
STATUTORY INSTRUMENTS

1993 No. 3250

ANIMALS

ANIMAL HEALTH

The Specified Animal Pathogens Order 1993

Made - - - - *24th December 1993*
Laid before Parliament *30th December 1993*
Coming into force - - *1st January 1994*

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 on them by sections 1, 7, 8, 10, 35(1), 87(2) and (5) and 88(2) and (4) of the Animal Health Act 1981(1), and of all other powers enabling them in that behalf, hereby make the following Order:

Citation and commencement

1. This Order, which implements the provisions relating to pathogens of Council Directive [92/118/EEC](#) (laying down animal health and public health requirements governing trade in and imports into the Community of products not subject to the said requirements laid down in specific Community rules referred to in Annex A (I) to Directive [89/662/EEC](#) and, as regards pathogens, to Directive [90/425/EEC](#))(2), may be cited as the Specified Animal Pathogens Order 1993 and shall come into force on 1st January 1994.

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

2. For the purposes of the Animal Health Act 1981 in relation to this Order,
- (a) the definition of “animal” is hereby extended to comprise any kind of mammal except man, and any kind of four-footed beast which is not a mammal;
 - (b) the definition of “poultry” is hereby extended so as to comprise any species of bird;
 - (c) the definition of “disease” is hereby extended so as to comprise any disease of animals and poultry which may be caused by one or more specified animal pathogens.

(1) [1981 c. 22](#); see section 86(1) for a definition of “the Ministers”. Section 35(1) was amended by section 1 of the Animal Health and Welfare Act [1984 \(c. 40\)](#).
(2) OJ No. L62, 15.3.93, p. 49.

Interpretation

3.—(1) In this Order, unless the context otherwise requires:

“animal” includes poultry;

“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;

“specified animal pathogen” means an animal pathogen listed in the Schedule to this Order including whole organisms, attenuated organisms and otherwise genetically modified organisms.

(2) A licence or notice issued under this Order shall be in writing and may be subject to conditions and may be modified, suspended or revoked by notice in writing served on the licensee or recipient of the original notice at any time.

Prohibitions in relation to specified animal pathogens

4.—(1) Subject to article 5 below, no person shall have in his possession or deliberately introduce into animals any specified animal pathogen, or any carrier in which he knows such a pathogen is present, except under the authority of a licence issued by the appropriate Minister and in accordance with the conditions of that licence.

(2) If any person has in his possession any thing in which he has reasonable grounds for suspecting that a specified animal pathogen is present, and does not have a licence in respect of that pathogen he shall forthwith notify a veterinary inspector.

Exceptions

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

(2) Article 4 above shall not apply to any pathogen or carrier contained in a product in respect of which

- (a) a product licence has been granted in accordance with the provisions of section 7(2) of the Medicines Act 1968(3), or
- (b) an animal test certificate has been issued in accordance with the provisions of section 32 of that Act.

Powers of inspectors

6.—(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 permitting work with that pathogen in contravention of this Order or in contravention of a condition of a licence granted under this Order 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 kept or into which he reasonably suspects it to have been 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, treat or destroy any pathogen, carrier or material seized under paragraph (1) above.

(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 by which any specified pathogen, carrier or material is or he has been present in contravention of this Order or of a licence issued

(3) 1968 c. 67.

under it, 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 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 disinfection specified in the notice at the expense of the person on whom the notice has been served.

Production of licenses

7. Any person acting under the authority of a licence shall produce it on demand to a veterinary inspector, officer of the appropriate Minister or an inspector of the local authority and allow a copy of it to be taken and shall, if required by that person, furnish his name and address.

Obstruction

8.—(1) No person shall—

- (a) intentionally obstruct any person acting in the execution of this Order,
- (b) without reasonable cause, fail to give to any person acting in the execution of this Order any assistance or information which that person may reasonably require of him for the purposes of his functions under this Order, or
- (c) furnish to any person acting in the execution of this Order any information which he knows to be false or misleading.

