
STATUTORY RULES OF NORTHERN IRELAND

2008 No. 336

ANIMALS

ANIMAL HEALTH

The Specified Animal Pathogens Order (Northern Ireland) 2008

Made - - - - *6th August 2008*

Coming into operation *30th August 2008*

The Department of Agriculture and Rural Development⁽¹⁾, makes the following Order in exercise of the powers conferred by Articles 2(3), 5(1), 19, 30(1) and 60(1) of the Diseases of Animals (Northern Ireland) Order 1981⁽²⁾.

Modifications etc. (not altering text)

- C1** Rules excluded (18.11.2013) by [The African Horse Sickness Regulations \(Northern Ireland\) 2013](#) (S.R. 2013/244), **reg. 4(a)** (with **reg. 4**)

Citation and commencement

1. This Order may be cited as the Specified Animal Pathogens Order (Northern Ireland) 2008 and shall come into operation on 30th August 2008.

Commencement Information

- II** Art. 1 in operation at 30.8.2008, see **art. 1**

Interpretation

2.—(1) In this Order—
“animal” includes poultry;

(1) Formerly the Department of Agriculture for Northern Ireland see the Departments Order 1999 [S.I. 1999/283 \(N.I. 1\)](#) Article 3(4)
(2) [S.I. 1981/1115 \(N.I. 22\)](#) as amended by [S.I. 1984/702 \(N.I. 2\)](#) Article 17, [S.I. 1994/1891 \(N.I. 6\)](#) Arts. 19, 22 to 24 and Schedule, [S.R. 2002 No.225](#) and [S.R. 2006 No.41](#)

Changes to legislation: The Specified Animal Pathogens Order (Northern Ireland) 2008 is up to date with all changes known to be in force on or before 16 September 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

“carrier” means any living creature except man which may carry or transmit a specified animal pathogen or the tissue, cell culture, body fluid, excreta, carcase or part of a carcase of such creature by or by means of which a specified animal pathogen may be transmitted or carried;

“the Department” means the Department of Agriculture and Rural Development;

“the 1981 Order” means the Diseases of Animals (Northern Ireland) Order 1981;

“premises” includes any land, building or other place; and

“specified animal pathogen” means an animal pathogen listed in Schedule 1, including—

- (a) intact pathogens;
- (b) pathogens which have been attenuated or genetically modified by any means; and
- (c) any nucleic acid derived from an animal pathogen listed in that Schedule that could produce that pathogen when introduced into a biological system in which the nucleic acid is capable of replicating.

(2) In this Order “inspector” does not include an inspector appointed by a district council.

(3) A licence or notice issued under this Order must be in writing, may be subject to conditions and may be amended, suspended or revoked by notice in writing at any time.

Commencement Information

I2 Art. 2 in operation at 30.8.2008, see [art. 1](#)

Extension of the definition of “animal”, “poultry” and “disease”

3. For the purposes of the 1981 Order in its application to this Order—

- (a) the list of animals in Part I of Schedule 1 to the 1981 Order is hereby extended so as to comprise—
 - (i) any kind of mammal except man, and
 - (ii) any kind of four-footed beast which is not a mammal;
- (b) the list of poultry in Part II of Schedule 1 to the 1981 Order is hereby extended so as to comprise birds of any kind; and
- (c) the lists of diseases in Parts III and IV of Schedule 1 to the 1981 Order are hereby extended so as to comprise any disease of animals and poultry which may be caused by one or more specified animal pathogens.

Commencement Information

I3 Art. 3 in operation at 30.8.2008, see [art. 1](#)

Prohibitions in relation to specified animal pathogens

4.—(1) A person shall not have in their possession—

- (a) any animal pathogen specified in Part 1 of Schedule 1; or
- (b) any carrier in which they know such a pathogen is present,

except under the authority of a licence issued by the Department.

