

1993 No. 371

ANIMALS

**Sales, Markets and Lairs (Amendment) Order
(Northern Ireland) 1993**

Made 27th August 1993

Coming into operation 13th September 1993

The Department of Agriculture in exercise of the powers conferred on it by Articles 19, 21 and 60(1) of the Diseases of Animals (Northern Ireland) Order 1981(a) and of every other power enabling it in that behalf, hereby makes the following Order:

Citation and commencement

1. This Order may be cited as the Sales, Markets and Lairs (Amendment) Order (Northern Ireland) 1993 and shall come into operation on 13th September 1993.

Amendment to the Sales, Markets and Lairs Order (Northern Ireland) 1975

2. The Sales, Markets and Lairs Order (Northern Ireland) 1975(b) shall be amended as provided in Articles 3 to 5.

Interpretation

3. In Article 3—

(a) for the definition of “animals” there shall be substituted—

“ “animals” means bovine animals and swine and in Parts III and IV is extended to include sheep, goats and equidae;”;

(b) the definition of “approved assembly point” shall be omitted;

(c) after the definition of “approved market” there shall be inserted the following definition—

“ “assembly point operator” means the person in charge of the premises of an assembly point;”;

(d) for the definition of “EEC approved market” there shall be substituted the following definitions—

“ “EEC approved assembly point” means an assembly point in respect of which a notice of approval is for the time being in operation under Article 18;”;

(a) S.I. 1981/1115 (N.I. 22) as amended by S.I. 1984/702 (N.I. 2) Article 17

(b) S.R. 1975 No. 294 as amended by S.R. 1982 No. 191

“ “EEC approved market” means a market in respect of which a notice of approval is for the time being in operation under Article 18;”.

Animals intended for intra-Community trade

4. For Part III there shall be substituted the following Part—

“PART III

APPROVAL OF MARKETS AND ASSEMBLY POINTS FOR
INTRA-COMMUNITY TRADE

Prohibition on sales of animals

16. A person shall not hold or cause or permit to be held a public sale of animals intended for intra-Community trade other than in an EEC approved market.

Collection of animals at assembly points

17. A person shall not collect, or cause or permit to be collected, at any assembly point other than an EEC approved assembly point, any animals intended for intra-Community trade.

Approval of markets and assembly points for intra-Community trade

18.—(1) Where the Department is satisfied that any approved market or any assembly point complies with the provisions of the Community Instruments listed in Schedule 2 to the Animals and Animal Products (Import and Export) Regulations (Northern Ireland) 1993(a) relating to markets and assembly points, it may approve by notice in writing—

- (a) that market for the purposes of Article 16; or
- (b) that assembly point for the purposes of Article 17.

(2) A notice under paragraph (1) approving any market or assembly point—

- (a) shall be issued to the market authority for that market or the assembly point operator for that assembly point, as the case may be;
- (b) may be subject to such limit of time as may be specified in the notice; and
- (c) may be revoked by a further notice in writing issued to the market authority for that market or the assembly point operator for that assembly point, as the case may be.

(3) Without prejudice to the generality of paragraph (2)(c), a notice under paragraph (1) approving any market or assembly point shall be revoked where that market or assembly point no longer complies with the provisions of the Community Instruments listed in Schedule 2 to the Animals and Animal Products (Import and Export) Regulations (Northern Ireland) 1993.”.

(a) S.R. 1993 No. 305

Penning of animals

5. For Article 23 (Penning of animals) there shall be substituted the following Article—

“23.—(1) Subject to paragraph (2) a person shall not permit animals in a market or lair to be penned otherwise than in accordance with the following provisions of this paragraph, that is to say:

- (a) the animals shall be so contained and distributed within the pens as to avoid injury, overcrowding or other cause of unnecessary suffering, regard being had, where necessary, to unfitness and to differences of age, size and sex;
 - (b) without prejudice to the generality of sub-paragraph (a) each bull over 12 months old and each boar over 6 months old shall be kept separate from any other animal (including any other such bull or any other such boar).
- (2) Nothing in paragraph (1) shall—
- (a) require any animal with unweaned young to be kept separate from her young if both the animal and her young are kept separate from any other animal; or
 - (b) prevent two or more bulls over 12 months old which have been reared together from being kept together.”

Sealed with the Official Seal of the Department of Agriculture on 27th August 1993.

(L.S.)

P. T. Toal

Assistant Secretary

EXPLANATORY NOTE

(This note is not part of the Order.)

This Order further amends the Sales, Markets and Lairs Order (Northern Ireland) 1975 (“the principal Order”) so as to provide for the approval of markets and assembly points used for the sale of bovine animals, swine, sheep, goats and equidae intended for intra-Community trade in accordance with Council Directives 64/432/EEC (O.J. No. 121, 29.7.64, p. 1977/64), 91/68/EEC (O.J. No. L46, 19.2.91, p. 19) and 90/426/EEC (O.J. No. L224, 18.8.90, p. 42) (Articles 3 and 4).

The Order also amends the principal Order so as to change the restrictions on the penning of animals in markets and lairs. In particular it requires that, subject to certain exceptions, bulls over 12 months old and boars over 6 months old must be penned separately from each other and from any other animal (Article 5).