
STATUTORY INSTRUMENTS

1986 No. 2265

ANIMALS

ANIMAL HEALTH

The Importation of Salmonid Viscera Order 1986

Made - - - 18th December 1986

Laid before Parliament 19th December 1986

Coming into Operation 1st February 1987

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 on them by sections 1, 10(1) and (2) of the Animal Health Act 1981(a), and of all other powers enabling them in that behalf, hereby make the following order:—

Title and commencement

1. This order may be cited as the Importation of Salmonid Viscera Order 1986 and shall come into operation on 1st February 1987.

Interpretation

2.—(1) In this order —

“the Act” means the Animal Health Act 1981;

“Great Britain” includes the territorial waters of the United Kingdom adjacent to Great Britain;

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

“viscera” means viscera of fish of the family *Salmonidae* whether or not detached from a dead fish, but does not include the brain or gills.

(2) Any reference in this order to a numbered article shall be construed as a reference to the article so numbered in this order.

Prohibition on importing viscera into Great Britain

3.—(1) No person shall import into Great Britain from any country outside Great Britain any viscera except under the authority, and in accordance with the provisions, of a licence issued by the appropriate Minister.

(2) A licence may be either general or specific and may, in either case, be issued subject to such conditions as the appropriate Minister considers appropriate for the purpose of preventing the introduction or spreading of diseases of fish into or within Great Britain.

(3) A general licence shall be issued by its publication 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 and to the same extent as the licence; and
- (b) in the case of a specific licence by a notice served on the person to whom the licence was issued.

Disposal of viscera unlawfully imported into Great Britain

4.—(1) An inspector may, by notice served on the owner or the person in charge of any viscera imported into Great Britain in contravention of article 3(1), require him —

- (a) to take the viscera out of Great Britain within such time as may be specified in the notice; or
- (b) to destroy or otherwise dispose of the viscera in such manner and within such time as may be specified in the notice; or
- (c) to detain the viscera for such period and at such premises as shall, and subject to such conditions as may, be specified in the notice.

(2) A notice issued under paragraph (1) of this article —

- (a) may stipulate which of the courses of action specified in sub-paragraphs (a) to (c) of that paragraph is to be taken by the person on whom the notice is served; or
- (b) may offer the person on whom the notice is served a choice between two, or among all three, of those courses of action.

(3) If a person fails to comply with the requirements of any such notice, an inspector may, without prejudice to any proceedings for an offence arising out of such failure, seize the viscera to which the notice relates or cause them to be seized, and destroy or otherwise dispose of them or cause them to be destroyed or otherwise disposed of.

Cleansing and disinfection of premises, vehicles, etc.

5.—(1) An inspector may, by notice served on the owner or the person in charge of any premises, place, vehicle or container on or in which any viscera imported into Great Britain in contravention of article 3(1) are or have been present, require that person to cleanse and disinfect such premises, place, vehicle or container, or to destroy or otherwise dispose of such container, in such manner and within such time as may be specified in the notice.

(2) If a person fails to comply with the requirements of any such notice, an inspector may, without prejudice to any proceedings for an offence arising out of such failure, carry out or cause to be carried out the requirements of the notice and for this purpose an inspector may seize a container or cause it to be seized.

Powers of inspectors in relation to dead fish

6. Any power conferred on an inspector by this order as regards viscera may, where such viscera are not detached from dead fish, be exercised in relation to such dead fish.

Recovery of expenses

7. The amount of any reasonable expenses arising out of or in connection with the exercise, on the failure of a person to comply with the requirements of a notice, of any power conferred on an inspector by this order shall, without prejudice to any proceedings for an offence against the Act, be recoverable on demand by the appropriate Minister as a civil debt from the person on whom the notice was served.

Variation, revocation and suspension of notices

8. An inspector may vary, revoke or suspend a notice served under this order by a notice served on the person on whom the notice to be varied, revoked or suspended was served.

Production of licences, etc.

9. The owner or the person in charge of any viscera imported into Great Britain shall on demand made by an officer of Customs and Excise or an inspector produce any licence (other than a general licence) issued to him or notice served on him under this order and shall allow a copy thereof or an extract therefrom to be taken and shall, if required, furnish his name and address.

Summary offences

10. Any person who, without lawful authority or excuse, proof whereof shall lie on him —

- (a) contravenes any provision of this order or of a licence or of a notice served under this order; or
- (b) fails to comply with any such provision or with any condition of a licence; or
- (c) causes or permits any such contravention or noncompliance, commits an offence against the Act.

Indictable offences

11. Section 76(3) of the Act (which provides that where that subsection is declared to apply to an offence, that offence may be tried either summarily or on indictment) applies to an offence which consists of —

- (a) the importation into Great Britain of any viscera in contravention of the provisions of article 3(1) with intent to evade those provisions; or
- (b) the failure of any person to observe any condition of a licence with intent to evade that condition.

Savings

12. 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 viscera which are imported into Great Britain in contravention of article 3(1), or to institute legal proceedings under those Acts in respect of such contravention.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 18th December 1986.

L.S.

Michael Jopling,
Minister of Agriculture, Fisheries and Food.

John J. Mackay,
Parliamentary Under-Secretary of State,
Scottish Office.

16th December 1986.

Nicholas Edwards,
Secretary of State for Wales.

16th December 1986.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This order prohibits the importation into Great Britain of any viscera of fish of the family *Salmonidae* whether or not detached from a dead fish, from a country outside Great Britain except under the authority of a licence (article 3).

Where viscera are unlawfully imported into Great Britain the order confers powers on an inspector appointed under the Animal Health Act 1981 to serve on the owner or person in charge of the viscera —

- (a) a notice specifying the manner in which the viscera must be dealt with (article 4);
- (b) a notice requiring such cleansing and disinfection of premises, places, vehicles or containers, or disposal of such containers as may be specified in the notice (article 5).

Intentional contraventions of the order are made indictable offences (article 11).