Changes to legislation: *The Specified Animal Pathogens Order (Northern Ireland) 2008 is up to date with all changes known to be in force on or before 16 September 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(2) A person shall not deliberately introduce into any animal any animal pathogen specified in either Part 1 or Part 2 of that Schedule, except under the authority of a licence issued by the Department.

(3) A person must immediately notify the Department if that person—

- (a) has possession of any thing in respect of which they have reasonable grounds for suspecting that an animal pathogen specified in Part 1 of Schedule 1 is present; and
- (b) does not have a licence in respect of that pathogen.

Commencement Information

I4 Art. 4 in operation at 30.8.2008, see [art. 1](#)

Exceptions

5.—(1) Article 4 shall not apply to any person who is transporting a pathogen or carrier and who does not own or have any rights in that pathogen or carrier.

(2) Article 4 shall not apply in relation to any pathogen or carrier contained in a product—

- (a) authorised to be placed on the market in Northern Ireland as a veterinary medicinal product, or authorised to be administered to an animal in Northern Ireland;
- (b) authorised to be placed on the market under [^{F1}the Human Medicines Regulations 2012] ;
- (c) licensed in accordance with the provisions of section 7(2) of the Medicines Act 1968(3).

(3) Article 4 shall not apply to any specified animal pathogen contained in an animal where—

- (a) such pathogen was not deliberately introduced into the animal; and
- (b) a notification has been made to the Department or to a member of the Police Service of Northern Ireland(4) under Article 10 of the 1981 Order or any order made thereunder regarding the presence of disease, or suspicion of it, in the animal, or the Department is aware of the presence of such disease, or suspicion of it, in the said animal.

F1 Words in [reg. 5\(2\)\(b\)](#) substituted (14.8.2012) by [The Human Medicines Regulations 2012 \(S.I. 2012/1916\)](#), [reg. 1\(2\)](#), [Sch. 34 para. 122](#) (with [Sch. 32](#))

Commencement Information

I5 Art. 5 in operation at 30.8.2008, see [art. 1](#)

Powers of inspectors

6. In addition to the powers set out in the 1981 Order, an inspector enforcing this Order has the powers set out in Schedule 2.

Commencement Information

I6 Art. 6 in operation at 30.8.2008, see [art. 1](#)

(3) [1968 c. 67](#)

(4) By virtue of section 1 of the Police (Northern Ireland) Act 2000 ([c.32](#)) the body of constables known as the Royal Ulster Constabulary shall be styled for operational purposes the “Police Service of Northern Ireland”

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Improvement notices

7.—(1) If an inspector is of the opinion that a person—

- (a) is carrying on any activity contravening one or more of the conditions of a licence issued to them under this Order, or
- (b) has contravened one or more of those conditions in circumstances that make it likely that the contravention will continue or be repeated,

that inspector may serve on that person a notice (“an improvement notice”).

(2) An improvement notice must—

- (a) specify the conditions of the licence that have been contravened;
- (b) explain the reasons why the inspector is of that opinion; and
- (c) require that person to remedy the contravention or the matters occasioning it, within such period as may be specified in the notice.

(3) A notice must include directions as to the measures to be taken to remedy any contravention or matter to which the notice relates; and any such directions may be framed so as to afford the person on whom the notice is served a choice between different ways of remedying the contravention or matter.

Commencement Information

17 Art. 7 in operation at 30.8.2008, see [art. 1](#)

Prohibition notices

8.—(1) This paragraph applies to any activities for which a licence is required under this Order.

(2) If an inspector is of the opinion that the activities involve or may involve a risk of serious harm to animals, the inspector may serve on that person a notice (“a prohibition notice”).

(3) A prohibition notice must—

- (a) state that the inspector is of that opinion;
- (b) specify the matters which in that inspector’s opinion give or may give rise to a risk of serious harm to animals; and
- (c) direct that the activities to which the notice relates must not be carried on unless the matters specified in the notice have been remedied.

(4) A direction contained in a prohibition notice under sub-paragraph (3)(c) takes effect—

- (a) at the end of the period specified in the notice; or
- (b) if the notice so declares, immediately.

