**1972. No. 90** **[C]**

# AGRICULTURAL MARKETING

## Movement of Pigs

REGULATIONS, DATED 27TH MARCH 1972, MADE BY THE MINISTRY OF AGRICULTURE UNDER SECTION 17(1) OF THE AGRICULTURAL MARKETING ACT (NORTHERN IRELAND) 1964(a) AS AMENDED BY SECTION 9 OF THE AGRICULTURE (MISCELLANEOUS PROVISIONS) ACT (NORTHERN IRELAND) 1970(b).

The Ministry of Agriculture, in exercise of the powers conferred by Section 17(1) of the Agricultural Marketing Act (Northern Ireland) 1964 as amended by Section 9 of the Agriculture (Miscellaneous Provisions) Act (Northern Ireland) 1970 and all other powers thereunto it enabling, hereby makes the following regulations:—

*Citation and commencement*

**1.** These regulations, which may be cited as the Movement of Pigs Regulations (Northern Ireland) 1972, shall come into operation on 1st May 1972.

*Interpretation*

**2.** In these regulations:—

"authorised person" means any person authorised in writing by the Pigs Marketing Board (Northern Ireland) to exercise powers under these regulations (including, with the approval of the Ministry, any officer of the Ministry) and shall be deemed to include any member of the Royal Ulster Constabulary or a Reserve Constable on full time police duty;

"bacon pigs" has the meaning assigned to it by Article 2 of the Pigs Marketing Scheme (Northern Ireland) 1933(c);

"the Board" means the Pigs Marketing Board (Northern Ireland).

*Prohibition of movement*

**3.** A person shall not move pigs from any land or premises if the movement of such pigs has been prohibited by a notice served by an authorised person under regulation 5(*a*).

*Transportation of bacon pigs*

**4.**—(1) Subject to the provisions of these regulations not more than two bacon pigs shall be transported in any vehicle unless they are being transported by or on behalf of a producer to a purchasing centre operated by the Board.

(2) The person in charge of a vehicle in which more than two bacon pigs are being transported to a purchasing centre as aforesaid shall have in his possession a document issued by the Board being either:—

(*a*) a notification to the producer acknowledging receipt by the Board of that producer's entry for sale to the Board of the number of pigs stated

(a) 1964. c. 13 (N.I.). (b) 1970. c. 20 (N.I.).
(c) S.R. & O. (N.I.) 1933, No. 93.

therein, and advising the producer of the date on which, and the purchasing centre to which, such pigs should be delivered; or

(*b*) in the case of pigs being transported by a haulier, a notification to that haulier advising him that the producer named on the said notification wishes him to collect the number of pigs stated therein for delivery, in the week during which the pigs are being transported, to a purchasing centre operated by the Board.

(3) The number of bacon pigs transported in a vehicle shall not exceed the aggregate number of pigs specified in the notification or notifications of the kind mentioned in paragraph (2) (*a*) or (*b*) which the person in charge of the vehicle has in his possession.

*Powers of authorised persons*

**5.** An authorised person may do all or any of the following, that is to say:—

(*a*) serve a notice on the occupier of any land or premises in which there are pigs prohibiting for a period stated therein not exceeding twenty-four hours the movement of pigs from any such land or premises;

(*b*) halt any vehicle suspected to contain pigs;

(*c*) inspect the vehicle and any pigs which are being carried in it;

(*d*) require the person in charge of the vehicle to produce any document such as is mentioned in regulation 4, or any movement permit such as is mentioned in regulation 10 and may inspect and detain any such document or permit;

(*e*) require the vehicle to be taken to the nearest suitable and available weighing equipment and the pigs to be unloaded from the vehicle and weighed, or require the person in charge of the vehicle to have it checkweighed;

(*f*) require the person in charge of the vehicle to state the name and address of the owner of the pigs, the address to which they are being moved and, where the pigs have been sold, the name and address of the seller;

(*g*) apply or cause to be applied to any bacon pig being transported in any vehicle a mark identifying it as such;

(*h*) seize and detain any pig being, or which has been, moved or which is suspected of being, or having been, moved in contravention of these regulations, and any vehicle, container or thing in which any such pig is being, or is suspected of having been, carried or handled.

*Seizures and detentions*

**6.**—(1) Where any pig, vehicle, container or thing has been seized and detained under regulation 5(*h*) the following procedures shall be followed:—

(*a*) the authorised person shall within forty-eight hours of the time of seizure cause a notice (hereinafter called a "seizure notice") to be displayed at a police station in the same petty sessions district as the place of seizure;

(*b*) the Board shall within fourteen days of the date of seizure cause the seizure notice to be published once in the Belfast Gazette.

The seizure notice shall be in the form set out in the First Schedule where pigs are seized, or in the form set out in the Second Schedule where a vehicle, container or thing is seized.

