

1978 No. 597

ANIMALS

DISEASES OF ANIMALS

**The Diseases of Animals (Export Health Certificates)
Order 1978**

Made - - - - 18th April 1978

Coming into Operation 9th May 1978

The Minister of Agriculture, Fisheries and Food, in exercise of the powers conferred by section 36A of the Diseases of Animals Act 1950(a), as extended to horses by the Diseases of Animals (Extension of Definitions) Order 1952(b), as adapted to air transport by section 11 of the Agriculture (Miscellaneous Provisions) Act 1954(c), and as amended by section 4(1) of, and paragraph 7(3) of Schedule 4 to, the European Communities Act 1972(d), and in the exercise of all other powers enabling him in that behalf, hereby orders as follows:—

Citation and commencement

1. This order, which may be cited as the Diseases of Animals (Export Health Certificates) Order 1978, shall come into operation on 9th May 1978.

Interpretation

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

“animals” means cattle, sheep, goats, swine and horses;

“appropriate health certificate” has the meaning assigned to it in article 3(3) of this order;

“bovine animal” means bull, cow, ox, heifer or calf;

“Community” means European Economic Community;

“Community provisions” means Council Directives Numbers—

64/432/EEC of 26 June 1964 on animal health problems affecting intra-Community trade in bovine animals and swine(e) as amended(f),

64/433/EEC of 26 June 1964 on health problems affecting intra-Community trade in fresh meat(g),

71/118/EEC of 15 February 1971 on health problems affecting trade in fresh poultry meat(h) as amended(i),

(a) 1950 c. 36.

(b) S.I. 1952/1236.

(c) 1954 c. 39.

(d) 1972 c. 68.

(e) OJ No. 121, 29.7.64, p. 1977.

(f) The relevant amendment is Council Directive 77/98/EEC, OJ No. L26, 31.1.77, p. 81.

(g) OJ No. 121, 29.7.64, p. 2012.

(h) OJ No. L55, 8.3.71, p. 23.

(i) The relevant amendment is Council Directive 75/431/EEC, OJ No. L192, 24.7.75, p. 6.

72/461/EEC of 12 December 1972 on health problems affecting intra-Community trade in fresh meat(a) as amended(b), and

78/54/EEC of 19 December 1977 on extending the derogations granted in respect of protection against swine fever to Denmark, Ireland and the United Kingdom(c);

“fresh meat” means meat or offal fit for human consumption which has not undergone any preserving process (other than chilling or freezing) and which is derived from an animal;

“fresh poultry meat” means meat or offal fit for human consumption which has not undergone any preserving process (other than chilling or freezing) and which is derived from any poultry;

“horses” includes asses, mules and hinnies;

“importing Member State” means a Member State to which it is intended to export from Great Britain any fresh meat, fresh poultry meat, bovine animals or swine;

“local certifying authority” means, in relation to England and Wales, the council of a district or a London borough or the Common Council of the City of London, and in relation to Scotland means an islands or district council;

“Member State” means a state other than the United Kingdom which is a member of the European Economic Community;

“the Minister” means the Minister of Agriculture, Fisheries and Food;

“official veterinary surgeon” means a veterinary surgeon designated by the Minister in relation to England, by the Secretary of State for Scotland in relation to Scotland or by the Secretary of State for Wales in relation to Wales;

“poultry” means domestic fowls, turkeys, geese, ducks and guinea-fowls;

“veterinary inspector” means a veterinary inspector appointed by the Minister;

“veterinary surgeon” means a person registered in the register of veterinary surgeons under Section 2 of the Veterinary Surgeons Act 1966(d).

(2) Other expressions in this order have, so far as the context admits, the same meanings as in the Diseases of Animals Act 1950.

(3) The Interpretation Act 1889(e) shall apply for the interpretation of this order as it applies for the interpretation of an Act of Parliament.