Commencement Information

18 Art. 8 in operation at 30.8.2008, see [art. 1](#)

Appeals against improvement and prohibition notices

9.—(1) A person on whom an improvement or prohibition notice is served may, within 21 days, appeal against the notice to a person appointed for the purpose by the Department.

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(2) The appointed person must consider the appeal and any representations made by the Department and report in writing, with a recommended course of action, to the Department.

(3) The Department may then either cancel the notice or confirm it, with or without modifications, and must notify the appellant, together with the reasons.

Commencement Information

I9 Art. 9 in operation at 30.8.2008, see [art. 1](#)

Licences

10. A person shall not contravene a licence condition imposed on that person.

Commencement Information

I10 Art. 10 in operation at 30.8.2008, see [art. 1](#)

Revocation

11. The Specified Animal Pathogens Order (Northern Ireland) 1999(5) is hereby revoked.

Commencement Information

I11 Art. 11 in operation at 30.8.2008, see [art. 1](#)

Sealed with the Official Seal of the Department of Agriculture and Rural Development on 6th August 2008.



Elizabeth Redmond
A senior officer of the Department of Agriculture
and Rural Development

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SCHEDULE 1

Article 3

Specified animal pathogens

PART I

1. African horse sickness virus

Commencement Information

I12 Sch. 1 para. 1 in operation at 30.8.2008, see [art. 1](#)

2. African swine fever virus

Commencement Information

I13 Sch. 1 para. 2 in operation at 30.8.2008, see [art. 1](#)

3. Aujeszky's disease virus

Commencement Information

I14 Sch. 1 para. 3 in operation at 30.8.2008, see [art. 1](#)

4. Avian influenza viruses that are —

- (a) uncharacterised;
- (b) Type A viruses which have an intravenous pathogenicity index in six-week-old chickens of greater than 1.2; or
- (c) Type A viruses H5 or H7 subtype for which nucleotide sequencing has demonstrated multiple basic amino acids at the cleavage site of haemagglutinin

Commencement Information

I15 Sch. 1 para. 4 in operation at 30.8.2008, see [art. 1](#)

5. Babesia bovis

Commencement Information

I16 Sch. 1 para. 5 in operation at 30.8.2008, see [art. 1](#)

6. Babesia bigemina

Commencement Information

I17 Sch. 1 para. 6 in operation at 30.8.2008, see [art. 1](#)

7. Babesia caballi

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Commencement Information

I18 Sch. 1 para. 7 in operation at 30.8.2008, see [art. 1](#)

8. Bacillus anthracis

Commencement Information

I19 Sch. 1 para. 8 in operation at 30.8.2008, see [art. 1](#)

9. Bluetongue virus

Commencement Information

I20 Sch. 1 para. 9 in operation at 30.8.2008, see [art. 1](#)

10. Bovine leucosis virus

Commencement Information

I21 Sch. 1 para. 10 in operation at 30.8.2008, see [art. 1](#)

11. Brucella abortus

Commencement Information

I22 Sch. 1 para. 11 in operation at 30.8.2008, see [art. 1](#)

12. Brucella melitensis

Commencement Information

I23 Sch. 1 para. 12 in operation at 30.8.2008, see [art. 1](#)

13. Brucella ovis

Commencement Information

I24 Sch. 1 para. 13 in operation at 30.8.2008, see [art. 1](#)

14. Brucella suis

Commencement Information

I25 Sch. 1 para. 14 in operation at 30.8.2008, see [art. 1](#)

15. Burkholderia mallei

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Commencement Information

I26 Sch. 1 para. 15 in operation at 30.8.2008, see [art. 1](#)

16. Classical swine fever virus

Commencement Information

I27 Sch. 1 para. 16 in operation at 30.8.2008, see [art. 1](#)

17. Cochliomyia hominivorax

Commencement Information

I28 Sch. 1 para. 17 in operation at 30.8.2008, see [art. 1](#)