(2) At the hearing of any proceedings for forfeiture the affidavit of a constable at the police station at which the seizure notice was displayed shall be

received in evidence by the Court and shall be sufficient proof of the display thereof, in compliance with these regulations, unless the contrary is proved.

*Forfeitures*

**7.**—(1) Any pig, vehicle, container or thing seized under regulation 5(*h*) may be detained for a period of twenty-one days from the date of seizure or ten days from the publication of a seizure notice in the Belfast Gazette, whichever period last terminates, and at the end of such period shall, unless a notice of claim as provided in paragraphs (2) and (3) has been received in respect thereof in accordance with paragraph (2) or a person has been charged with an offence under Section 17(4A) of the Agricultural Marketing Act ((Northern Ireland) 1964 in relation to it, be forfeited.

(2) Where within twenty-one days of the date of seizure or ten days from the publication of a seizure notice in the Belfast Gazette, whichever period last terminates, a notice in writing in accordance with the provisions in that behalf set out in the seizure notice is received by the Board from a person (hereinafter called a "claimant") that he claims:—

(*a*) as regards any such pig, that it was at the time of seizure his property and that it was not being moved in contravention of these regulations; or

(*b*) as regards any such vehicle, container or thing, that it was at the time of seizure his property and that it was not used for the carriage or handling of bacon pigs in contravention of these regulations;

the forfeiture of the things seized shall not be effected under this regulation except by an order made by a Court of Summary Jurisdiction on the application of the Board.

(3) Each notice served by a claimant under paragraph (2) shall specify the name and address of the claimant, and, where the claimant is outside Northern Ireland, the name and place of business of a solicitor in Northern Ireland who is authorised to accept service of proceedings and to act on behalf of the claimant.

(4) If the Board admits a claim made in accordance with paragraph (2) or if proceedings for forfeiture under paragraph (2) having been taken, the Court makes no order in respect thereof then:—

(*a*) the pigs shall be returned or, if they have been dealt with by the Board as though they had been purchased from the owner in accordance with paragraph (*a*) of regulation 8, the amount which the Board would have paid for them if they had been so purchased at the date of seizure shall be paid to the claimant and that return or payment to the claimant shall relieve the Board and any person acting on its behalf under these regulations from all liability to the claimant or any other person in respect of the seizure or sale of the pigs;

(*b*) the vehicle, container or thing shall be returned, or if such vehicle, container or thing has been delivered to the claimant in accordance with paragraph (*b*) of regulation 8, the amount paid by the claimant in accordance with that regulation shall be repaid and such return or delivery and repayment to the claimant shall relieve the Board and any person acting on its behalf under these regulations from all liability to the claimant or to any other person in respect of the seizure of the said vehicle, container or thing.

(5) Notwithstanding anything contained in the foregoing provisions of these regulations, where any pig, vehicle, container or thing has been forfeited under these regulations the Board may at its discretion return it or, if any pig has been

dealt with by the Board as though it had been purchased from the owner in accordance with paragraph (*a*) of regulation 8, the amount the Board would have paid for it if it had been so purchased at the time of seizure; or if any vehicle, container or thing has been delivered up to the claimant in accordance with paragraph (*b*) of regulation 8, the amount paid by the claimant in accordance with that regulation.

(6) Where a person is charged with an offence as mentioned in paragraph (1), or a notice of claim is received under paragraph (2), any pig, vehicle, container or thing to which this regulation applies may be further detained pending the decision of a Court.

(7) This regulation shall apply to the amount which the Board would have paid for any pigs dealt with as though they had been purchased from the owner under sub-paragraph (*a*), and to any sum paid to a person acting on behalf of the Board in respect of a vehicle, container or thing under sub-paragraph (*b*), of regulation 8 as it applies to a pig, vehicle, container or thing.

(8) In this regulation the expression "Court of Summary Jurisdiction" shall mean a Court of Summary Jurisdiction having jurisdiction—

(*a*) in the place where the pig, vehicle, container or thing was seized; or

(*b*) in the place where the claimant resides; or

(*c*) where in a notice served by him under regulation 7(2) a claimant has specified the name and place of business of a solicitor in accordance with regulation 7(3), in the place where the solicitor has his place of business as stated in the notice.

(9) The proceeds of sale of any pig, vehicle, container or thing forfeited under the provisions of these regulations shall be paid into the fund controlled and administered by the Board under the provisions of the Pigs Marketing Scheme (Northern Ireland) 1933.

*Power to deal with seizures before forfeiture proceedings*

**8.** Where any pig, vehicle, container or thing has been seized by an authorised person under regulation 5(*h*) the authorised person or any other person acting on behalf of the Board under these regulations may, notwithstanding that such pig, vehicle, container or thing has not yet been forfeited:

(*a*) in the case of pigs, deliver them to the Board, who may deal with such pigs as though they had been purchased by the Board from the owner;

(*b*) in the case of a vehicle, container or thing, deliver it up on such conditions as the Board may approve to a claimant (as defined in regulation 7) upon his paying to the authorised person or other person acting on behalf of the Board such sum as that person shall think proper, being a sum not exceeding the value thereof as determined by the said person.

