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STATUTORY INSTRUMENTS

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**1979 No. 1702**

**POULTRY**

**The Importation of Birds, Poultry  
and Hatching Eggs Order 1979**

<i>Made</i>	- - - -	<i>17th December 1979</i>
<i>Laid before Parliament</i>		<i>31st December 1979</i>
<i>Coming into Operation</i>		<i>1st February 1980</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, 45, 84(2) and (3) and 85(1) of the Diseases of Animals Act 1950<sup>(1)</sup> and now vested in them<sup>(2)</sup>, 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 Birds, Poultry and Hatching Eggs Order 1979, shall apply to Great Britain and shall come into operation on 1st February 1980.

**Interpretation**

2. In this order—

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

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

“disease” means any disease of birds;

“eggs” means eggs of poultry imported for incubation;

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

“poultry” means live birds of every species.

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<sup>(1)</sup> section 24 was amended by section 1 of the Diseases of Animals Act 1975 (c. 40).

<sup>(2)</sup> By the Transfer and Functions (Animal Health) Order 1955 (S.I. 1955/958) and the Transfer of Functions (Wales) (No. 1) Order 1978 (S.I. 1978/272).

### **Extension of definitions of “poultry” and “disease”**

3. 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 birds of every species, and
  - (b) the definition of the expression “disease” in section 84(3) of the Act is hereby extended so as to comprise any disease of birds.

### **Prohibition of landing of poultry and eggs**

4.—(1) The landing in Great Britain of any poultry or eggs 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.

### **Detention of poultry and eggs in quarantine**

5.—(1) Poultry and eggs landed in Great Britain shall, except where the licence otherwise provides, be detained in quarantine, at the owner's expense, for such period and at such premises as shall, and subject to such conditions as may, be specified in the licence.

(2) Notwithstanding the provisions of paragraph (1) above, a veterinary inspector may, for the purpose of preventing the introduction or spreading of disease into or within Great Britain, by notice in writing served on the owner or the person in charge of poultry or eggs landed in Great Britain require such poultry or eggs to be detained in quarantine, at the owner's expense, for such period, or (where the poultry or eggs are being detained in quarantine at the time when the notice is served) for such further period, as shall be specified in the notice, and subject to such conditions as may be so specified, and where the poultry or eggs in respect of which the notice is served were excepted from the requirement contained in paragraph (1) above, the notice shall specify the premises at which the poultry or eggs are to be so detained.

(3) It shall be the duty of the person for the time being in charge of the poultry or eggs required to be detained under this article to ensure that, until such time as they arrive at the premises at which they are to be detained, they are kept separate from poultry or eggs which do not form part of the same consignment.

(4) No person shall remove or attempt to remove, or cause or permit the removal or attempted removal of, any poultry or eggs which are being detained under this article from the premises at which they are being so detained, except with the written authority of a veterinary inspector and in accordance with any conditions subject to which that authority is given.

(5) The prohibition in paragraph (4) above extends to the removal or attempted removal of carcasses of poultry or parts of eggs referred to in that paragraph.

### **Powers of veterinary inspector in relation to disease**

6.—(1) Where a veterinary inspector suspects that poultry or eggs—

- (a) which have been landed in Great Britain, or
- (b) which may have been in contact with poultry or eggs so landed,

are or may be affected with disease, he may require the owner or the person in charge thereof to submit—

- (i) such poultry or eggs or a sample thereof, or
- (ii) any litter, droppings, other excreta or any other material or thing which may have been in contact with such poultry or eggs,

to such diagnostic or other tests as he may specify.

(2) Without prejudice to paragraph (4) of this article, a veterinary inspector may serve on the owner or the person in charge of the poultry or eggs to which paragraph (1) of this article applies, a notice in writing requiring him, at the owner's expense and within such time as he may specify in the notice—

- (a) in the case of poultry or eggs which have been landed in Great Britain—
  - (i) to export such poultry or eggs from Great Britain, or
  - (ii) to slaughter such poultry or destroy such eggs; or
- (b) in any other case—
  - (i) to place such poultry or eggs in quarantine for such period and at such premises as he shall, and subject to such conditions as he may, specify in the notice, or
  - (ii) to slaughter such poultry or destroy such eggs.

(3) Where the owner or the person in charge of the poultry or eggs fails to comply—

- (a) with a requirement under paragraph (1) above, or
- (b) with the requirements of a notice served under paragraph (2) above,

a veterinary inspector may, without prejudice to any proceedings for an offence arising out of such failure, seize the poultry or eggs to which the requirement or the notice relates and carry out or cause to be carried out—

- (i) any tests specified in the requirement, or
- (ii) the requirements of the notice.

(4) A veterinary inspector may at any time seize or cause to be seized, and may thereafter slaughter or cause to be slaughtered or, as the case may be destroy or cause to be destroyed any poultry or eggs to which paragraph (1) above applies.