18. Eastern and Western equine encephalomyelitis viruses

Commencement Information

I29 Sch. 1 para. 18 in operation at 30.8.2008, see [art. 1](#)

19. Echinococcus multilocularis

Commencement Information

I30 Sch. 1 para. 19 in operation at 30.8.2008, see [art. 1](#)

20. Echniococcus granulosus

Commencement Information

I31 Sch. 1 para. 20 in operation at 30.8.2008, see [art. 1](#)

21. Ehrlichia ruminantium

Commencement Information

I32 Sch. 1 para. 21 in operation at 30.8.2008, see [art. 1](#)

22. Equine infectious anemia virus

Commencement Information

I33 Sch. 1 para. 22 in operation at 30.8.2008, see [art. 1](#)

23. Foot and mouth disease virus

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Commencement Information

I34 Sch. 1 para. 23 in operation at 30.8.2008, see [art. 1](#)

24. Hendra disease virus

Commencement Information

I35 Sch. 1 para. 24 in operation at 30.8.2008, see [art. 1](#)

25. Histoplasma farciminosum

Commencement Information

I36 Sch. 1 para. 25 in operation at 30.8.2008, see [art. 1](#)

26. Japanese encephalitis virus

Commencement Information

I37 Sch. 1 para. 26 in operation at 30.8.2008, see [art. 1](#)

27. Lumpy skin disease virus

Commencement Information

I38 Sch. 1 para. 27 in operation at 30.8.2008, see [art. 1](#)

28. Maedi-Visna

Commencement Information

I39 Sch. 1 para. 28 in operation at 30.8.2008, see [art. 1](#)

29. Mycoplasma agalactiae

Commencement Information

I40 Sch. 1 para. 29 in operation at 30.8.2008, see [art. 1](#)

30. Mycoplasma capricolum sub species capripneumoniae

Commencement Information

I41 Sch. 1 para. 30 in operation at 30.8.2008, see [art. 1](#)

31. Mycoplasma mycoides sub species mycoides SC and mycoides LC variants

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Commencement Information

I42 Sch. 1 para. 31 in operation at 30.8.2008, see [art. 1](#)

32. *Mycoplasma mycoides* var *capri*

Commencement Information

I43 Sch. 1 para. 32 in operation at 30.8.2008, see [art. 1](#)

33. Newcastle disease (avian paramyxovirus type 1) viruses which are—
(a) uncharacterised; or
(b) have an intracerebral pathogenicity index in one-day-old chicks of 0.4 or more, when not less than 10 million 50% egg infectious doses (EID₅₀) are administered to each bird in the test.

Commencement Information

I44 Sch. 1 para. 33 in operation at 30.8.2008, see [art. 1](#)

34. Nipah disease virus

Commencement Information

I45 Sch. 1 para. 34 in operation at 30.8.2008, see [art. 1](#)

35. Peste des petits ruminants virus

Commencement Information

I46 Sch. 1 para. 35 in operation at 30.8.2008, see [art. 1](#)

36. Rabies virus and all viruses of the genus *Lyssavirus*

Commencement Information

I47 Sch. 1 para. 36 in operation at 30.8.2008, see [art. 1](#)

37. Rift Valley Fever virus

Commencement Information

I48 Sch. 1 para. 37 in operation at 30.8.2008, see [art. 1](#)

38. Rinderpest virus

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Commencement Information

I49 Sch. 1 para. 38 in operation at 30.8.2008, see [art. 1](#)

39. St. Louis equine encephalomyelitis virus

Commencement Information

I50 Sch. 1 para. 39 in operation at 30.8.2008, see [art. 1](#)

40. Sheep and goat pox virus

Commencement Information

I51 Sch. 1 para. 40 in operation at 30.8.2008, see [art. 1](#)

41. Swine vesicular disease virus

Commencement Information

I52 Sch. 1 para. 41 in operation at 30.8.2008, see [art. 1](#)

42. Teschen disease virus

Commencement Information

I53 Sch. 1 para. 42 in operation at 30.8.2008, see [art. 1](#)

