



Endangered Species (Import and Export) Act 1976

1976 CHAPTER 72

6 Restriction of movement of certain live animals after importation.

- (1) Where a licence under section 1(2) above has been issued or applied for in respect of the importation of a live animal of any of the kinds to which Schedule 1 to this Act for the time being applies and, after consulting one or more of the scientific authorities, the Secretary of State considers that it is desirable to do so, he may give a direction under this section in relation to the animal.
- (2) Where a direction has been given under this section in relation to an animal, and has not been revoked by the Secretary of State, the animal shall, immediately after the relevant event, be taken to and subsequently kept at the specified premises until such time as the Secretary of State may require or permit the animal to be moved to other specified premises or revoke the direction.
- (3) Where a direction has been given under this section in relation to an animal, and has not been revoked by the Secretary of State, any person who knows or ought to know that a direction has been so given and who—
 - (a) knowingly takes the animal, or knowingly permits it to be taken, at any time after the relevant event to premises which he knows or ought to know are not at the time of the taking the specified premises; or
 - (b) knowingly moves the animal, or knowingly permits it to be moved, at any time after the relevant event, the circumstances of the removal being that—
 - (i) it is made from premises which he knows or ought to know are at the time of the removal the specified premises, and
 - (ii) he knows or ought to know that the removal is made in the absence of, or otherwise than in accordance with any condition attached to, such a requirement or permission as is referred to in subsection (2) above; or
 - (c) knowingly keeps the animal at any time after the relevant event at premises which are occupied by him and which he knows or ought to know are not at the time of the keeping the specified premises,

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shall be liable on summary conviction to a fine not exceeding [^{F1}level 5 on the standard scale].

- (4) In this section “relevant event” means, in relation to an animal, whichever of the following occurs later:—
- (a) the completion by the animal of any period of detention (whether in quarantine or otherwise) in accordance with any provision made by or under any enactment, being detention connected with the importation in respect of which the direction concerned was given;
 - (b) the departure of the animal from any premises connected with the importation in respect of which the direction concerned was given.
- (5) In this section “specified premises” means, in relation to an animal, such premises as are for the time being (and in whatever manner) specified in relation to that animal by the Secretary of State for the purposes of this section.
- (6) Proceedings for an offence under subsection (3) above may be brought within a period of six months from the date on which evidence sufficient in the opinion of the prosecutor to warrant the proceedings came to his knowledge; but no such proceedings shall be brought by virtue of this section more than three years after the commission of the offence.
- (7) For the purposes of subsection (6) above—
- (a) a certificate signed by or on behalf of the prosecutor and stating the date on which such evidence as aforesaid came to his knowledge shall be conclusive evidence of that fact; and
 - (b) a certificate stating that matter and purporting to be so signed shall be deemed to be so signed unless the contrary is proved.
- (8) In the application of this Act to Scotland—
- (a) subsections (6) and (7) above shall not apply;
 - (b) proceedings for an offence under subsection (3) above may be commenced at any time within six months after the date on which evidence sufficient in the opinion of the Lord Advocate to justify a prosecution comes to his knowledge, or where such evidence is reported to him by the Secretary of State within six months after the date on which it came to the knowledge of the Secretary of State; but no such proceedings shall be commenced by virtue of this section more than three years after the commission of the offence;
 - (c) for the purposes of paragraph (b) above—
 - (i) a certificate purporting to be signed by or on behalf of the Lord Advocate or the Secretary of State, as the case may be, stating the date on which such evidence as aforesaid came to their knowledge shall be conclusive evidence of that fact; and
 - (ii) subsection (3) of section 331 of the ^{M1}Criminal Procedure (Scotland) Act 1975 shall have effect as it has effect for the purposes of that section.

Textual Amendments

- F1** Words inserted by virtue of (E.W.) Criminal Justice Act 1982 (c. 48, SIF 39:1), ss. 38, 46; (S.) Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1), ss. 289F, 289G and (N.I.) S.I. 1984/703 (N.I. 3), arts. 5, 6

Changes to legislation: *There are currently no known outstanding effects for the Endangered Species (Import and Export) Act 1976, Section 6. (See end of Document for details)*

Marginal Citations

M1 [1975 c. 21\(39:1\)](#)

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