
STATUTORY INSTRUMENTS

1974 No. 2211

The Rabies (Importation of Dogs, Cats and Other Mammals) Order 1974

Action in case of illegal landing or breach of quarantine

13.—(1) Without prejudice to Article 14 below,
where—

- (a) an animal which is required to be detained and isolated in quarantine under any of the provisions of this order, or under the provisions of a licence granted or notice served hereunder, is not so detained and isolated, or
- (b) there is reason to believe that an animal has been landed in Great Britain in contravention of this order or of a licence granted hereunder,

an inspector may by written or oral notice served on the person appearing to him to be in charge of the animal, require that person, at the expense of the owner of the animal or of the person on whom the notice is served, immediately to detain and isolate the animal, and, within the time specified in the notice, to ensure that it is moved in such manner, and in compliance with such conditions, as may be so specified—

- (i) to a vessel [^{F1}vehicle,] or aircraft for exportation; or
- (ii) to authorised quarantine premises for the purpose of detention and isolation in quarantine at its owner's expense for a period of [^{F2}four] calendar months from the date of the notice, or for such shorter period as may be specified therein.

[^{F3}(1A) But where an animal is subject to [^{F4}Article ^{F5}... 10] of the Pets Regulation, the period of quarantine under paragraph (1) must end on the Pets Regulation quarantine end date (and notice given under that paragraph ceases to have effect on that date).]

(2) If any person on whom a notice is served under paragraph (1) above fails to comply with the requirements thereof, an inspector [^{F6}or a constable] may, without prejudice to any proceedings for an offence arising from such default, or arising in connection with any other contravention of this order or of a licence granted or notice served hereunder, seize [^{F7}or cause to be seized] the animal to which the notice relates, and arrange for the notice to be complied with; and the person on whom the notice was served, and the owner of the animal and any other person having charge thereof, shall render all reasonable assistance to an inspector [^{F6}or a constable] to enable him to exercise the power conferred by the foregoing provisions of this paragraph, and the reasonable expenses incurred in the exercise of that power shall be recoverable on demand by [^{F8}the Minister, the local authority or, as the case may be, the police authority] as a civil debt from the owner of the animal, or from the person on whom the notice was served.

(3) The operation of a notice served under paragraph (1) above may be terminated by notice to that effect given by an inspector to the owner or person in charge of the animal on proof to the satisfaction of the inspector that the animal was not landed in Great Britain in contravention of this order, or of a licence granted hereunder, or that [^{F9}four] calendar months have expired since the date of the landing of the animal.

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[^{F10}(3A) But—

- (a) where an animal is subject to [^{F11}Article ^{F12}... 10] of the Pets Regulation, the notice may not be terminated under paragraph (3) before the Pets Regulation quarantine end date,
- (b) where an animal is not subject to [^{F11}Article ^{F13}... 10] of the Pets Regulation, the Secretary of State (in England), the Scottish Ministers (in Scotland) or the Welsh Ministers (in Wales) may, if satisfied that release of the animal from quarantine or waiver of its quarantine period will present negligible risk of the introduction of rabies into or spread of rabies within Great Britain, terminate the operation of the notice by notice given to the person in charge of the animal.]

(4) Without prejudice to Article 14 below, where in respect of an animal to which paragraph (1) above applies an inspector—

- (a) has reasonable grounds for believing that the animal does not have an owner, or
- (b) is unable, after reasonable inquiry, to trace the owner of the animal, or any person otherwise having charge of it, or
- (c) has reason to believe that the service of a notice under paragraph (1) above would result in an unreasonable delay in dealing with the animal,

he may seize the animal, [^{F14}or cause it to be seized,] and arrange for its exportation or detention and isolation in quarantine at authorised quarantine premises:

Provided that he shall (where the identity of the owner of the animal is known or subsequently becomes known to him), as soon as practicable, inform that person in writing of the action he has taken.

