

STATUTORY INSTRUMENTS

1982 No. 459**ANIMALS****ANIMAL HEALTH****The Importation of Processed Animal Protein
(Amendment) Order 1982**

Made - - - - - 25th March 1982

Laid before Parliament 5th April 1982

Coming into Operation 29th April 1982

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 and 10 of the Animal Health Act 1981(a), and of all other powers enabling them in that behalf, hereby order as follows:—

1. This order may be cited as the Importation of Processed Animal Protein (Amendment) Order 1982 and shall come into operation on 29th April 1982.

2. The Importation of Processed Animal Protein Order 1981(b) shall be amended as follows:—

(a) For article 6 (action in case of contravention of the order) there shall be substituted the following article—

“6.—(1) Where any processed animal protein or any product containing processed animal protein is landed in Great Britain in contravention of this order or of a licence, an authorised officer may by notice in writing served on the owner or the person in charge of the processed animal protein or of the product containing processed animal protein require him, within such time and in such manner as may be specified in the notice, at the owner’s expense and as the person on whom the notice is served may elect—

- (a) to export the processed animal protein or the product containing processed animal protein from Great Britain; or
- (b) to destroy or otherwise dispose of the processed animal protein or the product containing processed animal protein; or
- (c) to treat the processed animal protein or the product containing processed animal protein.

(a) 1981 c. 22.

(b) S.I. 1981/677.

(2) Where the owner or the person in charge of the processed animal protein or of the product containing processed animal protein fails to comply with the requirements of a notice served under paragraph (1) above, an authorised officer may seize or cause to be seized the processed animal protein or the product containing processed animal protein to which the notice relates and carry out or cause to be carried out the requirements of the notice.

(3) Any reasonable expenses incurred by the person in charge of the processed animal protein or of the product containing processed animal protein in complying with a notice served under paragraph (1) above, and any expenses he has incurred by virtue of article 7(2) below, shall be recoverable on demand by him as a civil debt from the owner of the processed animal protein or of the product containing processed animal protein in respect of which the notice was served.”;

(b) for paragraph (2) of article 7 (recovery of expenses) there shall be substituted the following paragraph—

“(2) Any reasonable expenses arising out of or in connection with the exercise of any power conferred on an authorised officer by this order shall, without prejudice to any proceedings for an offence against the Animal Health Act 1981(a), be recoverable on demand by the appropriate Minister as a civil debt from the owner or the person in charge of the processed animal protein or of the product containing processed animal protein in respect of which the power was exercised.”;

(c) for article 9 (summary offences) there shall be substituted the following article—

“9. Any person who, without lawful authority or excuse, proof whereof shall lie on him—

- (a) contravenes any provision of this order or of a licence or of a notice served under this order; or
- (b) fails to comply with any such provision or with any condition of a licence; or
- (c) causes or permits any such contravention or noncompliance, commits an offence against the Animal Health Act 1981.”.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 24th March 1982.



Peter Walker,
Minister of Agriculture, Fisheries and Food.

25th March 1982.

George Younger,
Secretary of State for Scotland.

(a) 1981 c. 22.

25th March 1982.

Nicholas Edwards,
Secretary of State for Wales.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order amends the Importation of Processed Animal Protein Order 1981 by—

- (1) providing that a person on whom a notice is served under article 6, requiring him to export or destroy or treat processed animal protein or a product containing processed animal protein which has been landed in contravention of the Order, may choose which of those courses of action to follow (Article 2(a));
- (2) providing that a person in charge of processed animal protein or of a product containing processed animal protein on whom a notice is served under article 6 may recover from the owner any reasonable expenses incurred by him in complying with the notice (Article 2(a)) and also by providing that where the appropriate Minister has recovered from such a person (under article 7(2) of the Order) any reasonable expenses arising out of the exercise of any power conferred on an authorised officer by the Order he may recover such expenses from the owner (Article 2(b)); and
- (3) by making it clear that the words “without lawful authority or excuse, proof whereof shall lie on him” in article 9 apply to all the offences created by that article (Article 2(c)).

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