Export Health Certificates

3.—(1) Subject to paragraph (4) of this Article the exportation from Great Britain to a Member State of fresh meat, fresh poultry meat, bovine animals and swine is hereby prohibited unless there is in force in relation to

(a) OJ No. L302, 31.12.72, p. 24.

(b) The relevant amendments are Council Directive 77/98/EEC, OJ No. L26, 31.1.77, p. 81, and Council Directive 78/54/EEC, OJ No. L16, 20.1.78, p. 22.

(c) OJ No. L16, 20.1.78, p. 22.

(d) 1966 c. 36.

(e) 1889 c. 63.

that fresh meat or fresh poultry meat or those bovine animals or swine an appropriate health certificate, signed, in the case of fresh meat, bovine animals and swine, by a veterinary inspector, and in the case of fresh poultry meat by an official veterinary surgeon appointed by the local certifying authority.

(2) No person shall export from Great Britain to a Member State any fresh meat, fresh poultry meat, bovine animals or swine unless that fresh meat or fresh poultry meat is, or those bovine animals or swine are, accompanied by an appropriate health certificate signed as aforesaid.

(3) In this article "appropriate health certificate" means:—

- (a) in the case of bovine animals intended for any purpose other than immediate slaughter, a health certificate which is in the form of Model I of Annex F to Council Directive No. 64/432/EEC as amended^(a) (hereinafter referred to as "the said Directive as amended"), and which complies with the requirements relating to health certificates set out in Article 3(2)(i) of the said Directive as amended;
- (b) in the case of bovine animals intended for immediate slaughter, a health certificate which is in the form of Model II of Annex F to the said Directive as amended and which complies with the requirements relating to health certificates set out in Article 3(2)(i) of the said Directive as amended;
- (c) in the case of swine intended for any purpose other than immediate slaughter, a health certificate which is in the form of Model III of Annex F to the said Directive as amended and which complies with the requirements relating to health certificates set out in Article 3(2)(i) of the said Directive as amended;
- (d) in the case of swine intended for immediate slaughter, a health certificate which is in the form of Model IV of Annex F to the said Directive as amended and which complies with the requirements relating to health certificates set out in Article 3(2)(i) of the said Directive as amended;
- (e) in the case of fresh meat, a health certificate which is in the form of the Model in Annex II to Council Directive No. 64/433/EEC as amended^(b) and which complies with the requirements relating to health certificates set out in Chapter XI of Annex I to that Directive (amended as aforesaid); or
- (f) in the case of fresh poultry meat a health certificate which is in the form of the Model in Annex IV to Council Directive No. 71/118/EEC as amended^(c) and which complies with the requirements relating to health certificates set out in Chapter XI of Annex I to that Directive (amended as aforesaid).

(4) The provisions of paragraphs (1) and (2) of this Article shall not apply to the exportation from Great Britain to a Member State of—

(a) fresh meat, fresh poultry meat, bovine animals or swine, on the importa-

(a) The relevant amendments are Council Directives Numbers:—

66/600/EEC, OJ No. 192, 27.10.66, p. 3294.

71/285/EEC, OJ No. L179, 9.8.71, p. 1.

72/445/EEC, OJ No. L298, 31.12.72, p. 49.

77/98/EEC, OJ No. L26, 31.1.77, p. 81.

(b) The relevant amendments are Council Directive Numbers:—

66/601/EEC, OJ No. 192, 27.10.66, p. 3302.

69/349/EEC, OJ No. L256, 11.10.69, p. 5.

(c) The relevant amendment is Council Directive No. 75/431/EEC, OJ No. L192, 24.7.75, p. 6.

tion of which the importing Member State is authorised by Community provisions to impose, and has imposed, conditions other than those laid down by those Community provisions, compliance with which conditions is certified by a veterinary inspector or, as the case may be, an official veterinary surgeon in the health certificate required by that Member State; and

- (b) fresh meat and fresh poultry meat which can be shown to the satisfaction of an officer of Customs and Excise to have been imported into the United Kingdom from a country which is not a Member State.

