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STATUTORY INSTRUMENTS

1981 No. 677

ANIMALS

The Importation of Processed Animal Protein Order 1981

<i>Made</i>	- - - -	<i>29th April 1981</i>
<i>Laid before Parliament</i>		<i>11th May 1981</i>
<i>Coming into Operation</i>		<i>29th April 1982</i>

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 and 45 of the Diseases of Animals Act 1950⁽¹⁾, and by section 1 of the Agriculture (Miscellaneous Provisions) Act 1972 and now vested in them⁽²⁾, 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 Processed Animal Protein Order 1981, shall apply throughout Great Britain, and shall come into operation on 29th April 1982.

Interpretation

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

“the Act of 1950” means the Diseases of Animals Act 1950;

“the Act of 1972” means the Agriculture (Miscellaneous Provisions) Act 1972;

“animal” means any kind of mammal except man, and any kind of four-footed beast which is not a mammal;

“animal protein” means any material which contains the whole or any part of any dead animal or bird, or of any fish, reptile, crustacean, or other cold-blooded creature or any product derived from them and includes blood, hatchery waste, eggs, egg shells, hair, horns, hides, hoofs, feathers and manure, any material which contains human effluent and any protein obtained from any of these materials by heat, sedimentation, precipitation, ensiling or other systems of treatment but does not include milk or milk products, shells other than egg shells, fat or dicalcium bone phosphate;

(1) sections 1 and 45 were applied by S.I. 1975/1030 and section 24 was amended by section 1 of the Diseases of Animals Act 1975 (c. 40).
(2) By the Transfer of Functions (Animal Health) Order 1955 (S.I. 1955/1958) and the Transfer of Functions (Wales) (No. 1) Order 1978 (S.I. 1978/272).

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

“authorised officer” means an officer authorised by the appropriate Minister;

“fat” means by vegetable or mineral oil and any other oleaginous product obtained by a rendering or a refining process;

“licence” means a licence issued under article 5(1) of this order;

“livestock” means cattle, sheep, pigs, goats, horses (including assess and mules), deer, and rabbits which are kept for commercial purposes;

“poultry” means live birds of the following species, that is to say, all species of domestic fowls, turkeys, geese, ducks, guinea-fowls, pigeons, pheasants, partridges and quails;

“processed” in relation to animal protein means animal protein which has been treated so as to render it suitable for direct use as a feeding stuff, or as an ingredient in a feeding stuff, for livestock or poultry;

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

Saving

3. The provisions contained in this order shall be without prejudice to the licensing provisions contained in the Importation of Animal Products and Poultry Products Order 1980(3) and neither affect, nor are affected by, such provisions.

Application of section 24 of the Diseases of Animals Act 1950 to a designated organism

4.—(1) For the purpose of this order section 24 of the Act of 1950 shall apply in relation to the presence of a designated organism in an animal or bird as if the presence of the organism were a disease to which that Act applies.

(2) In this article “designated organism” means an organism of the genus salmonella being an organism designated by article 3(2) of the Zoonoses Order 1975 for the purpose of section 1 of the Act of 1972.

Prohibition on landing of processed animal protein

5.—(1) The landing in Great Britain from a place outside Great Britain of any processed animal protein or of any product containing processed animal protein 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

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

Action in case of contravention of the order

6. 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 the product containing processed animal protein require him, at the owner's expense—

- (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;

in such manner and within such time as may be specified in the notice and, where the owner or the person in charge of the processed animal protein or the product containing processed animal protein fails to comply with the requirements of the notice, 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.

Miscellaneous provisions

7.—(1) The appropriate Minister shall not pay compensation to any person in respect of any processed animal protein or any product containing processed animal protein treated, exported or destroyed or otherwise disposed of under any provisions of this order.

(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 Act of 1950, be recoverable on demand by the appropriate Minister as a civil debt from 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.

(3) An authorised officer 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 to seize any processed animal protein or any product containing processed animal protein under article 6 above an authorised officer may, subject to production of his authority 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 6 above shall give all reasonable assistance to an authorised officer and any person accompanying him so as to enable the powers conferred by that article to be properly exercised.

Production of licences, etc

8. The owner or the person in charge of the processed animal protein or the product containing processed animal protein 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, furnish his name and address and shall produce any licence (other than a general licence) or notice which has been served on him under this order and allow a copy thereof or an extract therefrom to be taken.

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Summary offences

9. Any person who, without lawful authority or excuse, proof whereof shall lie on him, 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 of 1950.

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 processed animal protein or any product containing processed animal protein in contravention of the provisions of article 5(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.

Enforcement by local authorities

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

Savings

12. 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 processed animal protein or any product containing processed animal protein 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.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 23rd April 1981.

L.S.

Peter Walker
Minister of Agriculture, Fisheries and Food

28th April 1981

George Younger
Secretary of State for Scotland

29th April 1981

Nicholas Edwards
Secretary of State for Wales

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EXPLANATORY NOTE

This Order prohibits the landing in Great Britain of any processed animal protein or any product containing processed animal protein from a place outside Great Britain, except under the authority of a licence issued by the appropriate Agriculture Minister and in accordance with the conditions of that licence.

The Order contains powers for requiring any processed animal protein or any product containing processed animal protein which has been landed in contravention of the Order, or in breach of any licence conditions, to be exported or destroyed or treated, without compensation. The Order also contains powers for the seizure of any such processed animal protein or any such product containing processed animal protein in order that this may be effected.

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 12 months or to an unlimited fine or both.

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