

2002 No. 3151 (N.I. 5)

NORTHERN IRELAND

**The Fur Farming (Prohibition) (Northern Ireland) Order
2002**

Made - - - - 17th December 2002

*Coming into operation in accordance with Article
1(2)*

ARRANGEMENT OF ORDER

1. Title and commencement
2. Interpretation
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At the Court at Buckingham Palace, the 17th day of December 2002

Present,

The Queen's Most Excellent Majesty in Council

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

Now, therefore, Her Majesty, in exercise of the powers conferred by paragraph 1(1) of the Schedule to the Northern Ireland Act 2000 (c. 1) 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.—(1) This Order may be cited as the Fur Farming (Prohibition) (Northern Ireland) Order 2002.

(2) This Order shall come into operation on the expiration of two weeks from the date on which this Order is made.

Interpretation

2. The Interpretation Act (Northern Ireland) 1954 (c. 33) applies to this Order as it applies to an Act of the Assembly.

Offences relating to fur farming

3.—(1) A person shall be guilty of an offence if he keeps animals solely or primarily —

- (a) for slaughter (whether by himself or another) for the value of their fur; or
- (b) for breeding progeny for such slaughter.

(2) A person shall be guilty of an offence if he knowingly causes or permits another person to keep animals as mentioned in paragraph (1).

(3) A reference in this Article to keeping animals for slaughter or to breeding progeny for slaughter includes keeping or (as the case may be) breeding them for sale for slaughter.

(4) A person who is guilty of an offence under this Article shall be liable on summary conviction to a fine not exceeding £20,000.

Forfeiture orders

4.—(1) If a person is convicted of an offence under Article 3(1) in respect of animals of a particular description, the court may make a forfeiture order in respect of any animals of that description which are kept by that person when the order is made or which come into his keeping during the relevant period.

(2) If a person is convicted of an offence under Article 3(2) in respect of animals of a particular description kept by another person, the court may make a forfeiture order in respect of any animals of that description which are kept by that other person when the order is made or which come into his keeping during the relevant period.

(3) For the purposes of this Order, a forfeiture order is an order for the forfeiture and destruction or other disposal of the animals to which the order applies (including any subsequent progeny of those animals).

(4) The court may make a forfeiture order whether or not it also deals with the offender in respect of the offence in any other way.

(5) Where —

(a) the court proposes to make a forfeiture order; and

(b) a person claiming to have an interest in the animals concerned applies to be heard by the court,

the court shall not make the order unless the person has been given the opportunity to show cause why the order should not be made.

(6) In this Article “relevant period” means the period beginning with the making of the forfeiture order and ending with the destruction or other disposal of the animals in pursuance of the order.

Effect of forfeiture orders

5.—(1) A forfeiture order operates in relation to the forfeiture of animals so as to deprive any person of his rights in those animals.

(2) Any person claiming to have an interest in the animals concerned may appeal against a forfeiture order to the county court.

(3) Where the court makes a forfeiture order, it may in particular —

(a) appoint a person to carry out the order;

(b) impose requirements on any person in relation to the keeping of the animals concerned pending their destruction or other disposal;

(c) order the offender to pay such sum as the court may determine in respect of the reasonable expenses of carrying out the order and, where he does not keep the animals himself, of keeping them pending their destruction or other disposal;

(d) make such provision as the court considers appropriate in relation to the operation of the order pending the making or determination of any appeal or application relevant to the order.

(4) Any sum ordered to be paid under paragraph (3)(c) shall be treated for the purposes of enforcement as if it were a fine imposed upon conviction.

Powers of entry and enforcement

6.—(1) A person authorised in writing by the Department of Agriculture and Rural Development (whether generally or in a particular case) may at any reasonable time enter any premises on which he has reasonable grounds for suspecting that an offence under Article 3(1) has been or is being committed and may inspect the premises and any animals or things found there.

(2) A person appointed by the court under Article 5(3)(a) to carry out a forfeiture order may at any reasonable time enter any premises on which he has reasonable grounds for suspecting that animals to which the order applies are being kept, and carry out the order.

(3) A person seeking to enter any premises in the exercise of his powers under paragraph (1) or (2) shall, if required by or on behalf of the owner or occupier or person in charge of the premises, produce evidence of his identity, and of his authority or (as the case may be) appointment, before entering.

(4) A person who has entered any premises in the exercise of his powers under paragraph (1) or (2) shall, if required as mentioned in paragraph (3), state in writing his reasons for entering.

(5) A person shall be guilty of an offence if he intentionally obstructs or delays any person in the exercise of his powers under paragraph (1) or (2).

(6) A person who is guilty of an offence under subsection (5) shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(7) In this Article—

“premises” includes any place but not any private dwelling;

“private dwelling” means any premises for the time being used as a private dwelling excluding any garage, outhouse or other structure (whether or not forming part of the same building as the premises) which belongs to or is usually enjoyed with the premises.

Compensation for existing businesses

7.—(1) The Department of Agriculture and Rural Development may by order make a scheme for the making of payments by it to persons in respect of losses (of any kind) incurred by them as a result of ceasing, by reason of the making or coming into operation of this Order, to carry on their businesses so far as they consist of activities prohibited by that Article.

(2) Before making a scheme under this Article, that Department shall consult such persons as appear to it to be likely to be entitled to payments under such a scheme and such organisations as appear it to represent such persons.

(3) A scheme shall, in particular —

(a) specify the losses in respect of which payments are to be made;

(b) specify the businesses in respect of which payments are to be made;

(c) specify the basis of valuation for determining losses;

(d) specify the amounts of payments to be made or the basis on which such amounts are to be calculated; and

(e) provide for the procedure to be followed (including the time within which claims must be made and the provision of information) in respect of claims under the scheme and for the determination of such claims.

(4) The scheme shall provide that payments shall not be made under the scheme in respect of a business which was first carried on after a date specified in the scheme.

(5) An order made under paragraph (1) may provide for any dispute as to a person's entitlement to payments under the scheme, or the amount of any such payment, to be determined by the Lands Tribunal.

(6) Any order made under this Article shall be subject to negative resolution.

A. K. Galloway
Clerk of the Privy Council

EXPLANATORY NOTE

(This note is not part of the Order)

This Order prohibits the keeping of animals solely or primarily for slaughter for the value of their fur and provides for the making of payments in respect of the related closure of certain businesses.

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