

1976 No. 189

POULTRY

THE IMPORTATION OF CAPTIVE BIRDS ORDER 1976

Made - - - - 9th February 1976

Laid before Parliament 18th February 1976

Coming into Operation 1st March 1976

The Minister of Agriculture, Fisheries and Food and the Secretary of State, acting jointly, in exercise of the powers conferred by sections 1 and 84(2) of the Diseases of Animals Act 1950^(a), and now vested in them ^(b), and of the powers conferred on them by section 24 of the said Act, as amended by the Diseases of Animals Act 1975^(c), and of all their other enabling powers, hereby order as follows:—

Citation, extent and commencement

1. This order, which may be cited as the Importation of Captive Birds Order 1976, shall apply throughout Great Britain, and shall come into operation on 1st March 1976.

Interpretation

2.—(1) For the purposes of the Act in its application to this order, the definition of the expression “poultry” in section 84(2) thereof is hereby extended so as to comprise birds of every species.

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

“the Act” means the Diseases of Animals Act 1950, as amended or extended by any subsequent enactment;

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

“bird” means a captive bird of any species, other than a bird of a species within the meaning of “poultry”;

“disease” means any disease of birds or poultry;

“egg” means the egg of a bird;

“inspector” means a person appointed to be an inspector for the purposes of the Act by the Minister of Agriculture, Fisheries and Food or by a local authority, and, when used in relation to a person so appointed by the said Minister, includes a veterinary inspector;

“licence” means a licence issued under Article 3(2) of this order authorising a bird or egg to be landed in Great Britain;

(a) 1950 c. 36.

(b) By the Transfer of Functions (Animal Health) Order 1955 (S.I. 1955/958. (1955 I, p. 1184)).

(c) 1975 c. 40.

“poultry” means all species of fowls, turkeys, geese, ducks, guinea-fowls, pheasants, partridges and quails;

“veterinary inspector” means a veterinary inspector appointed by the Minister of Agriculture, Fisheries and Food.

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

Prohibition on landing in Great Britain of birds and eggs

3.—(1) Subject to the provisions of this order, the landing in Great Britain of a bird or egg brought from a place outside Great Britain is hereby prohibited.

(2) The prohibition contained in paragraph (1) above shall not apply to the landing in Great Britain of a bird or egg when that landing takes place under the authority of a licence in writing previously issued by the appropriate Minister, and in accordance with the terms and conditions of that licence.

(3) 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.

(4) A general licence shall be issued by publication of the provisions thereof in such manner and to such extent as appears to the appropriate Minister to be sufficient to bring the terms of that licence to the attention of those persons likely to be affected by it.

Detention of birds and eggs in quarantine

4.—(1) Subject to Article 5(3) below, every bird and egg landed in Great Britain shall, except where the licence otherwise provides, be detained in quarantine at its owner's expense for such period, and at such premises 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 other person in charge of a bird or egg landed in Great Britain, require that bird or egg to be detained in quarantine at its owner's expense for such period, or (where the bird or egg is detained in quarantine at the time when the notice is served) for such further period, as may be specified in the notice, and subject to such conditions as may be so specified; and where a notice is served under the foregoing provisions of this paragraph in respect of a bird or egg which was not required to be detained in quarantine by the licence under the authority of which it was landed in Great Britain, that notice shall specify the premises at which that bird or egg is to be so detained.

(3) It shall be the duty of the person for the time being in charge of a bird or egg required by the foregoing provisions of this Article to be detained in quarantine to ensure that, until such time as the bird or egg arrives at the premises at which it is to be so detained, it is kept separate from—

- (a) any other bird or egg, other than a bird or egg which forms part of the same shipment, and
- (b) any poultry or poultry eggs.

(a) 1889 c. 63.

(4) Where a bird or egg is or has been detained in quarantine under the foregoing provisions of this Article, no person shall remove or attempt to remove that bird or egg, or cause or permit its removal or attempted removal, from the premises at which it is or has been so detained, except with the written authority of a veterinary inspector, and in accordance with any conditions subject to which that authority is given.

Control of birds and eggs passing through Great Britain

5.—(1) The provisions of Articles 3 and 4 above shall not apply to a bird or egg landed in Great Britain in respect of which satisfactory arrangements have previously been made for it to be either—

- (a) moved by air from the airport at which it is landed direct to another airport in Great Britain for exportation therefrom, or
- (b) exported from the port or airport at which it is landed within a period of 48 hours after that landing takes place;

and it shall be for the person who purports to land a bird or egg under the foregoing provisions of this paragraph to prove to the satisfaction of an inspector or officer of Customs and Excise if required so to do that the arrangements referred to in those provisions have been made in respect of that bird or, as the case may be, that egg.

(2) Where a bird or egg to which paragraph (1)(b) above applies has not been exported from the port or airport at which it was landed at the end of the period of 48 hours after that landing took place, the person for the time being in charge of the bird or egg shall forthwith report the fact to an inspector, and inform him of the reason for the delay.

(3) The provisions of Article 4 above shall not apply to a bird or egg landed in Great Britain under the authority of a licence, and moved otherwise than by air direct to a port or airport in Great Britain for exportation therefrom in accordance with the terms and conditions of that licence.

(4) It shall be the duty of the person for the time being in charge of a bird or egg to which the foregoing provisions of this Article apply to ensure that, while in Great Britain, the bird or egg is kept separate from—

- (a) any other bird or egg, other than a bird or egg to which those provisions apply, or which forms part of the same shipment, and
- (b) any poultry or poultry eggs.