43. Theileria annulata

Commencement Information

I54 Sch. 1 para. 43 in operation at 30.8.2008, see [art. 1](#)

44. Theileria equi

Commencement Information

I55 Sch. 1 para. 44 in operation at 30.8.2008, see [art. 1](#)

45. Theileria parva

Commencement Information

I56 Sch. 1 para. 45 in operation at 30.8.2008, see [art. 1](#)

46. Trichinella spiralis

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Commencement Information

I57 Sch. 1 para. 46 in operation at 30.8.2008, see [art. 1](#)

47. Trypanosoma brucei

Commencement Information

I58 Sch. 1 para. 47 in operation at 30.8.2008, see [art. 1](#)

48. Trypanosoma congolense

Commencement Information

I59 Sch. 1 para. 48 in operation at 30.8.2008, see [art. 1](#)

49. Trypanosoma equiperdum

Commencement Information

I60 Sch. 1 para. 49 in operation at 30.8.2008, see [art. 1](#)

50. Trypanosoma evansi

Commencement Information

I61 Sch. 1 para. 50 in operation at 30.8.2008, see [art. 1](#)

51. Trypanosoma simiae

Commencement Information

I62 Sch. 1 para. 51 in operation at 30.8.2008, see [art. 1](#)

52. Trypanosoma vivax

Commencement Information

I63 Sch. 1 para. 52 in operation at 30.8.2008, see [art. 1](#)

53. Venezuelan equine encephalomyelitis virus

Commencement Information

I64 Sch. 1 para. 53 in operation at 30.8.2008, see [art. 1](#)

54. Vesicular stomatitis virus

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Commencement Information

I65 Sch. 1 para. 54 in operation at 30.8.2008, see [art. 1](#)

55. West Nile virus

Commencement Information

I66 Sch. 1 para. 55 in operation at 30.8.2008, see [art. 1](#)

PART II

56. The live virus causing viral haemorrhagic disease of rabbits

Commencement Information

I67 Sch. 1 para. 56 in operation at 30.8.2008, see [art. 1](#)

SCHEDULE 2

Article 6

Powers of inspectors

General powers of inspectors

1.—(1) The inspector may be accompanied by such other persons as the inspector considers necessary.

(2) For the purposes of enforcing this Order an inspector may—

- (a) take any necessary equipment or materials on to the premises;
- (b) make such examination and investigation as may in any circumstances be necessary, and may direct that the premises, any part of the premises or anything in the premises be left undisturbed (whether generally or in particular respects) for so long as is reasonably necessary for the purpose of any examination or investigation;
- (c) take measurements or photographs or make recordings;
- (d) take samples of any articles or substances, or the atmosphere (both on the premises and in the vicinity of the premises);
- (e) cause any article or substance to be dismantled or subjected to any process or test (but not so as to damage or destroy it unless this is in the circumstances necessary for the purpose of the process or test);
- (f) take possession of any article or substance and detain it for so long as is necessary—
 - (i) to examine it and do to it anything that the inspector has power to do;
 - (ii) to ensure that it is not tampered with before the examination is completed;
 - (iii) to ensure that it is available for use as evidence in any civil or criminal proceedings;
- (g) require any person whom the inspector has reasonable cause to believe to be able to give any information (including that person's name and address) relevant to any examination

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or investigation, to answer (in the absence of persons other than a person nominated by that person to be present and any persons whom the inspector may allow to be present) such questions as the inspector thinks fit to ask and to sign a declaration of the truth of the answers;

- (h) require the production of, inspect, and take copies of any licence issued under this Order or any record, or remove it to enable it to be copied and examined;
- (i) require any person to afford such facilities and assistance with respect to any matters or things within that person's control or in relation to which that person has responsibilities as are necessary to enable the inspector to exercise any of the powers conferred by this Schedule;
- (j) have access to, inspect and check the operation of any computer and any associated apparatus or material that is or has been in use in connection with the records; and for this purpose may require any person having charge of, or otherwise concerned with the operation of, the computer, apparatus or material to afford such assistance as may reasonably be required and, where a record is kept by means of a computer, may require the records to be produced in a form in which they may be taken away.

