1991 No. 12

ANIMALS

The Export of Sheep (Prohibition) Order (Northern Ireland) 1991

Made	*11th January 1991*
Coming into operation . .	*14th January 1991*

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) Order (Northern Ireland) 1991 and shall come into operation on 14th January 1991.

Interpretation

2. In this Order—

"the Act" means the Food and Environment Protection Act 1985(**b**);

"consent" means a consent given under section 2(1) of the Act (consent to the doing of things prohibited by an emergency order under section 1 of the Act);

"designated area" means an area designated for the purposes of Part I of the Act by virtue of—

(*a*) Article 3 of the Food Protection (Emergency Prohibitions) (Radioactivity in Sheep) (England) Order 1991(**c**);

(*b*) Article 3 of the Food Protection (Emergency Prohibitions) (Radioactivity in Sheep) Order 1991(**d**);

(*c*) Article 3 of the Food Protection (Emergency Prohibitions) (Radioactivity in Sheep) (Wales) Order 1991(**e**); or

(*d*) Article 3 of the Food Protection (Emergency Prohibitions) Order (Northern Ireland) 1991(**f**).

Prohibition of export of sheep

3.—(1) A person shall not export from Northern Ireland to a Member State any sheep to which this Order applies.

(**a**) S.I. 1981/1115 (N.I. 22) to which there are amendments not relevant to this Order
(**b**) 1985 c. 48; Part I was amended by the Food Safety Act 1990 (c. 16)
(**c**) S.I. 1991/6
(**d**) S.I. 1991/20
(**e**) S.I. 1991/5
(**f**) S.R. 1991 No. 8

(2) Subject to paragraphs (3) and (4) this Order applies to any sheep which—

(*a*) was moved from a designated area in accordance with a consent which was subject to the condition that the sheep to which it applied should be marked with a paint mark; or

(*b*) was moved from such an area in contravention of a prohibition imposed by an order made under section 1(1) of the Act (which empowers the making of emergency orders) which applied to that sheep at the time it was moved.

(3) This Order applies to a sheep only for so long as the area from which it has been moved remains a designated area.

(4) Paragraph (2)(*a*) shall not apply in the case of—

(*a*) any sheep which has been examined and marked with an ear-tag by a person authorised in that behalf by the Minister of Agriculture, Fisheries and Food, the Secretary of State or the Department;

(*b*) any sheep which has been marked with a blue paint mark in accordance with a consent, on or after 1st April of the year following the year in which it was so marked;

(*c*) any sheep which has been marked with an apricot paint mark in accordance with a consent, on or after 1st August of the year in which it was so marked; or

(*d*) any sheep which has been marked with a green paint mark in accordance with a consent, on or after 1st December of the year in which it was so marked.

Revocation

4. The Export of Sheep (Prohibition) (No. 3) Order (Northern Ireland) 1987(**a**) and the Export of Sheep (Prohibition) (No. 3) Amendment (No. 3) Order (Northern Ireland) 1990(**b**) are hereby revoked.

Sealed with the Official Seal of the Department of Agriculture on 11th January 1991.

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

(**a**) S.R. 1987 No. 409
(**b**) S.R. 1990 No. 362

EXPLANATORY NOTE

(This note is not part of the Order.)

This Order revokes and replaces the Export of Sheep (Prohibition) (No. 3) Order (Northern Ireland) 1987, as amended.

The Orders mentioned in Article 2 of this Order among other things designate areas in which elevated levels of radioactivity have been found following the escape of radioactive substances from a nuclear reactor situated at Chernobyl in the USSR.

This Order prohibits, subject to exceptions, the export from Northern Ireland to a Member State of the European Communities of sheep moved from—

(*a*) a designated area in accordance with a consent given under section 2(1) of the Food and Environment Protection Act 1985 (''the 1985 Act'') which was subject to the condition that the sheep to which it applied should be marked with a paint mark; or

(*b*) a designated area in contravention of a prohibition imposed by an order made under section 1 of the 1985 Act (Article 3).

The prohibition continues not to apply in the case of any sheep which have been examined and marked with an ear-tag by an officer authorised by the Minister of Agriculture, Fisheries and Food, the Secretary of State for Scotland or Wales or the Department of Agriculture (Article 3(4)(*a*)).

The principal change of substance effected by this Order is the introduction of a fixed timetable for exceptions to the prohibition on export in the case of any sheep marked with a blue, apricot or green paint mark in accordance with a consent given under section 2(1) of the 1985 Act (Article 3(4)(*b*) to (*d*)).

The Order also makes certain drafting changes.

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.