
STATUTORY RULES OF NORTHERN IRELAND

1999 No. 433

ANIMALS

Importation of Animal Pathogens Order (Northern Ireland) 1999

Made - - - - *25th October 1999*

Coming into operation *15th November 1999*

The Department of Agriculture, in exercise of the powers conferred on it by Articles 2(3), 5(1), 19, 24(1), 29, 52(6) and 60(1) of the Diseases of Animals (Northern Ireland) Order 1981(1), 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 Importation of Animal Pathogens Order (Northern Ireland) 1999 and shall come into operation on 15th November 1999.

Interpretation

2. In this Order—

“animal” includes poultry;

“animal pathogen” means any collection or culture of organisms or any derivative either on its own or in recombinant form of such collection or culture of organisms which may cause disease in animals;

“another Member State” means any Member State of the European Communities other than the United Kingdom;

“carrier” means any living creature except man which may carry or transmit an animal pathogen or the tissue, cell culture, body fluid, excreta, carcase or part of a carcase of such creature by or by means of which an animal pathogen may be carried or transmitted;

“general licence” means a licence issued under Article 4(1) which applies in relation to all persons, or any class of persons, who import into Northern Ireland an animal pathogen or carrier;

“importation” includes the importation of an animal pathogen in combination or admixture with any other material or in any living creature except man being used as a carrier of that pathogen for the purpose of importation;

(1) S.I.1981/1115 (N.I. 22) as amended by S.I. 1984/702 (N.I. 2) Art. 17 and S.I. 1994/1891 (N.I. 6) Arts. 19, 20, 22 to 24 and Schedule

“specific licence” means a licence issued under Article 4(1) which only applies to the applicant therefor;

“the 1981 Order” means the Diseases of Animals (Northern Ireland) Order 1981;

“vehicle” includes any vessel, boat, hovercraft, aircraft and any other description of vehicle or any part thereof.

Extension of definitions of “animals”, “poultry” and “disease”

3. For the purposes of the 1981 Order in its application to this Order—
- (a) the list of animals in Part I of Schedule 1 to the 1981 Order is hereby extended so as to comprise—
 - (i) any kind of mammal except man, and
 - (ii) any kind of four-footed beast which is not a mammal;
 - (b) the list of poultry in Part II of Schedule 1 to the 1981 Order is hereby extended so as to comprise birds of any kind; and
 - (c) the lists of diseases in Parts III and IV of Schedule 1 to the 1981 Order are hereby extended so as to comprise any disease of animals and poultry.

Prohibition on importation of animal pathogens and carriers

4.—(1) Subject to Articles 5 and 6, the importation into Northern Ireland of an animal pathogen or carrier is hereby prohibited except under the authority of and in accordance with the conditions of a licence issued by the Department.

(2) A licence issued under paragraph (1) may be either a general licence or a specific licence.

(3) A general licence shall be issued by the publication of it in such manner and to such extent as appears to the Department to be sufficient to bring it to the notice of those persons likely to be affected by it.

(4) An application for a specific licence shall be in writing and shall contain such particulars as the Department may require.

(5) The Department may vary, revoke or suspend any licence issued under paragraph (1)—

- (a) in the case of a general licence by a notice, published, so far as is practicable, in the same manner and to the same extent as the licence; and
- (b) in the case of a specific licence, by a notice in writing served on the person to whom the licence was issued.

(6) The Department may vary, revoke or suspend a general licence in so far as it applies to any particular person by notice in writing served on that person.

(7) A person who has in his possession an animal pathogen or carrier which he knows to have been imported in contravention of the provisions of this Order shall, with all practicable speed, report the fact to the Department.

Exceptions to prohibition

5. The prohibition contained in Article 4(1) shall not apply to the importation of any animal pathogen or carrier contained in a product—

- (a) permitted to be placed on the market under the Marketing Authorisations for Veterinary Medicinal Products Regulations 1994(2) or the Medicine's for Human Use (Marketing Authorisations Etc.) Regulations 1994(3);
- (b) licenced in accordance with the provisions of section 7(2) of the Medicines Act 1968(4); or
- (c) in respect of which an animal test certificate has been issued in accordance with the provisions of section 32 of that Act.

