

1980 No. 14

ANIMALS

DISEASES OF ANIMALS

POULTRY

**The Importation of Animal Products and Poultry
Products Order 1980**

Made - - - - - 8th January 1980

Laid before Parliament 16th January 1980

Coming into Operation 1st March 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, 45, 84(2) and (3)(a) and (b) and 85(1) 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 Products and Poultry Products Order 1980, shall apply to Great Britain and shall come into operation on 1st March 1980.

Extension of definitions of "poultry" and "disease"

2. For the purposes 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—

"the Act" means the Diseases of Animals Act 1950;

"animal" means any horse, ass, mule (which includes a hinny), zebra, or swine, and any bovine animal, sheep, goat or other ruminating animal;

"animal product" means anything originating or made (whether in whole or in part) from a living or dead animal and includes the carcase of an animal;

"appropriate Minister", in the application of this order to England, means the Minister of Agriculture, Fisheries and Food, in the application of this

(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).

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;

“carcase” means the carcase of an animal or of any poultry and includes part of a carcase, and the meat, bones, skin, offal or any other part of an animal or poultry, separately or otherwise, or any portion thereof;

“licence” means a licence issued under article 4(1) of this order;

“poultry product” means anything originating or made (whether in whole or in part) from any living or dead poultry and includes the carcase of any poultry.

Prohibition of landing of animal or poultry products

4.—(1) Subject to paragraph (5) below, the landing in Great Britain of any animal product or poultry product from a place outside Great Britain 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) The prohibition contained in paragraph (1) above shall not apply to the landing of animal products or poultry products mentioned in the Schedule to this order.

Action in case of contravention of the order

5.—(1) Where any animal product or poultry product is landed in Great Britain in contravention of this order or of a licence, an officer of the appropriate Minister may by notice in writing served on the owner or the person in charge of the animal product or poultry product require him, at the owner's expense—

(a) to export the animal product or poultry product from Great Britain, or

(b) to destroy or otherwise dispose of the animal product or poultry product

in such manner and within such time as he may specify in the notice and where the owner or the person in charge of the animal product or poultry product fails to comply with the requirements of the notice, an officer of the appropriate Minister may seize or cause to be seized the animal product or poultry product to which the notice relates and carry out or cause to be carried out the requirements of the notice.

Cleansing and disinfection of premises, vehicles etc

6.—(1) Where any animal product or poultry product is landed in Great Britain in contravention of this order or of a licence, an officer of the appropriate Minister may by notice in writing served on the owner or the person in charge of the premises, place, vehicle or container on or in which the animal product or poultry product is or has been present require him, at the owner's expense, to cleanse and disinfect such premises, place, vehicle or container, or to destroy or otherwise dispose of such container, in such manner and within such time as he may specify in the notice.

(2) Where the requirements of a notice served under paragraph (1) above have not been complied with, an officer of the appropriate Minister may without prejudice to any proceedings for an offence arising out of such failure to comply, carry out or cause to be carried out the requirements of the notice and for this purpose an officer of the appropriate Minister may seize or cause to be seized a container.

Miscellaneous provisions

7.—(1) The appropriate Minister shall not pay compensation to any person in respect of any animal product or poultry product or container destroyed or otherwise disposed of under any provision of this order.

(2) Any reasonable expenses arising out of or in connection with the exercise of any power conferred on an officer of the appropriate Minister by this order shall, without prejudice to any proceedings for any offence against the Act, be recoverable on demand by the appropriate Minister as a civil debt from the owner or the person in charge of the animal product or poultry product in respect of which the power was exercised except that where the power under article 6(2) is exercised such expenses shall be recoverable from the person on whom the notice under article 6(1) was served.

(3) An officer of the appropriate Minister may vary, revoke, or suspend a notice served under this order by a notice in writing served on the person on whom the notice to be varied, revoked or suspended was served.

(4) For the purpose of exercising his powers under article 5 or article 6 above an officer of the appropriate Minister may, subject to production of his certificate of appointment on demand, enter any land, premises, place, vehicle or container taking with him such persons as he considers requisite. An officer 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.

(5) The person on whom a notice is served under article 5 or article 6 above shall give all reasonable assistance to an officer of the appropriate Minister and any person accompanying him so as to enable the powers conferred by those articles to be properly exercised.

Production of licences, etc.

8. The owner or the person in charge of the animal product or poultry product to which this order applies shall on demand made under this order by an officer of Customs and Excise or of the appropriate Minister or an inspector of the local authority, or a constable produce any licence (other than a general licence) or notice which has been served on him under this order and shall allow a copy thereof or an extract therefrom to be taken, and shall, if required, furnish his name and address.

Summary offences

9. Any person who lands or attempts to land any animal product or poultry product in contravention of article 4(1) above, or who contravenes any other provision of this order or of a licence, or any provision 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 landing or attempted landing or any such contravention or non-compliance, commits an offence against the Act.

Indictable offences

10. 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 landing in Great Britain of any animal product or poultry product 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.

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 animal product or poultry product which is landed in Great Britain in contravention of this order or of a licence, or to institute legal proceedings under those Acts in respect of such contravention.

Revocation

12. The Poultry Carcases (Landing) Order 1971(a), The Importation of Carcases and Animal Products Order 1972(b) and The Importation of Carcases and Animal Products (Amendment) Order 1976(c) are hereby revoked.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 18th December 1979.

(L.S.)

Peter Walker,
Minister of Agriculture, Fisheries and Food.

20th December 1979

George Younger,
Secretary of State for Scotland.

8th January 1980

Nicholas Edwards,
Secretary of State for Wales.

(a) S.I. 1971/1593.

(b) S.I. 1972/287.

(c) S.I. 1976/708.

Article 4 (5)

SCHEDULE

Animal products and poultry products to which the prohibition in article 4(1) does not apply

Bone Ash
Bone charcoal
Bone phosphates
Butter
Catgut
Cheese
Condensed milk
Cooked meat and cooked poultry meat unless in the opinion of an officer of the appropriate Minister it is not cooked throughout its substance
Eggs
Embryos
Evaporated milk
Feathers
Gall or bile pastes
Gelatine
Hair (including alpaca, cashmere, mohair or vicuna)
Leather
Manufactured bone or horn articles
Manufactured glues
Meat extract
Oils and waxes of animal origin
Ossein
Ova
Pigs' bristle (dressed, bunched and sorted)
Soup stock
Semen
Steamed bone flour
Sterilised cream
Substances, the importation of which into Great Britain is subject to the provisions of the Diseases of Animals (Therapeutic Substances) Order 1952(a) or to the provisions of Part I and of Schedule 1 of the Therapeutic Substances Act 1956(b) or to the provisions of the Medicines Act 1968(c).
Wool
Wool grease
Wool grease fatty acids
Yoghurt

(a) S.I. 1952/1933, relevant amending instrument is S.I. 1953/1122.

(b) 1956 c. 25.

(c) 1968 c. 67.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order prohibits the landing in Great Britain of any animal product or poultry product from a place outside Great Britain unless under the authority of a licence. The landing of animal carcasses or poultry carcasses or any part thereof is similarly prohibited. The prohibition does not apply to the animal products or poultry products which are mentioned in the Schedule to the Order.

The Order contains provisions enabling action to be taken in case of contravention of the Order and the deliberate contravention of the Order is made an indictable offence.

The importation into Great Britain of embryos, ova or semen is subject to the provisions of the Importation of Embryos, Ova and Semen Order 1980 (S.I. 1980/12).