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 STATUTORY INSTRUMENTS
 

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1979 No. 1701

## ANIMALS

## DISEASES OF ANIMALS

**The Importation of Equine Animals Order 1979**

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| <i>Made</i> - - - -           | 17th December 1979 |
| <i>Laid before Parliament</i> | 31st December 1979 |
| <i>Coming into Operation</i>  | 1st February 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, 84(3)(a) 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 Equine Animals Order 1979, shall apply to Great Britain and shall come into operation on 1st February 1980.

*Extension of definition of "disease"*

2. For the purpose of the Act in its application to this order, the definition of the expression "disease" in section 84(3)(a) of the Act is hereby extended so as to comprise any disease of equine animals.

*Interpretation*

3. 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;

"equine animal" means a horse, ass, zebra or any cross-breed thereof;

"licence" means a licence issued under article 4(1) of this order.

*Prohibition of landing of equine animals*

4.—(1) The landing in Great Britain of an equine animal from a place outside Great Britain is hereby prohibited, except under the authority of a

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(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).

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.

#### *Action in case of disease*

5.—(1) Subject to paragraph (2) below, where a veterinary inspector knows or suspects that an equine animal which has been landed in Great Britain is affected with disease, he may by notice in writing served on the owner or the person in charge of the animal require him, at the owner's expense—

- (a) to detain or isolate the equine animal at such premises and for such period as he may specify in the notice and to take such other action in relation to the equine animal as he may so specify for the purpose of preventing the introduction or spreading of disease into or within Great Britain;
- (b) to subject the equine animal or its carcase to such diagnostic or other tests as he may specify in the notice;
- (c) to export the equine animal in such manner and within such period as he may specify in the notice;
- (d) to slaughter the equine animal in such manner and within such period as he may specify in the notice.

(2) Nothing in paragraph 1(a) and (c) above shall prevent the owner of the equine animal to which the notice under that paragraph relates from slaughtering the equine animal or causing it to be slaughtered and nothing in paragraph 1(a) shall prevent the said owner from exporting the equine animal from Great Britain or causing it to be so exported.

(3) Where the owner or the person in charge of the equine animal fails to comply with the requirements of a notice served under paragraph (1) above, an inspector may, without prejudice to any proceedings for an offence arising out of such failure, seize or cause to be seized the equine animal to which the notice relates or its carcase and carry out or cause to be carried out the requirements of the notice.

(4) Where it is ascertained that an equine animal to which this article applies is affected with disease, a veterinary inspector may by notice in writing served on the person in charge of the premises at which the equine animal is being detained or isolated require him not to cause or permit any other equine animal to be moved in or out of the premises except in accordance with such conditions as he may specify in the notice.

*Action in case of contravention of the order*

6.—(1) Where an equine animal is landed in Great Britain in contravention of this order or of a licence, or where there is in respect of an equine animal which has been landed in Great Britain any contravention of or failure to comply with any provision of this order or of a licence, an inspector may by notice in writing served on the owner or the person in charge of the equine animal require him, at the owner's expense—

- (a) to detain or isolate the equine animal at such premises and for such period as he may specify in the notice and to take such other action in relation to the equine animal as he may so specify for the purpose of preventing the introduction or spreading of disease into or within Great Britain;
- (b) to subject the equine animal or its carcase to such diagnostic or other tests as he may specify in the notice;
- (c) to export the equine animal in such manner and within such period as he may specify in the notice;
- (d) to slaughter the equine animal in such manner and within such period as he may specify in the notice.

(2) Where the owner or the person in charge of an equine animal fails to comply with the requirements of a notice served under paragraph (1) above, an inspector may, without prejudice to any proceedings for an offence arising out of such failure, seize or cause to be seized the equine animal to which the notice relates or its carcase and carry out or cause to be carried out the requirements of the notice or take any other action in relation to the equine animal or its carcase for the purpose of preventing the introduction or spreading of disease into or within Great Britain.

(3) Where it is ascertained that an equine animal to which this article applies is affected with disease, an inspector may by notice in writing served on the person in charge of the premises at which the equine animal is being detained or isolated require him not to cause or permit any other equine animal to be moved in or out of the premises except in accordance with such conditions as he may specify in the notice.

*Miscellaneous provisions*

7.—(1) The appropriate Minister shall not pay compensation to any person in respect of any equine animal slaughtered 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 equine animal in respect of which the power was exercised.

(3) An inspector may vary, revoke, or suspend a notice served under this order by a notice in writing served on the person on whom the notice was served.

(4) For the purpose of exercising his power to seize any equine animal under articles 5 or 6 above an inspector may subject to production of his certificate of appointment on demand enter any land, premises or vehicle taking with him such persons as he considers requisite. An inspector entering under this para-

graph shall if required by the owner or the person in charge of the land, premises or vehicle, state his reasons for entering.

(5) The owner or the person in charge of the equine animal to which articles 5 or 6 above apply shall give all reasonable assistance to an inspector 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 equine animal to which this order applies shall on demand made under this order by an officer of Customs and Excise or by an officer of the appropriate Minister or by an inspector of the local authority or by 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 equine animal 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 subject to which a licence is issued or subject to which a notice is 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.

*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 equine animal 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.

*Local authority to enforce order*

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 equine animal 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*

13. The Equine Animals (Importation) Order 1973(a) is hereby revoked.

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.

*George Younger,*  
Secretary of State for Scotland.

13th December 1979.

*Nicholas Edwards,*  
Secretary of State for Wales.

17th December 1979.

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#### EXPLANATORY NOTE

*(This Note is not part of the Order.)*

This Order prohibits the landing in Great Britain of equine animals from a place outside Great Britain unless under the authority of a licence. Article 5 gives power to veterinary inspectors to deal with the incidence of disease amongst equine animals landed in Great Britain and article 6 gives power to inspectors (which expression includes veterinary inspectors) appointed for the purposes of the Diseases of Animals Act 1950 to take action in case of the contravention of the Order. These powers are without prejudice to any court proceedings for an offence arising out of the contravention of the Order and where such contravention is deliberate proceedings may be on indictment.

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