

1990 No. 2371

CHANNEL TUNNEL

**The Channel Tunnel (Amendment of Agriculture,
Fisheries and Food
Import Legislation) Order 1990**

Made - - - - - *29th November 1990*

Laid before Parliament - - - - - *30th November 1990*

Coming into force - - - - - *1st December 1990*

The Minister of Agriculture, Fisheries and Food, the Secretaries of State respectively concerned with agriculture in Scotland and Wales and the Forestry Commissioners, in exercise of the powers conferred on them by section 11(1)(d) and (2)(b) and 13(1) and (2) of the Channel Tunnel Act 1987(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 Channel Tunnel (Amendment of Agriculture, Fisheries and Food Import Legislation) Order 1990 and shall come into force on 1st December 1990.

Amendment of legislation in its application to the tunnel system

2.—(1) The Acts mentioned in Schedule 1 to this Order shall be subject to the amendments specified in that Schedule.

(2) The Statutory Instruments mentioned in Schedule 2 to this Order shall be subject to the amendments specified in that Schedule.

In witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food, is hereunto affixed on 29th November 1990.



John Selwyn Gummer
Minister of Agriculture, Fisheries and Food

29th November 1990

Ian Lang
Secretary of State for Scotland

29th November 1990

David Hunt
Secretary of State for Wales

In witness whereof the Official Seal of the Forestry Commissioners is hereunto affixed on 29th November 1990.



P. J. Clarke
Secretary to the Forestry Commissioners

SCHEDULE 1

Article 2

ACTS AMENDED IN THEIR APPLICATION TO THE TUNNEL SYSTEM

PLANT HEALTH ACT 1967

1967 c.8

1. After subsection (2) of section 2 (control of introduction of pests into Great Britain) there shall be inserted the following subsection—

“(3) In subsection (2) above references to the landing of any article include references to its importation through the tunnel system as defined in the Channel Tunnel Act 1987.
1987 c.53”.

2. In section 6(1) (publication of orders)(a) after the words “articles” there shall be inserted “or the importation of any articles into Great Britain through the tunnel system as defined in the Channel Tunnel Act 1987
1987 c.53”.

SEA FISHERIES (SHELLFISH) ACT 1967

1967 c.83

After subsection (4) of section 13 (power to prohibit importation of shellfish in certain cases) there shall be inserted the following subsection—

“(5) References in this section to importation shall include references to importation through the tunnel system as defined in the Channel Tunnel Act 1987. 1987 c.53”.

ANIMAL HEALTH ACT 1981

1981 c.22

1. In section 9 (prohibition on the conveyance of animals) after the words “United Kingdom” there shall be inserted “or by any specified vehicle through the tunnel system as defined in the Channel Tunnel Act 1987
1987 c.53”.

2. In section 10(7) (importation) after the words “(time of importation of goods brought by sea and air)” there shall be inserted “and article 5(1) to (4) of the Channel Tunnel (Customs and Excise) Order 1990.
S.I. 1990/2167”.

3. In section 61(2)(a) (control of rabies and powers of arrest) after the words “attempted landing of any animal” there shall be inserted “or importation or attempted importation through the tunnel system as defined in the Channel Tunnel Act 1987 of any animal
1987 c.53”.

4. In section 74(a) (liability under the customs and excise Acts) after the words “land or ship” there shall be inserted “or brings or attempts to bring through the tunnel system as defined in the Channel Tunnel Act 1987
1987 c.53”.

(a) Section 6(1) was amended by section 4(4) of, and paragraph 8(4) of Schedule 4 to, the European Communities Act 1972 (c.68).

In section 10(8) (artificial breeding of livestock) after the words "landed here" there shall be inserted "or brought here through the tunnel system as defined in the Channel Tunnel Act 1987 1987 c.53".