Further exception to prohibitions

6. The prohibition contained in Article 4(1) shall not apply to the importation of any animal pathogen or carrier imported from another Member State in accordance with the provisions of the Animals and Animal Products (Import and Export) Regulations (Northern Ireland) 1995(5), subject to the conditions in those Regulations or to the importation of any animal pathogen or carrier imported from Great Britain; but for the avoidance of doubt it is hereby declared that this does not affect the requirement for any person possessing such animal pathogen or carrier to do so in accordance with a licence issued under the Specified Animal Pathogens Order (Northern Ireland) 1999(6).

Powers of inspectors

7.—(1) Where an inspector has reasonable grounds for suspecting that an animal pathogen or carrier has been imported in contravention of this Order or in contravention of a condition of a licence issued under this Order, he may at any time seize, or cause to be seized, such pathogen, carrier or any material in which he reasonably suspects such pathogen to have been imported or into which he reasonably suspects it to have been subsequently introduced.

(2) A veterinary inspector may, if he considers it expedient to do so for the purpose of preventing the introduction or spreading of disease into or within Northern Ireland, detain or treat any pathogen, carrier or material, destroy any pathogen, carrier or material, or slaughter any carrier seized under paragraph (1).

(3) A veterinary inspector may, by notice in writing served upon the occupier of any premises (including a dwelling house) or place, or upon the owner or person in charge of any vehicle in which any pathogen, carrier or material is or has been present in contravention of this Order or of a licence issued under it, require the person on whom the notice was served to cleanse and disinfect such premises, place or vehicle in such manner as he may by such notice specify.

(4) Where, by virtue of a notice served under paragraph (3), any vehicle is required to be cleansed and disinfected, a veterinary inspector may detain that vehicle until the requirements of the notice have been complied with.

(5) A person upon whom a notice is served under paragraph (3) shall comply with the requirements of the notice.

(6) Where the requirements of a notice served under paragraph (3) have not been complied with, the Department may, without prejudice to any proceedings for an offence arising out of such default, carry out or cause to be carried out the cleansing and disinfection specified in the notice.

(7) A veterinary inspector may vary, revoke or suspend a notice served under paragraph (3) by a notice in writing served on the person on whom the notice to be varied, revoked or suspended was served.

(2) S.I. 1994/3142 as amended by S.I. 1998/1048

(3) S.I. 1994/3144 as amended by S.I. 1998/3105

(4) 1968 c. 67

(5) S.R. 1995 No. 52 as amended by S.R. 1997 No. 87 and S.R. 1998 No. 163

(6) S.R. 1999 No.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Production of licences

8. Any person acting under the authority of a licence issued under this Order shall, on demand made by an officer of Customs and Excise, an inspector or by a member of the Royal Ulster Constabulary produce the licence and allow a copy thereof or an extract therefrom to be taken and shall also, on such demand, furnish his name and address.

Revocation

9. The Rabies Virus Order (Northern Ireland) 1979(7) is hereby revoked.

Sealed with the Official Seal of the Department of Agriculture on 25th October 1999.

L.S.

Evelyn Cummins
Assistant Secretary

EXPLANATORY NOTE

(This note is not part of the Order.)

This Order prohibits, subject to exceptions, the importation of animal pathogens or carriers of such pathogens without a licence issued by the Department of Agriculture (“the Department”) and in accordance with any conditions of that licence. A person who has in his possession an animal pathogen or carrier which he knows to have been imported in contravention of the provisions of the Order is required to report the fact to the Department with all practicable speed (Article 4).

There are exceptions for veterinary and human medicines (Article 5). The requirement for an import licence also does not apply to imports from another Member State or Great Britain (Article 6).

The Order contains powers for the seizure of any animal pathogen or carrier imported in contravention of the Order or in breach of any licence conditions and powers for the detention, treatment or destruction of such pathogens or carriers. The Order also contains provisions for requiring the cleansing and disinfection of places and vehicles where an animal pathogen is or has been present in contravention of the provisions of the Order (Article 7).

The Order also provides for the production of licences (Article 8) and revokes the Rabies Virus Order (Northern Ireland) 1979 (Article 9).