### **Action in case of contravention of the order, etc**

7.—(1) Without prejudice to paragraph (2) below, where—

- (a) poultry or eggs are landed in Great Britain in contravention of this order or of a licence, or
- (b) there is, in respect of poultry or eggs which have been landed in Great Britain any contravention of or failure to comply with any provision of this order or of a licence or of a notice or of an authority issued, served or given under this order,

an inspector may by notice in writing served on the owner or the person in charge of the poultry or eggs require him, at the owner's expense and within such time as he may specify in the notice—

- (i) to slaughter the poultry or destroy the eggs,
- (ii) to export the poultry or eggs from Great Britain, or

(iii) to place the poultry or eggs in quarantine for such period and at such premises as he shall, and subject to such conditions as he may, specify in the notice,

and where the owner or the person in charge of the poultry or eggs fails to comply with the requirements of the notice, a veterinary inspector may seize or cause to be seized the poultry or eggs to which the notice relates and carry out or cause to be carried out the requirements of the notice.

(2) A veterinary inspector may at any time seize or cause to be seized and may thereafter slaughter or cause to be slaughtered or, as the case may be, destroy or cause to be destroyed—

- (a) any poultry or eggs to which paragraph (1) above applies, and
- (b) any poultry or eggs which may have been in contact with any poultry or eggs to which that paragraph applies.

### **Cleansing and disinfection of premises, vehicles etc**

8.—(1) Where a veterinary inspector suspects that poultry or eggs which have been landed in Great Britain are or may be affected with disease, he may by notice in writing served on the owner or the person in charge of the premises, place, vessel, aircraft, vehicle, pen or container on or in which the poultry or eggs are or have been present require the person on whom the notice is served to cleanse and disinfect such premises, place, vessel, aircraft, vehicle, pen or container, or to destroy or otherwise dispose of such container, in such manner and within such time as he may by such notice specify at the expense of such person.

(2) Where the requirements of a notice served under paragraph (1) above have not been complied with, a veterinary inspector 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 a veterinary inspector may seize or cause to be seized a container.

### **Miscellaneous provisions**

9.—(1) The appropriate Minister shall not pay compensation to any person in respect of any poultry slaughtered or eggs or containers destroyed or 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 inspector by this order shall, without prejudice to any proceedings for any offence against the Act, be recoverable on demand by the appropriate Minister or, as the case may be, the local authority, as a civil debt from the owner or the person in charge of the poultry or eggs in respect of which the power was exercised or, where such expenses arose out of or in connection with the exercise of powers under article 8 of this order, from the person on whom the notice referred to in that article was served.

(3) Nothing in article 6 and 7 above shall be construed as precluding the owner of any poultry or eggs to which any provision of those articles applies from slaughtering such poultry or destroying such eggs.

(4) A veterinary inspector may vary, revoke, or suspend a notice served, or an authority given, under this order by a notice in writing served on the person on whom the notice was served or to whom the authority was given.

(5) For the purpose of exercising his power to seize poultry or eggs under article 6(3) and (4) or article 7 above or for the purpose of exercising his powers under article 8(2) above, a veterinary inspector may, subject to production of his certificate of appointment on demand, enter any land, premises, vessel, aircraft, vehicle, pen or container, taking with him such persons as he considers requisite. A veterinary inspector entering under this paragraph shall, if required by the owner, or the person in charge of the land, premises, vehicle, pen or container, state his reasons for entering.

(6) The owner or the person in charge of poultry or eggs to which articles 6 or 7 above apply shall give all reasonable assistance to a veterinary inspector and any person accompanying him so as to enable the powers conferred by those articles to be properly exercised.

#### **Production of licences, etc**

**10.** The owner or the person in charge of poultry or eggs to which this order applies shall on demand made under this order by an officer of Customs and Excise or by a veterinary inspector or an officer of the appropriate Minister or by an inspector of the local authority, or a constable produce any licence (other than a general licence), authority or notice which has been issued or given to, or 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.

#### **Indictable offences**

**11.** 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 poultry or eggs 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.

#### **Summary Offences**

**12.** Any person who lands or attempts to land any poultry or eggs in contravention of article 4(1) above, or who contravenes any other provision of this order or of a licence, or any provision of an authority given or notice served under this order, or who causes or permits any such landing or attempted landing or any such contravention or non-compliance, commits an offence against the Act.

#### **Local authority to enforce order**

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

#### **Savings**

**14.** 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 poultry or eggs which are 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**

**15.** The orders mentioned in the Schedule to this order are hereby revoked.

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In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 5th December 1979.

L.S.

*Peter Walker*  
Minister of Agriculture, Fisheries and Food

13th December 1979

*George Younger*  
Secretary of State for Scotland

17th December 1979

*Nicholas Edwards*  
Secretary of State for Wales

SCHEDULE

Article 15

ORDERS REVOKED

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Title	Number
The Poultry and Hatching Eggs (Importation) Order 1972	S.I. 1972/2025
The Poultry and Hatching Eggs (Importation) Amendment Order 1973	S.I. 1973/1964
The Poultry and Hatching Eggs (Importation) Amendment Order 1974	S.I. 1974/1183
The Importation of Captive Birds Order 1976	S.I. 1976/189

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**EXPLANATORY NOTE**

This Order, which supersedes the previous Orders relating to the importation of poultry, hatching eggs and captive birds, prohibits the landing in Great Britain, without a licence issued by the appropriate Agriculture Minister, of any live poultry or other birds or hatching eggs from any place outside Great Britain.

The Order contains provisions relating to quarantine and cleansing and disinfection of premises, vehicles etc. It confers on veterinary inspectors of the Agriculture Departments powers to deal with poultry, birds and hatching eggs suspected of being diseased and on inspectors of the Agriculture Departments and of local authorities powers to deal with any illegal landing or any other contravention of the Order.

This 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 to both.