
STATUTORY INSTRUMENTS

1977 No. 361

**The Rabies (Importation of Dogs, Cats and
Other Mammals) (Amendment) Order 1977**

Amendment of principal order

3.—(1) The principal order shall be amended in accordance with the following provisions of this Article.

(2) In Article 2(1) (interpretation)—

(a) the definition of “harbour” shall cease to have effect, and the following definition shall be substituted therefor:—

“‘harbour’ has the meaning assigned to it by section 57 of the Harbours Act 1964⁽¹⁾, and shall also include any place at which hovercraft are loaded or unloaded;”

(b) the definitions of “master” and “police constable” shall be deleted; and

(c) there shall be inserted, after the definition of “research premises”, the following definition:

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“‘vessel’ includes hovercraft;”

(3) In Article 4 (prohibition on landing of animals in Great Britain), the following paragraph shall be inserted after paragraph (4):—

“(4A) Paragraph (4) above shall not have effect in relation to the landing in Great Britain of an animal to which paragraph (2) above applies unless that animal is one referred to in the proviso to that paragraph.”

(4) In Article 8 (control of animals passing through Great Britain)—

(a) in paragraph (2)(f) and paragraph (4)(c), the word “police” shall be deleted; and

(b) in paragraph (5), there shall be substituted for the word “could”, the words “virus could, if present in that animal,”.

(5) In Article 11(3) (production of records) the word “police” shall be deleted.

(6) Article 12 (detention of animals on board vessels in harbour) shall cease to have effect, and the following Article shall be substituted therefor:—

“Detention of animals on board vessels in harbour

12.—(1) Paragraph (2) below shall apply to an animal which has, within the preceding 6 calendar months, been in a place outside Great Britain, Northern Ireland, the Republic of Ireland, the Channel Islands and the Isle of Man.

(2) Subject to paragraph (3) below, it shall be the duty of the person having charge or control of a vessel in harbour in Great Britain to ensure that an animal to which this paragraph applies which is on board that vessel—

- (a) is at all times restrained, and kept securely confined within a totally enclosed part of the vessel from which it cannot escape;
 - (b) does not come into contact with any other animal or any contact animal (other than an animal or contact animal with which it has been transported to Great Britain); and
 - (c) is in no circumstances permitted to land.
- (3) Paragraph (2)(c) above shall not apply to an animal which is landed—
- (a) in accordance with a licence granted under Article 4 above; or
 - (b) in the circumstances referred to in Article 8 above.
- (4) If an animal to which paragraph (2) above applies is lost from a vessel in harbour in Great Britain, the person having charge or control of that vessel shall forthwith give notice of the loss to an inspector, a constable or an officer of Customs and Excise.
- (5) If an animal to which paragraph (2) above applies is involved in an incident whereby rabies virus could, if present in that animal, be transmitted to a human being, or to another animal or a contact animal (other than an animal or contact animal with which it has been transported to Great Britain), the person for the time being in charge of the animal shall forthwith give notice of the incident to an inspector; and on receipt of such notice, the inspector may, if he considers it expedient so to do, require (in the case of an animal which would otherwise not be permitted to land under this Article) that the animal shall not leave Great Britain until after it has undergone detention and isolation in quarantine at its owner's expense, at such premises, for such period (not exceeding six calendar months) and subject to such conditions, as the inspector may direct.
- (6) Subject to paragraph (7) below, no person shall cause or permit a native animal or a native contact animal to go on board a vessel in harbour in Great Britain on which there is an animal to which paragraph (2) above applies; and for the purposes of this paragraph and paragraph (8) below—
- (a) 'native animal' means an animal to which paragraph (2) above does not apply; and
 - (b) 'native contact animal' means a contact animal which is ashore in Great Britain, whether or not it has been landed from a vessel.
- (7) Paragraph (6) above shall not apply to—
- (a) the use on board a vessel in harbour in Great Britain of dogs belonging to the police, Her Majesty's Customs and Excise or Her Majesty's Forces, so long as such dogs are kept under constant control of a trained handler while on board; or
 - (b) the loading on board a vessel in harbour in Great Britain of any animal or contact animal intended for exportation from Great Britain on that vessel.
- (8) An inspector or a constable may seize or cause to be seized—
- (a) any animal to which paragraph (2) above applies in relation to which there has been a contravention of or failure to comply with any provision of that paragraph; and
 - (b) any native animal or native contact animal in relation to which there has been a contravention of or failure to comply with the provisions of paragraph (6) above;
- and where an animal or contact animal has been seized in accordance with the foregoing provisions of this paragraph, an inspector or a constable may—
- (i) destroy it or cause it to be destroyed;
 - (ii) move it or cause it to be moved to authorised quarantine premises for the purposes of detention and isolation in quarantine at its owner's expense for a period of six calendar months, or for such shorter period as an inspector may direct; or

(iii) in the case of an animal to which paragraph (2) above applies, export it from Great Britain or cause it to be so exported:

and Provided that, where an animal or a contact animal to which this paragraph applies has been seized by a constable, it shall only be dealt with in accordance with sub-paragraph (ii) or sub-paragraph (iii) above with the agreement of an inspector.

(9) The reasonable expenses incurred by an inspector or a constable in exercising the powers conferred on him by paragraph (8) above shall be recoverable on demand by 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 contact animal.”

(7) In Article 13 (action in case of illegal landing or breach of quarantine)—

(a) in paragraph (2)—

- (i) there shall be inserted, after the word “inspector” (wherever that word appears), the words “or a constable”,
- (ii) there shall be inserted, after the word “seize”, the words “or cause to be seized”, and
- (iii) there shall be substituted, for the words “the Minister or, as the case may be, the local authority”, the words “the Minister, the local authority or, as the case may be, the police authority”; and

(b) in paragraph (4) there shall be inserted, immediately before the words “and arrange”, the words “or cause it to be seized,”.

(8) In Article 14 (power to destroy imported animals)—

(a) there shall be inserted—

- (i) after the word “inspector”, the words “or a constable”, and
- (ii) immediately before the word “destroy”, the words “seize or cause to be seized, and thereafter”; and

(b) there shall be substituted, for the words “the Minister or, as the case may be, the local authority”, the words “the Minister, the local authority or, as the case may be, the police authority”.

(9) Schedule 2 (ports and airports at which animals may be landed) shall cease to have effect, and there shall be substituted therefor the Schedule to this order.