(3) An inspector who proposes to exercise the power conferred by sub-paragraph (2)(e) in the case of an article or substance found in any premises must, if so requested by a person who at the time is present in and has responsibilities in relation to those premises, cause anything which is to be done by virtue of that power to be done in the presence of that person.

(4) Before exercising the power conferred by sub-paragraph (2)(e) in the case of any article or substance, an inspector must consult such persons as appear appropriate for the purpose of ascertaining what dangers, if any, there may be in doing anything proposed to be done under that power.

(5) Where an inspector takes possession of any article or substance found in any premises, the inspector must leave there, either with a responsible person or, if that is impracticable, fixed in a conspicuous position, a notice giving particulars of that article or substance sufficient to identify it and stating that it has been taken under that power; and before taking possession of any such substance under that power an inspector must, if it is practicable to do so, take a sample of it and give to a responsible person at the premises a portion of the sample marked in a manner sufficient to identify it.

(6) No answer given by a person in pursuance of a requirement imposed under sub-paragraph (2)(g) is admissible in evidence against that person or the spouse or civil partner of that person in any proceedings.

Commencement Information

I68 Sch. 2 para. 1 in operation at 30.8.2008, see [art. 1](#)

Seizure of pathogens

2.—(1) Where an inspector has reasonable grounds for suspecting that a specified animal pathogen or a carrier is in the possession of a person who does not hold a licence required by this Order or in contravention of a condition of a licence granted under this Order, that inspector may at any time seize, or caused to be seized, such pathogen, carrier or any material in which the inspector reasonably suspects such pathogen to have been kept or into which they reasonably suspect it to be introduced.

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(2) If the inspector considers it expedient to do so, that inspector may for the purpose of preventing the introduction or spreading of disease, detain, treat or destroy any pathogen, carrier or material seized.

.....
Commencement Information

I69 Sch. 2 para. 2 in operation at 30.8.2008, see [art. 1](#)

Cleansing and disinfection

3.—(1) An inspector may, by notice served upon the occupier of any premises (including a dwelling house) or upon the owner or person in charge of any vehicle by which a specified pathogen, carrier or material is or has been present in contravention of this Order or of a licence issued under it, require the person on whom the notice was served to cleanse and disinfect such premises, place or vehicle in such manner as that inspector may by such notice specify at the expense of the person on whom the notice is served.

(2) Where the requirements of such a notice have not been complied with, the inspector may carry out or cause to be carried out the cleansing and disinfection specified in the notice at the expense of the person on whom the notice has been served.

.....
Commencement Information

I70 Sch. 2 para. 3 in operation at 30.8.2008, see [art. 1](#)

Production of licences

4. Any person acting under the authority of a licence issued under this Order, shall on demand made by an officer of Her Majesty's Customs and Excise, an inspector or by a member of the Police Service of Northern Ireland produce the licence and allow a copy thereof or an extract therefrom to be taken and shall, also on such demand, furnish his name and address.

.....
Commencement Information

I71 Sch. 2 para. 4 in operation at 30.8.2008, see [art. 1](#)

EXPLANATORY NOTE

(This note is not part of the Order)

This Order revokes and re-enacts with amendments the Specified Animal Pathogens Order (Northern Ireland) 1999 (S. R. [1999 No. 434](#)).

The principal change is to provide for additional powers for inspectors (Schedule 2).

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As in the previous Order, it provides that possession of an animal pathogen specified in Part I of Schedule 1, or introduction into an animal of an animal pathogen specified in Parts I and II of that Schedule, requires a licence from the Department.

Changes to legislation:

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[View outstanding changes](#)

Changes and effects yet to be applied to :

- [Sch. 1 Pt. 1 text amended by S.R. 2010/24 art. 3](#)