Provided that the exception in paragraph (4)(a) above shall not apply where the health certificate referred to in that paragraph is required by the importing Member State in addition to, and not in place of, the appropriate health certificate.

Production of certificates etc.

4.—(1) Where any goods to which this order applies are brought to any place in Great Britain for the purpose of being exported to a Member State, the person for the time being in charge thereof shall, on demand made under this order by an officer of Customs and Excise, a veterinary inspector, an officer of the Minister, an inspector of a local authority or a constable, either—

- (a) produce an appropriate health certificate or such a certificate as is referred to in paragraph (a) of Article 3(4) of this order relating to those goods and shall allow a copy of such certificate or an extract therefrom to be taken; or
- (b) in the case of fresh meat or fresh poultry meat, if no such certificate as is referred to in paragraph (a) above is produced, show to the satisfaction of an officer of Customs and Excise that that fresh meat or fresh poultry meat was imported into the United Kingdom from a country which is not a Member State,

and shall also, if required, furnish his name and address.

(2) Where a demand is made under paragraph (1) above, and a certificate referred to in subparagraph (a) of that paragraph is not produced, and, in the case of fresh meat or fresh poultry meat, an officer of Customs and Excise is not satisfied as to the matter referred to in subparagraph (b) of that paragraph, the exportation of those goods shall be prohibited.

Application for certificates

5. An application for an appropriate health certificate required for the purposes of compliance with any requirement of Article 3 of this order shall be made—

- (a) in the case of a certificate relating to bovine animals or swine, in writing to the Minister in such form as the Minister may require not less than 7 days before the day on which the certificate is required by the applicant, or within such lesser period as the Minister may at his discretion allow;
- (b) in the case of a certificate relating to fresh poultry meat, in writing to the local certifying authority for the area in which the poultry from which the poultry meat derives is to be or was slaughtered or to the local certifying authority for the area in which the poultry meat is located in such form as the authority may require not less than 24 hours before the day on which the certificate is required by the applicant

or within such lesser period as the authority may at its discretion allow; and

- (c) in the case of a certificate relating to fresh meat, to the Minister in such manner as the Minister may require not less than 48 hours before the day on which the certificate is required by the applicant, or within such lesser period as the Minister may at his discretion allow.

Enforcement

6. This order shall, except where it is otherwise provided, be executed and enforced by the local authority.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 18th April 1978.

(L.S.)

John Silkin,
Minister of Agriculture, Fisheries and Food.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order makes the exportation of bovine animals, swine, fresh meat and fresh poultry meat from Great Britain to other EEC Member States, subject to the exceptions below, conditional upon the existence of an appropriate health certificate. Subject to those exceptions, no person may export animals or meat to which the Order applies unless these goods are accompanied by the appropriate health certificate.

Appropriate health certificate means a certificate in a form set out in Annexes to the relevant EEC Directives which lay down the conditions governing intra-Community trade in bovine animals and swine, fresh meat and fresh poultry meat. The relevant directives are:—

- (i) Council Directive No. 64/432/EEC on animal health problems affecting intra-Community trade in bovine animals and swine, as amended;
- (ii) Council Directive No. 64/433/EEC on health problems affecting intra-Community trade in fresh meat, as amended; and
- (iii) Council Directive No. 71/118/EEC on health problems affecting trade in fresh poultry meat, as amended.

In certain cases Member States are authorised to impose upon the importation of goods to which the order applies conditions other than those laid down by the Directives. If those conditions involve the use of certification other than that specified in the directives, an appropriate health certificate will not be required in respect of those goods. Similarly, an appropriate health certificate will not be required in respect of fresh meat and fresh poultry meat which has been previously imported into the United Kingdom from a country which is not a Member State.

Any contravention of this Order is an offence under Section 78 of the Diseases of Animals Act 1950.

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