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 STATUTORY INSTRUMENTS
 

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1980 No. 1212

## ANIMALS

## DISEASES OF ANIMALS

**The Importation of Animal Pathogens Order 1980**

<i>Made - - - -</i>	11th August 1980
<i>Laid before Parliament</i>	19th August 1980
<i>Coming into Operation</i>	1st October 1980

The Minister of Agriculture, Fisheries and Food, the Secretary of State for Scotland and the Secretary of State for Wales, acting jointly in exercise of the powers conferred by sections 1, 24, 84(2) and 84(3) of the Diseases of Animals Act 1950(a), and now vested in them (b), and of all other powers enabling them in that behalf, hereby order as follows:—

*Citation, extent and commencement*

1. This order, which may be cited as The Importation of Animal Pathogens Order 1980, shall apply throughout Great Britain, and shall come into operation on 1st October 1980.

*Extension of definitions of “poultry” and “disease”*

2. For the purpose of the Act, in its application to this order—

- (a) the definition of the expression “poultry” in section 84(2) of the Act is hereby extended so as to comprise quails, and
- (b) the definition of the expression “disease” in section 84(3)(a) and (b) of the Act is hereby extended so as to comprise any disease of animals or birds.

*Interpretation*

3. In this order, unless the context otherwise requires—

“the Act” means the Diseases of Animals Act 1950, as amended or extended by any subsequent enactment;

“animals” means cattle, sheep, goats and all other ruminating animals, horses and swine;

“animal pathogen” means any collection or culture of organisms or any derivative either on its own or in recombinant form of such collection or culture of organisms which may cause disease in animals or poultry;

“appropriate Minister” in the application of this order to England, means the Minister of Agriculture, Fisheries and Food, in the application of this order to Scotland, means the Secretary of State for Scotland and in the application of this order to Wales, means the Secretary of State for Wales;

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(a) 1950 c. 36; section 24 was amended by section 1 of the Diseases of Animals Act 1975 (c. 40).

(b) By the Transfer of Functions (Animal Health) Order 1955 (S.I. 1955/958) and the Transfer of Functions (Wales) (No. 1) Order 1978 (S.I. 1978/272).

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

“importation” includes the importation of an animal pathogen in combination or admixture with any other material or in any living creature except man being used as a carrier of that pathogen for the purpose of importation;

“licence” means a licence issued under article 4(2) of this order;

“vehicle” includes any vessel, boat, hovercraft, aircraft and any other description of vehicle or any part thereof.

#### *Prohibition on importation of animal pathogens and carriers*

4.—(1) The importation into Great Britain of an animal pathogen or carrier is hereby prohibited except under the authority of a licence in writing issued by the appropriate Minister and in accordance with the conditions of that licence.

(2) A licence may be either general or specific and may, in either case, be issued subject to such conditions specified therein as the appropriate Minister may see fit to impose for the purpose of preventing the introduction or spreading of disease into or within Great Britain.

(3) A general licence shall be issued by the publication of it in such manner and to such extent as appears to the appropriate Minister to be sufficient to bring it to the notice of those persons likely to be affected by it.

(4) The appropriate Minister may vary, revoke or suspend a licence—

(a) in the case of a general licence by a notice published, so far as practicable, in the same manner and to the same extent as the licence;  
and

(b) in the case of a specific licence by a notice in writing served on the person to whom the licence was issued.

(5) A person who has in his possession an animal pathogen or carrier which he knows to have been imported in contravention of the provisions of this order shall with all practicable speed report the fact together with any other relevant information connected therewith to a veterinary inspector.

#### *Exception to prohibitions*

5. The prohibition contained in article 4(1) of this order shall not apply to the importation of any animal pathogen or carrier contained in a medicinal product which may be imported in accordance with the provisions of section 7 of the Medicines Act 1968(a) or section 32 of that Act.

#### *Powers of inspectors*

6.—(1) Where an inspector has reasonable grounds for suspecting that an animal pathogen or carrier has been imported in contravention of this order or of a condition of a licence granted hereunder he may at any time seize, or cause to be seized, such pathogen, carrier or any material in which he reasonably suspects such pathogen to have been imported or into which he reasonably suspects it to have been subsequently introduced.

(2) A veterinary inspector may, if he considers it expedient to do so for the purpose of preventing the introduction or spreading of disease into or within

Great Britain, detain or treat any pathogen, carrier or material, destroy any pathogen, carrier or material or slaughter any carrier seized under paragraph (1) above without compensation.

