
STATUTORY RULES OF NORTHERN IRELAND

1998 No. 367

ANIMALS
EUROPEAN COMMUNITIES

Sheep and Goats (Spongiform Encephalopathy)
Regulations (Northern Ireland) 1998

Made - - - - 21st October 1998

Coming into operation 7th December 1998

The Department of Agriculture, being a Department designated(1) for the purposes of section 2(2) of the European Communities Act 1972(2) in relation to the common agricultural policy of the European Community, in exercise of the powers conferred on it by the said section 2(2), and of every other power enabling it in that behalf, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Sheep and Goats (Spongiform Encephalopathy) Regulations (Northern Ireland) 1998 and shall come into operation on 7th December 1998.

Interpretation

2.—(1) The Interpretation Act (Northern Ireland) 1954(3) shall apply to these Regulations as it applies to a Measure of the Northern Ireland Assembly.

(2) In these Regulations—

“carcase” means a carcase of a sheep or goat;

“the Commission Decision” means Commission Decision [98/272/EEC](#)(4) on epidemio-surveillance for transmissible spongiform encephalopathies;

“the Department” means the Department of Agriculture for Northern Ireland;

“the disease” means any transmissible spongiform encephalopathy in sheep and goats;

“premises” means any place (including any structure or vehicle) in which sheep, goats or carcasses may be handled, held or kept;

(1) [S.I.1972/1811](#)

(2) [1972 c. 68](#); section 2 is subject to Schedule 2 to that Act and is to be read with [S.I. 1984/703 \(N.I. 3\)](#) and [S. I. 1994/2795 \(N.I. 15\)](#)

(3) [1954 c. 33 \(N.I.\)](#)

(4) O.J. No. L122, 24.4.98, p. 59

“the Sheep and Goats Order” means the Sheep and Goats (Spongiform Encephalopathy) Order (Northern Ireland) 1998(5);

“transmissible spongiform encephalopathy” has the same meaning as in the Commission Decision; and

“veterinary inspector” means a veterinary inspector appointed by the Department.

Investigation of the disease in sheep and goats

3.—(1) If a veterinary inspector has reasonable grounds for supposing that the disease exists or has existed on any premises, he shall, with all practicable speed, carry out any investigation he believes may be necessary to establish the correctness of that supposition.

(2) For the purposes of such an investigation in relation to any premises, a veterinary inspector or an officer of the Department may—

- (a) inspect and examine any sheep, goat or carcase on the premises;
- (b) make such tests in relation to, and take such samples from, any sheep, goat or carcase on the premises as he may consider necessary for the purpose of diagnosis or research in relation to the disease;
- (c) apply a mark for identification purposes to any sheep, goat or carcase on the premises; and
- (d) examine any record on the premises, and any information relating to sheep, goats or carcasses contained in any computer accessible from the premises, which he believes may be relevant to any test, sampling, marking or examination under these Regulations.

(3) The occupier of the premises and his employees, and any person who is or has been in possession or charge of any sheep, goat or carcase which is or has been on the premises, shall—

- (a) provide such reasonable facilities and comply with such reasonable requirements as are necessary for the purposes of any investigation of the disease under this regulation; and
- (b) if so required by a veterinary inspector or an officer of the Department, give such information as he possesses as to—
 - (i) any sheep, goat or carcase which is or has been on the premises;
 - (ii) any other animal or carcase of such other animal with which any sheep, goat or carcase which is or has been on the premises may have come into contact; and
 - (iii) the location and movement of any sheep, goat or carcase which is or has been in his possession or charge.

