

1977 No. 361

ANIMALS

DISEASES OF ANIMALS

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

<i>Made</i>	- - -	<i>2nd March 1977</i>
<i>Laid before Parliament</i>		<i>7th March 1977</i>
<i>Coming into Operation</i>		<i>28th March 1977</i>

The Minister of Agriculture, Fisheries and Food and the Secretary of State, acting jointly, in exercise of the powers conferred by sections 1 and 85(1) of the Diseases of Animals Act 1950(a) (as extended in the case of the said section 1 by section 3 of the Rabies Act 1974(b)), and now vested in them(c), and of the power conferred on them by section 24 of the said Act of 1950 (as enacted in section 1(1) of the Diseases of Animals Act 1975(d), and as read with section 3 of that Act and sections 5 and 6 of the said Act of 1974), and of all their other enabling powers, for the purpose of preventing the introduction of rabies into Great Britain, hereby order as follows:—

Citation, extent and commencement

1. This order, which may be cited as the Rabies (Importation of Dogs, Cats and Other Mammals) (Amendment) Order 1977, shall apply throughout Great Britain, and shall come into operation on 28th March 1977.

Interpretation

2.—(1) This order shall be construed as one with the Rabies (Importation of Dogs, Cats and Other Mammals) Order 1974(e), hereinafter referred to as “the principal order”.

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

Amendment of principal order

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

(a) 1950 c. 36.

(b) 1974 c. 17.

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

(d) 1975 c. 40.

(e) S.I. 1974/2211 (1974 III, p. 8634).

(f) 1889 c. 63.

- (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^(a), 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:—
- “ ‘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.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 2nd March 1977.

(L.S.)

John Silkin,
Minister of Agriculture,
Fisheries and Food.

2nd March 1977.

Bruce Millan,
Secretary of State for Scotland.

SCHEDULE

PROVISIONS TO REPLACE SCHEDULE 2 TO THE PRINCIPAL ORDER (ARTICLE 3(9)).

“Ports and airports at which authorised landings of animals may take place:

PART I

PORTS

Dover, Eastern Docks
Harwich, Navy Yard Wharf
Hull
Liverpool
International Hoverport, Ramsgate (Pegwell Bay)
Southampton

PART II

AIRPORTS

Birmingham
Edinburgh
Gatwick
Glasgow
Heathrow
Leeds
Manchester
Prestwick”.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order, which amends the Rabies (Importation of Dogs, Cats and Other Mammals) Order 1974, has two main purposes: first, to increase the powers of the police in relation to animals in respect of which there are contraventions of the 1974 Order, and secondly, to tighten the control over animals which, although not being landed in Great Britain, are on board a vessel in a British harbour.

So far as the police are concerned, they are given the same powers as inspectors to seize and destroy animals under the 1974 Order. In certain circumstances, the police may also seize animals for the purpose of their being detained in quarantine or re-exported, provided this is done with the agreement of an inspector.

With regard to animals on board vessels in harbour, the order substitutes a new Article 12 for that appearing in the 1974 Order. Apart from some strengthening of the original provisions, the most important change brought about by the new Article is to make it illegal for animals or contact animals (within the meaning of the order) which are on shore to be permitted to go on a vessel which already has an animal from abroad on board. The prohibition does not apply to dogs used by the police, HM Customs and Excise or the Forces, or to animals or contact animals being loaded for exportation. Inspectors and the police are given wide powers to seize and deal with animals in respect of which there is a contravention of the provisions of the Article.

The Order also makes a number of minor amendments to the 1974 Order—some of which are consequential on the new provisions, whilst others are designed to clarify the existing position in certain situations.

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