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STATUTORY INSTRUMENTS

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**1994 No. 1891**

**The Agriculture (Miscellaneous Provisions) (Northern Ireland) Order 1994**

Diseases of animals

**Power to modify Schedules 1 and 2 to 1981 Order for limited purposes**

**19.** In Article 2(3) of the 1981 Order (power to modify Schedules 1 and 2 by order), after the word “For” there shall be inserted the words “all or any of”.

**Suspected or diseased animals and poultry**

**20.** In Article 10 of the 1981 Order (separation of diseased animals and poultry and notice of disease), for paragraph (6) (power of Department to make orders) there shall be substituted the following paragraph—

“(6) The Department may by order—

- (a) prescribe and regulate the notice to be given to or by any person or authority in case of any particular disease or suspicion of it or in case of the illness of an animal and supplement or vary for those purposes any of the provisions of this Article;
- (b) prescribe and regulate the separation of suspected or diseased animals and poultry from animals and poultry which are not suspected or affected with disease;
- (c) prescribe and regulate the notification of illness of, or disease or suspicion of disease in, poultry.”.

**Replacement of provision for compensation for slaughter**

**21.—(1)** In Article 16 of the 1981 Order (slaughter of diseased and suspected animals and poultry), after paragraph (1) there shall be inserted the following paragraphs—

“(1A) The Department shall by order make provision for compensation in respect of the slaughter of animals or poultry under Schedule 2.

(1B) Without prejudice to the generality of paragraph (1A), an order under that paragraph may do either or both of the following—

- (a) require the Department to pay compensation not exceeding such amount as may be specified in the order;
- (b) provide for the calculation of compensation using such scales or such other basis of calculation as may be so specified.”.

(2) In Article 61(1) of the 1981 Order (orders subject to negative resolution), after “16” there shall be inserted “(1A) or”.

(3) Part II of Schedule 2 to the 1981 Order (which makes provision for compensation in respect of the slaughter of animals or poultry) shall cease to have effect.

**Examinations by inspectors**

**22.** In Article 46 of the 1981 Order (general powers of inspectors), for paragraph (7) (power to examine animals or poultry) there shall be substituted the following paragraphs—

“(7) An inspector may—

- (a) examine—
  - (i) any animals or poultry on or in any land, building, place, pen, vehicle, vessel, boat or aircraft 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—
  - (i) any animals or poultry on or in any land, building, place, pen, vehicle, vessel, boat or aircraft 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.

(7B) For the purpose of any examination by an inspector under this Order or an order of the Department (including the applying of tests, the taking of samples and the applying of marks), the owner or person in charge of any animals, poultry or thing which may be so examined shall comply with all reasonable requirements of the inspector and afford him all other reasonable facilities for that purpose.”.

**Powers to make orders**

**23.—**(1) In Article 60 of the 1981 Order (general power to make orders), for paragraph (1) there shall be substituted the following paragraph—

“(1) The Department may make such orders as it thinks fit—

- (a) generally for the better execution of this Order or for the purpose of in any manner preventing the spreading of disease; and
- (b) in particular for the several purposes specified in this Order.”.

(2) In Articles 5(1), 12(1), 14, 19 and 29(1) of the 1981 Order (various powers to make orders), the words “Subject and according to the provisions of this Order” shall cease to have effect.

(3) In Article 29(1) of the 1981 Order (power to make orders in relation to imported animals, etc.), for the word “due” there shall be substituted the word “better”.

(4) In Article 30(1) of the 1981 Order (power to make orders in relation to imported poultry and eggs), before the word “preventing” there shall be inserted the words “in any manner”.

(5) In Article 61(3) of the 1981 Order (publication of notices in Belfast Gazette of orders not subject to negative resolution), for “(2)” there shall be substituted “(1)”.