(5) The reasonable expenses incurred in the exercise of the power conferred on an inspector by paragraph (4) above shall, without prejudice to any proceedings arising in connection with any contravention of this order, or of a licence granted hereunder, be recoverable on demand by the Minister or, as the case may be, the local authority as a civil debt from the owner of the animal.

(6) Nothing in this Article 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 and animal which is landed in Great Britain in contravention of this order, or of a licence granted hereunder, or to institute legal proceedings under those Acts in respect of such contravention.

Textual Amendments

- F1** Word in art. 13(1)(b)(i) inserted (1.12.1990) by [The Channel Tunnel \(Amendment of Agriculture, Fisheries and Food Import Legislation\) Order 1990 \(S.I. 1990/2371\)](#), art. 1, **Sch. 2**
- F2** Word in art. 13(1)(ii) substituted (1.1.2012) by [The Non-Commercial Movement of Pet Animals Order 2011 \(S.I. 2011/2883\)](#), art. 1(3), **Sch. para. 15(a)** (with art. 19)
- F3** Art. 13(1A) inserted (1.1.2012) by [The Non-Commercial Movement of Pet Animals Order 2011 \(S.I. 2011/2883\)](#), art. 1(3), **Sch. para. 15(b)** (with art. 19)
- F4** Words in art. 13(1A) substituted (29.12.2014) by [The Non-Commercial Movement of Pet Animals \(Amendment\) Order 2014 \(S.I. 2014/3158\)](#), art. 1(3), **Sch. para. 8**
- F5** Words in art. 13(1A) omitted (31.12.2020) by virtue of [The Animals, Aquatic Animal Health, Invasive Alien Species, Plant Propagating Material and Seeds \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1388\)](#), regs. 1(2)(c), **35(4)(e)**
- F6** Words in art. 13(2) inserted (28.3.1977) by [The Rabies \(Importation of Dogs, Cats and Other Mammals\) \(Amendment\) Order 1977 \(S.I. 1977/361\)](#), arts. 1, **3(7)(a)(i)**
- F7** Words in art. 13(2) inserted (28.3.1977) by [The Rabies \(Importation of Dogs, Cats and Other Mammals\) \(Amendment\) Order 1977 \(S.I. 1977/361\)](#), arts. 1, **3(7)(a)(ii)**
- F8** Words in art. 13(2) substituted (28.3.1977) by [The Rabies \(Importation of Dogs, Cats and Other Mammals\) \(Amendment\) Order 1977 \(S.I. 1977/361\)](#), arts. 1, **3(7)(a)(iii)**

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- F9** Word in art. 13(3) substituted (1.1.2012) by The Non-Commercial Movement of Pet Animals Order 2011 (S.I. 2011/2883), art. 1(3), **Sch. para. 15(c)** (with art. 19)
- F10** Art. 13(3A) inserted (1.1.2012) by The Non-Commercial Movement of Pet Animals Order 2011 (S.I. 2011/2883), art. 1(3), **Sch. para. 15(d)** (with art. 19)
- F11** Words in art. 13(3A)(a)(b) substituted (29.12.2014) by The Non-Commercial Movement of Pet Animals (Amendment) Order 2014 (S.I. 2014/3158), art. 1(3), **Sch. para. 8**
- F12** Words in art. 13(3A)(a) omitted (31.12.2020) by virtue of The Animals, Aquatic Animal Health, Invasive Alien Species, Plant Propagating Material and Seeds (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1388), regs. 1(2)(c), **35(4)(e)**
- F13** Words in art. 13(3A)(b) omitted (31.12.2020) by virtue of The Animals, Aquatic Animal Health, Invasive Alien Species, Plant Propagating Material and Seeds (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1388), regs. 1(2)(c), **35(4)(e)**
- F14** Words in art. 13(4) inserted (28.3.1977) by The Rabies (Importation of Dogs, Cats and Other Mammals) (Amendment) Order 1977 (S.I. 1977/361), arts. 1, **3(7)(b)**

Commencement Information

- I1** Art. 13 in force at 5.2.1975, see **art. 1**

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