(3) A veterinary inspector may, by notice in writing served upon the occupier of any premises or place, or upon the owner or person in charge of any vehicle in which any pathogen, carrier or material is or has been present in contravention of this order or of a licence, require the person on whom the notice was served to cleanse and disinfect such premises, place or vehicle in such manner as he may by such notice specify at the expense of the person on whom the notice is served.

(4) Where, by virtue of a notice served under paragraph (3) above, any vehicle is required to be cleansed and disinfected, a veterinary inspector may detain that vehicle until the requirements of the notice have been complied with.

(5) Where the requirements of a notice served under paragraph (3) above have not been complied with, a veterinary inspector may carry out or cause to be carried out the cleansing and disinfecting specified in the notice and for this purpose a veterinary inspector may, on production of his written authority on demand, enter any land, premises, place, vehicle or container taking with him such persons as he considers requisite. A veterinary inspector entering under this paragraph shall, if required by the owner or the person in charge of the land, premises, place, vehicle or container, state his reasons for entering.

(6) A veterinary inspector may vary, revoke, or suspend a notice served under paragraph (3) above by a notice in writing served on the person on whom the notice to be varied, revoked or suspended was served.

(7) The person on whom a notice is served under paragraph (3) above shall give all reasonable assistance to a veterinary inspector and any person accompanying him so as to enable the powers conferred by this order to be properly exercised.

(8) Any expenses reasonably incurred by an inspector in the exercise of the powers conferred on him by paragraphs (1), (2), (4) and (5) above shall be recoverable by the appropriate Minister or local authority as a civil debt from the person on whom the notice was served.

#### *Production of licences*

7. Any person acting under the authority of a licence issued under this order shall, on demand made under this order by an officer of Customs and Excise, or by a veterinary inspector or an officer of the appropriate Minister or by an inspector of a local authority, or by a constable produce that licence and allow a copy thereof or an extract therefrom to be taken and shall, if required, furnish his name and address.

#### *Summary offences*

8. Any person who contravenes any provision of this order or of a licence or of a notice served under this order, or who fails to comply with any such provision, or with any condition of a licence, or who causes or permits any such contravention or non-compliance commits an offence against the Act.

#### *Indictable offences*

9. Section 3 of the Diseases of Animals Act 1975 (prosecution on indictment of certain offences connected with importation) shall apply to an offence which consists of —

- (a) the importation into Great Britain of an animal pathogen or carrier in contravention of the provisions of article 4(1) above with intent to evade those provisions, or
- (b) the failure by any person to observe any condition of a licence with intent to evade such condition.

*Local authority to enforce order*

10. The provisions of this order shall, except where otherwise expressly provided, be executed and enforced by the local authority.

*Savings*

11. Nothing in this order shall affect the powers of the Commissioners of Customs and Excise to seize or detain as liable to forfeiture under the Customs and Excise Acts any pathogen or carrier which is imported into Great Britain in contravention of this order or of a licence or to institute legal proceedings under those Acts in respect of such contravention.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 6th August 1980.

(L.S.)

*Peter Walker,*  
Minister of Agriculture, Fisheries and Food.

7th August 1980.

*George Younger,*  
Secretary of State for Scotland.

11th August 1980.

*Nicholas Edwards,*  
Secretary of State for Wales.

## EXPLANATORY NOTE

*(This Note is not part of the Order.)*

This Order, which applies to Great Britain, prohibits the importation of animal pathogens or carriers of such pathogens without a licence issued by the appropriate Agriculture Minister and in accordance with any conditions of that licence.

The Order contains powers for the seizure of any animal pathogen or carrier imported in contravention of the Order or in breach of any licence conditions, plus powers requiring the detention, treatment or destruction of such pathogens or carriers without compensation. The Order also contains provisions for requiring the cleansing and disinfection of places, vehicles and containers where an animal pathogen or carrier is or has been present in contravention of the provisions of the Order.

The Order requires a person who has in his possession an animal pathogen or carrier which he knows to have been imported in contravention of the provisions of the Order to report the fact (together with all other relevant information) to a veterinary inspector (of the appropriate Agriculture Department) with all practicable speed.

The Order makes the intentional contravention of certain provisions of the Order an indictable offence. A person convicted on indictment is liable to imprisonment for a term not exceeding twelve months or to an unlimited fine or both.

The Order has no application to any animal pathogen or carrier contained in a medicinal product the importation of which is permitted under the Medicines Act 1968.

