1990 No. 12

ANIMALS

The Export of Sheep (Prohibition) (No. 3) Amendment Order (Northern Ireland) 1990

Made	*12th January 1990*
Coming into operation . .	*15th January 1990*

The Department of Agriculture in exercise of the powers conferred on it by Article 32 of the Diseases of Animals (Northern Ireland) Order 1981(**a**) and of every other power enabling it in that behalf, in the interests of human health hereby makes the following Order:

Citation and commencement

1. This Order may be cited as The Export of Sheep (Prohibition) (No. 3) Amendment Order (Northern Ireland) 1990 and shall come into operation on 15th January 1990.

Amendment of The Export of Sheep (Prohibition) (No. 3) Order (Northern Ireland) 1987

2. The Export of Sheep (Prohibition) (No. 3) Order (Northern Ireland) 1987(**b**) is hereby amended by substituting for Article 2(4)(*b*) the following sub-paragraph:—

"(*b*) any sheep which was marked, as a condition of the granting of a consent under section 2(1) of the Food and Environment Protection Act 1985(**c**) to its removal from a designated area—

(i) with a blue mark, in the case of a consent given on or before 8th January 1989;

(ii) with an apricot mark, in the case of a consent given on or before 30th July 1989; or

(iii) with a green mark, in the case of a consent given on or before 1st October 1989.".

Revocation

3. The Export of Sheep (Prohibition) (No. 3) Amendment (No. 3) Order (Northern Ireland) 1989(**d**) is hereby revoked.

(**a**) S.I. 1981/1115 (N.I. 22) to which there are amendments not relevant to this Order
(**b**) S.R. 1987 No. 409 as amended by S.R. 1989 No. 386
(**c**) 1985 c. 48
(**d**) S.R. 1989 No. 386

Sealed with the Official Seal of the Department of Agriculture on 12th January 1990.

(L.S.) *P. T. Toal*
Assistant Secretary

EXPLANATORY NOTE

(This note is not part of the Order.)

This Order amends The Export of Sheep (Prohibition) (No. 3) Order (Northern Ireland) 1987 ("the principal Order") which prohibits, subject to exceptions, the export from Northern Ireland to a Member State of the European Communities of—

(*a*) sheep moved from a place in an area designated for the purposes of Part I of the Food and Environment Protection Act 1985 in accordance with the terms of a consent under section 2(1) of that Act which required that the sheep to which it applies should be marked in a specified manner; and

(*b*) sheep which have been moved in contravention of a restriction imposed by an Order made under section 1 of that Act.

The principal Order does not apply to those sheep which have been examined and subsequently marked with an ear-tag by a person authorised by the Minister of Agriculture, Fisheries and Food, the Secretary of State for Scotland or Wales or the Department of Agriculture or to those sheep moved from a designated area in accordance with the terms of a consent given on or before 30th July 1989, 2nd October 1988 or 8th January 1989 which required them to be marked with an apricot, green or a blue paint mark respectively. This Order extends the exception in the principal Order to any sheep moved from a designated area in accordance with the terms of a consent given on or before 1st October 1989 which required it to be marked with a green paint mark.

Any person who without lawful authority, or excuse, proof of which shall lie on him, contravenes any provision of this Order shall be guilty of an offence against the Diseases of Animals (Northern Ireland) Order 1981. The penalties for such an offence are, on summary conviction, a fine not exceeding level 5 on the standard scale (currently £2,000), or in the case of an offence committed with respect to more than 5 animals, not exceeding level 3 on the standard scale (currently £400) for each animal.