

## 1979 No. 1703

## ANIMALS

## DISEASES OF ANIMALS

## The Importation of Hay and Straw Order 1979

<i>Made - - - -</i>	<i>17th December 1979</i>
<i>Laid before Parliament</i>	<i>31st December 1979</i>
<i>Coming into Operation</i>	<i>1st February 1980</i>

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 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 Hay and Straw Order 1979, shall apply to Great Britain and shall come into operation on 1st February 1980.

*Interpretation*

2. 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;

“hay” means any grass, clover, lucerne or sainfoin which has been dried either naturally or artificially and includes any product which is obtained by so drying any grass, clover, lucerne or sainfoin;

“licence” means a licence issued under article 3(1) of this order;

“straw” means any green cereal which has been dried either naturally or artificially and includes any product (other than grain) which is obtained by so drying any green cereal.

*Prohibition of landing of hay and straw*

3.—(1) Subject to article 4 of this order, the landing in Great Britain of any hay or straw from a place outside Great Britain is hereby prohibited except under the authority of a licence in writing issued by the appropriate Minister and in accordance with the conditions of that licence.

(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).

(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 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.

#### *Exceptions*

4. The prohibition in article 3 of this order shall not apply to the landing of—

(a) hay or straw which at the time of landing is being used for packing merchandise;

(b) goods or articles manufactured from straw; or

(c) esparto grass.

#### *Action in case of contravention of the order, etc.*

5.—(1) Where any hay or straw is landed in Great Britain in contravention 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 hay or straw require him, at the owner's expense, to destroy the hay or straw or to export the hay or straw from Great Britain within such time as he may specify in the notice.

(2) Where an owner or the person in charge of hay or straw fails to comply with the requirements of a notice served under paragraph (1) above, an inspector may seize or cause to be seized the hay or straw to which the notice relates and carry out or cause to be carried out the requirements of the notice and for this purpose 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 paragraph shall, if required by the owner or the person in charge of the land, premises or the vehicle, state his reasons for entering.

(3) The appropriate Minister shall not pay compensation to any person in respect of hay or straw destroyed under this article.

(4) Any reasonable expenses arising out of or in connection with the exercise of the powers conferred on an inspector by this article 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 hay or straw in respect of which the power was exercised.

#### *Production of licences*

6. Any person acting under the authority of a licence 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 the licence (other than a general licence) and allow a copy thereof or an extract therefrom to be taken, and shall, if required, furnish his name and address.

*Summary offences*

7. Any person who lands or attempts to land any hay or straw in contravention of article 3(1) above, or who contravenes any other provision of this order or of a licence or of a notice served under this order or who fails to comply with any such provision, or with any condition of a licence, 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*

8. 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 hay or straw in contravention of the provisions of article 3(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*

9. The provisions of this order shall, except where otherwise expressly provided, be executed and enforced by the local authority.

*Savings*

10. 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 hay or straw 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*

11. The Importation of Hay, Straw and Dried Grass Order 1961(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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(a) S.I. 1961/946.

## EXPLANATORY NOTE

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

This Order prohibits the landing in Great Britain of any hay or straw from a place outside Great Britain except under the authority of a licence. The prohibition does not apply to the landing of hay or straw being used for packing merchandise or to goods manufactured from straw or to esparto grass. Article 5 confers powers on inspectors appointed under the Diseases of Animals Act 1950 to ensure that hay or straw landed in contravention of the Order is either destroyed or exported and article 8 makes the deliberate contravention of the Order an indictable offence.

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