(4) A veterinary inspector or an officer of the Department may, on producing if so required, some duly authenticated document showing his authority, at all reasonable hours—

- (a) enter any premises, including any part of any premises occupied as or contiguously with a private dwelling—
 - (i) for the purpose of ascertaining whether any sheep, goat or carcase is being or has been kept on the premises;
 - (ii) for any other purpose connected with an investigation of the disease under this regulation;
 - (iii) for any purpose connected with the imposition of restrictions on movement of any sheep or goats under Articles 4, 5 and 6 of the Sheep and Goats Order; or

- (iv) for any purpose connected with the application of Article 16 of and Schedule 2 to the Diseases of Animals (Northern Ireland) Order 1981(6) to the slaughter of sheep or goats under Article 10 of the Sheep and Goats Order; or
 - (b) enter any premises (other than any premises occupied as a private dwelling) for the purpose of ascertaining whether there is on the premises any evidence of any contravention of the provisions of these Regulations or of the provisions of the Sheep and Goats Order.
- (5) If a justice of the peace, on sworn information in writing, is satisfied that there is reasonable ground for entry into any premises (other than any premises occupied as a private dwelling) for any such purpose as is mentioned in paragraph (4) and that either—
- (a) admission to the premises has been refused, or a refusal is apprehended, and that notice of the intention to apply for a warrant has been given to the occupier; or
 - (b) an application for admission, or the giving of such a notice, would defeat the object of the entry, or that the case is one of urgency, or that the premises are unoccupied or the occupier is temporarily absent,
- the justice of the peace may by warrant signed by him authorise a veterinary inspector or an officer of the Department to enter the premises, if need be using reasonable force.
- (6) In paragraph (5) any reference to a justice of the peace includes a reference to a resident magistrate.
- (7) A veterinary inspector or an officer of the Department, when entering any premises for any of the purposes mentioned in paragraph (4), or when on any premises for any such purpose, may—
- (a) seize, detain and require the production of any information or record (in whatever form the information or record is held, including any kept by means of a computer) which he has reason to believe may be required as evidence in proceedings under any of the provisions of these Regulations;
 - (b) take with him such other person as he considers necessary to carry out any checks and examinations under these Regulations; and
 - (c) take with him a representative of the European Commission acting for any purposes in relation to the Commission Decision.

Obstruction

- 4.—(1) A person shall not—
- (a) intentionally obstruct any person acting in the execution of these Regulations;
 - (b) without reasonable cause, fail to give to any person acting in the execution of these Regulations any assistance or information which that person may reasonably require of him for the purpose of carrying out his functions under these Regulations; or
 - (c) furnish to any person acting in the execution of these Regulations any information which he knows to be false or misleading.
- (2) Nothing in paragraph (1)(b) shall be construed as requiring any person to answer any question or give any information if to do so might incriminate him.

Offences and penalties

- 5.—(1) Any person who, without lawful authority or excuse, proof of which shall lie on him—

(6) S.I. 1981/1115 (N.I. 22) as amended by S.I. 1991/1891 (N.I. 6). Schedule 2 has been modified by S.R. 1995 No. 44 and S.R. 1998 No. 365. There are other amendments and modifications which are not relevant to these Regulations.

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

- (a) defaces, obliterates or removes any mark applied to any sheep or goat or carcase under regulation 3(2)(c);
 - (b) contravenes regulation 3(3) or 4(1); or
 - (c) knowingly causes or permits any such contravention,
- shall be guilty of an offence.
- (2) A person guilty of an offence under these Regulations shall be liable—
- (a) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years or to both;
 - (b) on summary conviction to a fine not exceeding the statutory maximum or to imprisonment for a term not exceeding three months or to both.

Sealed with the Official Seal of the Department of Agriculture on

L.S.

21st October 1998.

R. S. Johnston
Assistant Secretary

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations give effect in part to Articles 3(1) and 4(1) of Commission Decision [98/272/EEC](#) (O.J. No. L122, 24.4.98, p. 59) on epidemio-surveillance for transmissible spongiform encephalopathies in sheep and goats.

Regulation 3 provides for the investigation of any transmissible spongiform encephalopathy in sheep, goats or their carcasses, the examination and testing of sheep, goats or their carcasses, and the taking of samples from them, for transmissible spongiform encephalopathy. It also provides for the marking of sheep, goats or their carcasses for this purpose. Regulation 3 requires that an occupier of premises or his employees or a person in charge or in possession of sheep, goats or their carcasses co-operate with these investigations. It also provides rights of entry to premises for veterinary inspectors and officers of the Department of Agriculture.

Regulation 4 makes provision for offences in relation to obstruction and the furnishing of false or misleading information and regulation 5 for other offences and penalties.