this Order, subject to any modifications so specified, in relation to the presence of the organism in an animal or bird as if the presence of the organism were a disease.

(3) The Department may by order require a person who in such circumstances as are specified by the order, knows or has reason to suspect that an animal or bird of such description as is specified in the order is or was—

- (a) affected with a disease designated under this Article; or
- (b) a carrier of an organism so designated,

to furnish to such person and in such form and within such period as are specified in the order such information relating to the animal or bird as is so specified.

(4) If it appears to the Department that a person may have information relating to an animal or bird affected with a disease designated under this Article or an animal or bird which is a carrier of an organism so designated, the Department may by notice require him to furnish to such person and in such form and within such period as are specified in the notice such information relating to the animal or bird as he possesses and is so specified.

(5) Where an inspector has reason to believe that an animal or bird such as is mentioned in paragraph (4) is or has been on any land he may, on production if required of his credentials,—

- (a) enter the land and make such tests and take such samples of any animal, bird, feeding stuff, litter, dung, vessel, pen, vehicle or other thing whatsoever which is on, or forms part of the land as he thinks appropriate for the purpose of ascertaining whether such an animal or bird is or has been on the land; and
- (b) require the owner or person having charge of any animals or poultry on the land to take such reasonable steps as the inspector may specify for the purpose of collecting or restraining them so as to facilitate the exercise in relation to them of the powers conferred on the inspector by sub-paragraph (a).

(6) In this Article “disease” is not restricted by its definition in Article 2(2).

## Animal or poultry health schemes

8.—(1) Without prejudice to the powers exercisable by the Department by virtue of any other provision of this Order, the Department may, by orders made with the approval of the Department of Finance after consultation with any bodies which appear to the Department to be substantially representative of interests concerned, make schemes for the purpose of—

- (a) keeping any animals or poultry, so far as practicable, free from disease and in good health; or
- (b) controlling, and, so far as practicable, reducing the incidence of, any disease of animals or poultry; or
- (c) compensating in whole or in part persons who incur loss or expense in consequence of the presence of any disease in any animal, bird or carcase.

(2) Without prejudice to the generality of paragraph (1), a scheme under this Article may provide for—

- (a) the examination, testing or treatment of animals or poultry, of a description to which the scheme applies, or the carcasses of such animals or poultry, by persons exercising powers under the scheme, including—
  - (i) the entry by such persons on or into any land, building, shed, pen or place where any such animals, poultry or carcasses are kept or are suspected on reasonable grounds to be kept;
  - (ii) the facilities to be made available to such persons by the owners or persons in charge of any such animals, poultry or carcasses or the owners or occupiers of, or persons employed on or in, any such land, building, shed, pen or place; and
  - (iii) the payments to be made to persons exercising such powers in respect of any such examination, testing or treatment, and the persons by whom, and the time, place or manner at or in which, such payments are to be made and the recovery of sums so payable;
- (b) the slaughter or the isolation and maintenance of any such animals or poultry;
- (c) the regulation of the movement or exposure for sale of such animals or poultry;
- (d) the cases in which compensation may be paid to persons incurring any loss or expense in consequence of—
  - (i) any treatment carried out under the scheme; or
  - (ii) the presence of any disease to which the scheme relates in any animal, bird or carcase;and the manner in which the amounts of such compensation are to be determined;
- (e) the raising of—
  - (i) all or any part of the money out of which such compensation is to be paid; and
  - (ii) the sums necessary to defray the expenses incurred in connection with the raising of that money and the payment of that compensation;by means of levies imposed in respect of animals, poultry or carcasses or the produce, produced in Northern Ireland of animals or poultry of a description to which the scheme applies on persons carrying on a business involving the rearing, buying, selling or slaughtering of such animals or poultry, or producing produce from such animals or poultry;
- (f) the duties of the persons by whom, under the terms of the scheme, any sum raised by means of that levy is to be paid, collected or remitted;
- (g) the time, place or manner at or in which any such sum is to be paid and the recovery of sums so payable;
- (h) the records, returns, notices and certificates which are to be kept, made or given for the purposes of the scheme, including the inspection, verification and copying of records by an officer of the Department.

(3) The persons upon whom duties may be imposed under paragraph (2) (f) in connection with the collection and remittance of sums raised by means of levies shall include any body established by or under any enactment for regulating the marketing of any agricultural product or otherwise for the benefit of, or any part of, the agricultural industry (including the livestock and livestock products industries), and such a body may collect any such sum under that paragraph (and may so collect it by deduction, set-off or otherwise).

(4) A scheme under this Article may be mandatory or subject to the voluntary participation of persons affected by the scheme.

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(5) The prohibition in Article 49 on the making of charges by the Department for any thing under this Order or by inspection or other act precedent to such a thing shall not extend to prevent the imposition of levies in pursuance of paragraph (2) (e) or the making of charges in accordance with the provisions of a scheme under this Article in respect of any examination, testing, treatment or other service or facility whatsoever carried out or provided by or on behalf of the Department under the scheme.

(6) In this Article “disease” is not restricted by its definition in Article 2(2).

### [<sup>F10</sup>Control of vaccines

**8A.**—(1) The Department may by order prohibit or regulate—

- (a) the manufacture, import, possession, sale or supply of such vaccines as may be specified in the order;
  - (b) the administration to any animal or bird of such vaccines as may be specified in the order.
- (2) Without prejudice to paragraph (1), an order under that paragraph may—
- (a) specify the persons who may manufacture, import, possess, sell, or supply vaccines;
  - (b) specify the persons who may administer vaccine to any animal or bird;
  - (c) provide for the issue of licences for the manufacture, import, possession, sale, supply or administration of vaccines, subject to such conditions as may be specified in the licences;
  - (d) require any person—
    - (i) to keep such records and retain such documents as may be specified in the order;
    - (ii) to furnish to the Department such information and returns as may be so specified;
    - (iii) to permit an inspector to inspect and take extracts from such records and documents;
  - (e) provide for the seizure, detention and disposal of any vaccine manufactured, imported, possessed, sold or supplied in contravention of the order;
  - (f) provide for the seizure, detention and disposal of any animal or bird to which vaccine has been administered in contravention of the order.]

**F10** Art. 8A inserted (12.3.2010) by Diseases of Animals Act (Northern Ireland) 2010 (c. 1), ss. 12, 22(1); S.R. 2010/70, art. 2

### Power to obtain information for the purpose of Article 3

**9.**—(1) For the purpose of obtaining information required for the purposes of Article 3, the Department may authorise any veterinary inspector or other officer of the Department to inspect animals or poultry.

(2) Any person authorised by the Department under paragraph (1) may, for the purpose of any inspection to be carried out by him, at all reasonable times, upon production of his authority on demand enter on any land and apply such tests and take such samples as he considers necessary.



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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](#)