(2) Nothing in paragraph (1)(b) above shall be construed as requiring any person to answer any question or give any information if to do so might incriminate him.

Enforcement

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

Amendment to the Importation of Animal Pathogens Order 1980

10.—(1) The Importation of Animal Pathogens Order(4) is hereby amended in accordance with this article.

(2) In article 3 of that Order, for the definition of “carrier” there shall be substituted the following definition:

““carrier” means any living creature except man which may carry or transmit an 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 an animal pathogen may be transmitted”.

(3) After article 5 of that Order there shall be added the following provision:

“Further exception to prohibitions

5A The prohibition contained in article 4(1) of this Order shall not apply to the importation of any animal pathogen or carrier imported from another Member State after 1st January 1994 in accordance with the provisions of the Animals and Animal Products (Import and Export) Regulations 1993(5), subject to the conditions in those Regulations; but for the avoidance of doubt it is hereby declared that this does not affect the requirement for any person possessing

(4) S. I. 1980/1212.

(5) S. I. 1993/

such animal pathogen or carrier to do so in accordance with a licence issued under the Specified Animal Pathogens Order 1993.”.

Transitional provisions

11. In the case of specified animal pathogens in a person’s possession before the coming into force of this Order, the provisions of this Order shall not apply to that person until 1st April 1994 or until he is granted a licence under this Order, whichever is the sooner.

Revocation

12. The Rabies Virus Order 1979(6) is hereby revoked.

In witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 22nd December 1993.

L.S.

Richard Packer
Permanent Secretary Ministry of Agriculture,
Fisheries and Food

24th December 1993

Hector Monro
Parliamentary Under Secretary of State, Scottish
Office

21st December 1993

Gwilym Jones
Parliamentary Under Secretary of State for
Wales

SCHEDULE

Article 3(1)

SPECIFIED ANIMAL PATHOGENS

African horse sickness virus
African swine fever virus
Aujeszky's disease virus
Avian influenza viruses which are
(a) uncharacterised; or
(b) Type A viruses with an intravenous pathogenicity index in 6 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.
Babesia caballi and B. equi
Bacillus anthracis
Bluetongue virus
Brucella melitensis
Brucella ovis
Brucella suis
Burkholdaria (Pseudomonas) mallei
Classical swine fever virus
Cochliomya hominivorax
Eastern and western equine encephalomyelitis viruses
Echinococcus multilocularis and E. granulosus
Equine infectious anaemia virus
Foot and mouth disease virus
Histoplasma farciminosum
Horse pox virus
Lumpy skin disease virus
Mycoplasma agalactiae
Mycoplasma mycoides mycoides
Mycoplasma mycoides var capri
Newcastle disease virus
Peste de petis ruminants virus
Rabies virus and rabies related viruses as follows:
 Duvenhage
 Lagos bat
 Mokola
 European bat lyssaviruses I and II.
Rift Valley Fever virus
Rinderpest virus
Sheep and goat pox virus

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

Swine vesicular disease
Teschén disease virus
Theileria annulata
Trichinella spiralis
Trypanosoma equiperdum, T. evansi & T. theileri
Venezuelan equine encephalomyelitis virus
Vesicular stomatitis virus
the virus causing viral haemorrhagic disease of rabbits

EXPLANATORY NOTE

(This note is not part of the Order)

This Order implements the provisions relating to pathogens of Council Directive [92/118/EEC](#) (laying down animal health and public health requirements governing trade in and imports into the Community of products not subject to the said requirements laid down in specific Community rules referred to in Annex A(I) to Directive [89/662/EEC](#) and, as regards pathogens, to Directive [90/425/EEC](#)) (OJNo. L62, 15.3.93, p. 49). It removes the requirement for an import licence for animal pathogens imported from another Member State. It creates a requirement, subject to exceptions, for any person possessing certain animal pathogens or wishing to introduce them into animals to do so in accordance with a licence and contains provisions as to enforcement.

A Compliance Cost Assessment has been prepared and has been deposited in the library of the House.