STATUTORY RULES OF NORTHERN IRELAND

2001 No. 212

ANIMALS

Foot-and-Mouth Disease (Controlled Area) (No. 3) Order (Northern Ireland) 2001

Made	*18th May 2001*
Coming into operation . .	*18th May 2001*

The Department of Agriculture and Rural Development(**a**), in exercise of the powers conferred on it by Articles 5, 10(6), 12, 14, 19, 20 and 60(1) of the Diseases of Animals (Northern Ireland) Order 1981(**b**) and Article 29(1) of the Foot-and-Mouth Disease Order (Northern Ireland) 1962(**c**) 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 Foot-and-Mouth Disease (Controlled Area) (No. 3) Order (Northern Ireland) 2001 and shall come into operation on 18th May 2001.

Declaration of controlled area

2. It is hereby declared that Northern Ireland continues to be a controlled area for the purposes of Article 29(1) of the Foot-and-Mouth Disease Order (Northern Ireland) 1962 and the provisions of that Order shall have effect accordingly subject to the variations, and disapplied to the extent, set out in the Schedule.

Interpretation

3. In Article 3 of the Foot-and-Mouth Disease Order (Northern Ireland) 1962, after the definition of "controlled area" there shall continue to be inserted the following definition—

" "Department" means the Department of Agriculture and Rural Development;".

Revocation

4. The Foot-and-Mouth Disease (Controlled Area) (No. 2) Order (Northern Ireland) 2001(**d**) is hereby revoked.

(**a**) Formerly the Department of Agriculture for Northern Ireland: *see* S.I. 1999/283 (N.I. 1) Art. 3(4)
(**b**) 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. 20 and 23
(**c**) S.R. & O. (N.I.) 1962 No. 209 as amended by S.R. 2001 No. 82
(**d**) S.R. 2001 No. 93

Sealed with the Official Seal of the Department of Agriculture and Rural Development on 18th May 2001.

(L.S.) *R. S. Johnston*

A senior Officer of the Department of Agriculture and Rural Development

1. Articles 32 and 34 of the Foot-and-Mouth Disease Order (Northern Ireland) 1962 shall not apply.

2. The fifth Schedule to the Foot-and-Mouth Disease Order (Northern Ireland) 1962 shall be varied by substituting for sub-paragraph (5) in paragraph A the following—

"(5) Hunting, polo and the racing or coursing or the training for racing or coursing of any dogs or hounds and the pursuit of game and rabbits are hereby prohibited both in an Infected Area and in a Controlled Area."; and

after sub-paragraph (7) in paragraph A inserting the following paragraphs—

"(8) In the controlled area and subject to sub-paragraph (9) a person shall not move any animal or carcase from the premises on which it was at the time of coming into operation of the Foot-and-Mouth Disease (Controlled Area) Order (Northern Ireland) 2001 ("the first Control Order") except under the authority of and in accordance with the conditions of a licence issued by the Department.

(9) Paragraph (8) shall not apply to the movement of a carcase slaughtered for human consumption or a carcase of an animal affected or suspected of being affected with scrapie or bovine spongiform encephalopathy and which is destined for disposal.

(10) A person shall not move any horse or the carcase thereof from the premises on which it was at the time of coming into operation of the first Control Order except under the authority of and in accordance with the conditions of a licence issued by the Department.

(11) The owner or person in charge of a vehicle which is used for the transport of an animal or carcase out of, into or within a controlled area shall after each occasion on which that vehicle is so used, and as soon as practicable after the animal or carcase is unloaded therefrom, and before any animal or carcase, or fodder, litter or things intended to be used in connection with, or for or about, any animal, is loaded thereon—

(*a*) thoroughly cleanse and disinfect that vehicle with an approved disinfectant; and

(*b*) thoroughly cleanse and disinfect any apparatus or thing used in connection with the loading of that carcase into, its unloading out of or carriage in that vehicle.

(12) A person shall not use any premises in the controlled area for fairs, markets, shows or other gathering of animals except under the authority of and in accordance with the conditions of a licence issued by the Department.

(13) Stalking of deer is prohibited in the controlled area.".

EXPLANATORY NOTE

(This note is not part of the Order.)

This Order repeals and replaces the Foot and Mouth Disease (Controlled Area) (No. 2) Order (Northern Ireland) 2001 which imposed, with variations and exceptions, the restrictions contained in Part III of the Foot and Mouth Disease Order (Northern Ireland) 1962 in Northern Ireland. The only change of substance is that the prohibition on horse racing and jumping competitions and pigeon racing set out in sub-paragraph 5 of paragraph A of the fifth Schedule to the Foot and Mouth Disease Order (Northern Ireland) 1962 is revoked.

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 and shall be liable, on summary conviction, either to imprisonment for a term not exceeding one month or to a fine not exceeding level 5 on the standard scale (currently £5,000) or in the case of an offence committed with respect to more than 5 animals, not exceeding level 3 on the standard scale (currently £1,000) for each animal.

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