SCHEDULE 2

Article 2

STATUTORY INSTRUMENTS AMENDED IN THEIR APPLICATION TO
THE TUNNEL SYSTEM

<i>Instruments Amended</i>	<i>References</i>	<i>Extent of Amendment</i>
The Diseases of Animals (Therapeutic Substances) Order 1952	S.I. 1952/1933	<p>In the first paragraph of article 5 (prohibition of manufacture or importation of therapeutic substances) after the words "land in Great Britain" there shall be inserted "or bring into England through the tunnel system as defined in the Channel Tunnel Act 1987 (1987 c.53)".</p> <p>In the second paragraph of the said article 5 after the words "or landing" there shall be inserted "or for bringing into England through the tunnel system as defined in the Channel Tunnel Act 1987 (1987 c.53)".</p> <p>In articles 8 and 10 (licences for import of therapeutic substances) after the words "land in" there shall be inserted in each case "or bring into,".</p>
The Hares (Control of Importation) Order 1965	S.I. 1965/2040	<p>In article 2(1) (interpretation) in the definition of "the Minister" after the words "or transhipped in" there shall be inserted "or brought or intended to be brought through the tunnel system as defined in the Channel Tunnel Act 1987 (1987 c.53) into,".</p> <p>In article 4(1) (control of importation of live hares) after the words "land in Great Britain" there shall be inserted "or bring into England through the tunnel system as defined in the Channel Tunnel Act 1987 (1987 c.53)".</p> <p>In paragraph (2) of article 4 after the words "landing in Great Britain" there shall be inserted "or the bringing into England through the tunnel system as defined in the Channel Tunnel Act 1987 (1987 c.53)".</p>
The Rabies (Importation of Dogs, Cats and Other Mammals) Order 1974	S.I. 1974/2211	<p>In article 2(2) (interpretation) after the word "vessel" there shall be inserted "vehicle,;" after the word "aircraft" there shall be inserted "or immediately it crosses the frontier through the tunnel system as defined in the Channel Tunnel Act 1987 (1987 c.53)".</p> <p>In article 13(1)(b)(i) (action in case of illegal landing or breach of quarantine) after the word "vessel" there shall be inserted "vehicle,".</p>

SCHEDULE 2 – continued

<i>Instruments Amended</i>	<i>References</i>	<i>Extent of Amendment</i>
The Importation of Animals Order 1977	S.I. 1977/944	In article 2(3) (interpretation) the word “and” after the semi-colon at the end of sub-paragraph (a) shall be deleted; after the semi-colon at the end of sub-paragraph (b) there shall be inserted “and”; after sub-paragraph (b) there shall be inserted the following sub-paragraph— “(c) in the case of an animal which has been carried by a vehicle or otherwise arrives through the tunnel system as defined in the Channel Tunnel Act 1987 (1987 c.53), immediately it crosses the frontier;”.
The Importation of Equine Animals Order 1979	S.I. 1979/1701	In article 3 (interpretation) after the definition of “equine animal” there shall be inserted the following definition— ““land” includes bringing into England through the tunnel system as defined in the Channel Tunnel Act 1987 (1987 c.53), and “landed” and “landing” shall be construed accordingly;”.
The Importation of Birds, Poultry and Hatching Eggs Order 1979	S.I. 1979/1702	In article 2 (interpretation) after the definition of “eggs” there shall be inserted the following definition— ““land” includes bringing into England through the tunnel system as defined in the Channel Tunnel Act 1987 (1987 c.53), and “landed” and “landing” shall be construed accordingly;”.
The Importation of Hay and Straw Order 1979	S.I. 1979/1703	In article 2 (interpretation) after the definition of “hay” there shall be inserted the following definition— ““land” includes bringing into England through the tunnel system as defined in the Channel Tunnel Act 1987 (1987 c.53), and “landed” and “landing” shall be construed accordingly;”.
The Importation of Embryos, Ova and Semen Order 1980	S.I. 1980/12	In article 3 (interpretation) after the definition of “embryos” there shall be inserted the following definition— ““land” includes bringing into England through the tunnel system as defined in the Channel Tunnel Act 1987 (1987 c.53), and “landed” and “landing” shall be construed accordingly;”.
The Importation of Animal Products and Poultry Products Order 1980	S.I. 1980/14	In article 3 (interpretation) after the definition of “carcase” there shall be inserted the following definition— ““land” includes bringing into England through the tunnel system as defined in the Channel Tunnel Act 1987 (1987 c.53), and “landed” and “landing” shall be construed accordingly;”.

SCHEDULE 2—continued

<i>Instruments Amended</i>	<i>References</i>	<i>Extent of Amendment</i>
The Importation of Processed Animal Protein Order 1981	S.I. 1981/677	In article 2 (interpretation) after the definition of "fat" there shall be inserted the following definition— "land" includes bringing into England through the tunnel system as defined in the Channel Tunnel Act 1987 (1987 c.53), and "landed" and "landing" shall be construed accordingly;".
The Imported Food Regulations 1984	S.I. 1984/1918	In regulation 18 (prohibition on the importation of meat required to be exported) after the words "in England and Wales" there shall be inserted "or bring into England through the tunnel system as defined in the Channel Tunnel Act 1987 (1987 c.53)".
The Plant Health (Great Britain) Order 1987	S.I. 1987/1758	In article 3(1) (interpretation) in the definition of "landed" after the words "imported by post" there shall be inserted "or imported through the tunnel system as defined in the Channel Tunnel Act 1987 (1987 c.53)".
The Plant Health (Forestry) (Great Britain) Order 1989	S.I. 1989/823	In article 2(1) (interpretation) in the definition of "landed" after the words "imported by post" there shall be inserted "or imported through the tunnel system as defined in the Channel Tunnel Act 1987 (1987 c.53)".

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends agriculture, fisheries and food import legislation mentioned in Schedules 1 and 2 in their application to the tunnel system.