*Defrayment of expenses*

**9.** Where a vehicle transporting pigs is halted by an authorised person and is found not to contain any pig being moved in contravention of these regulations, any expenses reasonably incurred in consequence of complying with any provision of paragraphs (*b*) to (*f*) of regulation 5 shall be defrayed by the Board.

*Movement permits*

**10.** Notwithstanding anything in these regulations the Board may, on request by any producer, issue to such producer a permit authorising the movement (within such periods as may be specified therein and subject to such con-

ditions, if any, as may be so specified) of bacon pigs within Northern Ireland and bacon pigs may be moved in accordance therewith. The person in charge of any vehicle in which pigs are being moved in accordance with any such permit shall have such permit in his possession.

Sealed with the Official Seal of the Ministry of Agriculture for Northern Ireland this 27th day of March 1972.

(L.S.) *J. Parke,*
Assistant Secretary.

FIRST SCHEDULE Regulation 6

**Form of Seizure Notice to be Displayed**

MOVEMENT OF PIGS REGULATIONS (NORTHERN IRELAND) 1972

**Seizure Notice (Pigs)**

I, , being an authorised officer for the purpose of the Movement of Pigs Regulations (Northern Ireland) 1972, hereby give notice that on the day of , nineteen hundred and , at or in the vicinity of (place) the undermentioned (number) pigs were seized in accordance with the provisions of the said regulations.

Any person claiming that the pigs were at the time of seizure his property and that they were not moved in contravention of the said regulations may serve notice in writing to that effect on the Pigs Marketing Board (Northern Ireland) at (address) such notice to be served within twenty-one days of the date of seizure or within ten days of the date of publication of this notice in the Belfast Gazette, whichever period last terminates.

The said regulations provide that the pigs shall be forfeited at the end of such period unless such claim is received as aforesaid, or a person has been charged with an offence under Section 17(4A) of the Agricultural Marketing Act (Northern Ireland) 1964 in relation to the seizure.

.....
*Authorised Officer.*

Date .....

**Particulars of Pigs Seized**

| *Type* | *Colour or other description* |
|---|---|

SECOND SCHEDULE Regulation 6

**Form of Seizure Notice to be Displayed**

MOVEMENT OF PIGS REGULATIONS (NORTHERN IRELAND) 1972

**Seizure Notice (Vehicle, Container or Thing)**

I, , being an authorised officer for the purpose of the Movement of Pigs Regulations (Northern Ireland) 1972, hereby give notice that on the day of , nineteen hundred and , at or in the vicinity of (place) the undermentioned vehicle, container or thing was seized in accordance with the provisions of the said regulations.

Any person claiming that the vehicle, container or thing was at the time of seizure his property and that it was not used for the carriage, handling or concealment of pigs moved in contravention of the said regulations may serve notice in writing to that effect on the Pigs Marketing Board (Northern Ireland) at (address) such notice to be served within twenty-one days of the date of seizure or within ten days of the date of publication of this notice in the Belfast Gazette, whichever period last terminates.

The said regulations provide that the vehicle, container or thing shall be forfeited at the end of such period unless such claim is received as aforesaid, or a person has been charged with an offence under Section 17(4A) of the Agricultural Marketing Act (Northern Ireland) 1964 in relation to the seizure.

.....
*Authorised Officer.*

Date .....

**Particulars of Vehicle, Container or Thing Seized**

| *Type* | *Registered Number* | *Colour or other description* |
|---|---|---|
| | | |

## EXPLANATORY NOTE

*(This note is not part of the Regulations, but is intended to indicate their general purport.)*

These regulations provide that:—

(*a*) the movement of pigs from any land or premises may be restricted for a period not exceeding twenty-four hours by any person authorised in writing by the Pigs Marketing Board, or by any member of the Royal Ulster Constabulary;

(*b*) where more than two bacon pigs are being transported the person in charge of the vehicle must be in possession of a document issued by the Board showing that they are in transit to one of the Board's purchasing centres, or else a movement permit issued by the Board;

(*c*) authorised persons may halt vehicles carrying pigs; inspect documents; require the weighing of pigs being transported and information as to destination and ownership; seize and detain pigs being or suspected of having been moved in contravention of the regulations, and any vehicle, container or thing in, or with which, they are, or are suspected of having been, handled or carried;

(*d*) where any vehicle transporting pigs is halted by an authorised person and found not to contain any pig being moved in contravention of the regulations, any expenses reasonably incurred in complying with the provisions of the regulations shall be defrayed by the Pigs Marketing Board.

Provision is also made for the publication of notice of seizure, for claims relating to things seized, and for the forfeiture of things seized.