Powers of veterinary inspectors in relation to disease

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

- (a) a bird or egg which has been landed in Great Britain (whether or not that bird or egg is, or is required to be, detained in quarantine under any provision of this order), or
- (b) a bird or egg or any poultry or poultry eggs, which may have been in contact with a bird or egg which has been landed in Great Britain,

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

- (i) that bird or egg, or, as the case may be, that poultry or those poultry eggs, or a sample of that poultry or those eggs, and
- (ii) any litter, droppings or other excreta, and any other material or

thing which may have been in contact with that bird, egg or poultry, or with those poultry eggs,
to such diagnostic or other tests as he may specify.

(2) A veterinary inspector may, without prejudice to paragraph (4) below, serve on the owner or other person in charge of any bird, egg, poultry or poultry eggs to which paragraph (1) above applies (whether or not any test in respect thereof has been carried out in accordance with that paragraph) a notice in writing requiring him, at the owner's expense, immediately—

(a) in the case of a bird or egg which has been landed in Great Britain—

- (i) to export it therefrom, or
- (ii) to slaughter or, as the case may be, destroy it; or

(b) in any other case—

- (i) to place that bird, egg or poultry, or those poultry eggs, in quarantine for such period, and at such premises and subject to such conditions, as may be specified in the notice, or
- (ii) to slaughter that bird or poultry or, as the case may be, destroy that egg or those poultry eggs.

(3) Where any person fails to comply—

(a) with a requirement of a veterinary inspector under paragraph (1) above, or

(b) with the terms of a notice served under paragraph (2) above,
a veterinary inspector may seize or cause to be seized the bird, egg, poultry or poultry eggs to which the requirement or notice relates, and arrange for any such test to be carried out or, as the case may be, the terms of the notice to be complied with.

(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 bird, egg, poultry or poultry 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) a bird or egg is landed in Great Britain in contravention of this order or of a licence, or

(b) there is, in respect of a bird or egg which has been landed in Great Britain, any contravention of or failure to comply with any provision of this order or of a licence, or any contravention of or failure to comply with any provision of any notice served or authority given under this order,

an inspector may, by notice in writing served on the owner or other person in charge of a bird or egg, require him, at the owner's expense, immediately—

- (i) to slaughter or, as the case may be, destroy it,
- (ii) to export it from Great Britain, or
- (iii) to place it in quarantine for such period, and at such premises and subject to such conditions, as may be specified in the notice;

and where any person on whom a notice is served under the foregoing provisions of this paragraph fails to comply with the terms thereof, a veterinary inspector

may seize or cause to be seized the bird or egg to which the notice relates, and arrange for the requirements of the notice to be complied with.

(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 bird or egg to which paragraph (1) above applies, and

(b) any bird or egg, or any poultry or poultry eggs, which may have been in contact with a bird or egg to which that paragraph applies.

(3) 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 any bird or egg 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.

Supplementary provisions

8.—(1) Any reasonable expenses arising out of or in connection with the exercise of any power conferred on an inspector by the foregoing provisions of this order shall, without prejudice to any proceedings for an offence against the Act or this order, be recoverable on demand by the appropriate Minister or, as the case may be, the local authority, as a civil debt from the owner of the bird, egg, poultry or poultry eggs in respect of which the power was exercised, or from any other person for the time being in charge thereof.

(2) Nothing in Articles 6 and 7 above shall be construed as precluding the owner of any bird, egg, poultry or poultry eggs to which any provision of those Articles applies from slaughtering that bird or poultry or, as the case may be, destroying that egg or those poultry eggs.

Production of licences, etc.

9. Any licence issued, authority given or notice served under the foregoing provisions of this order shall, upon demand, be produced to a police officer, a veterinary inspector, an officer of the appropriate Minister or of a local authority, or an officer of Customs and Excise.

Indictable offence

10. Without prejudice to Article 11 below—

(a) the landing in Great Britain by any person, with intent to evade the provisions of this order, of a bird or egg in contravention of Article 3(1) above, and

(b) the failure by any person, with a like intent, to observe any condition subject to which a licence is issued,

are hereby declared to be offences against the Act to which section 3 of the Diseases of Animals Act 1975 applies, and accordingly prosecutable on indictment.

Summary offences

11. Any person who lands or attempts to land a bird or egg in Great Britain in contravention of Article 3(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 fails to comply with any such provision, or who causes or permits any such landing or attempted landing, or any such other contravention or non-compliance, commits an offence against the Act.

Local authority to enforce order

12. The provisions of this order shall, except where otherwise expressly 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 6th February 1976.

(L.S.)

Frederick Peart,
Minister of Agriculture, Fisheries and Food.

9th February 1976.

William Ross,
The Secretary of State for Scotland.

EXPLANATORY NOTE

(This Note is not part of the Order.)

The principal provision of the Order is the prohibition on the landing in Great Britain, without a licence issued by the appropriate Agriculture Minister, of any captive bird or egg brought from any country.

The Order contains detailed provisions relating to quarantine and to the movement and control of birds and eggs in transit through Great Britain. It also confers on veterinary inspectors of the Agriculture Departments powers to deal with birds and eggs suspected of being diseased, and on inspectors of the Agriculture Departments and of local authorities power to deal with any illegal landing or any other contravention of the Order.

The Order introduces the possibility of prosecution on indictment in respect of certain offences, with a liability on conviction to imprisonment for a maximum term of 12 months or to an unlimited fine or to both.

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