
STATUTORY INSTRUMENTS

2004 No. 2364

ANIMALS, ENGLAND

ANIMAL HEALTH

The Rabies (Importation of Dogs, Cats and Other Mammals) (England) (Amendment) Order 2004

Made - - - - 8th September 2004

Laid before Parliament 10th September 2004

Coming into force - - 1st October 2004

The Secretary of State, exercising the powers conferred upon her by sections 1, 10, 24 and 95(1) of the Animal Health Act 1981(1), makes the following Order:

Title, application and commencement

1. This Order may be cited as the Rabies (Importation of Dogs, Cats and Other Mammals) (England) (Amendment) Order 2004; it applies only to England and comes into force on 1st October 2004.

Amendment to the Rabies (Importation of Dogs, Cats and Other Mammals) Order 1974

2.—(1) The Rabies (Importation of Dogs, Cats and Other Mammals) Order 1974(2) shall be amended in relation to England in accordance with this article.

(2) In article 4—

(a) for paragraph (2) sub-paragraph (a) there shall be substituted the following—

“(a) where landing in England, it is an animal which was imported into one of those countries from another member State or Norway subject to and in accordance with Council Directive 92/65/EEC(3), or”;

(b) for paragraph (2A) there shall be substituted the following—

(1) 1981 c. 22. Functions conferred under the 1981 Act on “the Ministers” (as defined in section 86 of that Act) are now exercisable by the Secretary of State. They were transferred, so far as exercisable by the Secretaries of State for Scotland and Wales, to the Minister of Agriculture, Fisheries and Food by the Transfer of Functions (Agriculture and Food) Order 1999 (S.I. 1999/3141) and were then further transferred to the Secretary of State by the Ministry of Agriculture, Fisheries and Food (Dissolution) Order 2002 (S.I. 2002/794).

(2) S.I. 1974/2211; relevant amending instruments are S.I. 1986/2062, 1994/1716, 1999/3443, 2000/1298, 2001/6, 2004/828.

(3) OJ No L 268, 14.9.1992, p54, as last amended by Regulation (EC) No. 998/2003 of the European Parliament and of the Council (OJ No. L 165, 13.6.2003, p1).

“(2A) The prohibition on landing contained in paragraph (1) shall not apply to an animal brought into England from Northern Ireland, the Republic of Ireland, the Channel Islands or the Isle of Man if—

- (a) it has been admitted into one of those countries or territories in accordance with Regulation (EC) No. 998/2003(4), and
- (b) in the case of a dog, cat or ferret, not less than 24 and not more than 48 hours before embarkation for that country or territory it has been treated against *Echinococcus multilocularis* and ticks by a veterinary surgeon entitled to practise medicine in the country or territory in which the treatment is administered. The treatment shall be with a veterinary medicine with a marketing authorisation in the country or territory in which it is administered and shall be at an appropriate dosage. In the case of *Echinococcus multilocularis*, the treatment shall contain praziquantel as the active ingredient and in the case of ticks the treatment shall not be by means of a collar impregnated by acaricide.”; and

(c) paragraph (2B) shall be deleted.

(3) For article 4A there shall be substituted the following—

“Importation of animals from a member State other than the Republic of Ireland

4A. The prohibition and restrictions on landing contained in paragraphs (1) and (4) respectively of article 4 above shall not apply in the case of importation into England from another member State (other than the Republic of Ireland) of animals to which Council Directive 92/65/EEC and the Animal and Animal Products (Import and Export) Regulations 2004(5) apply and which are imported in accordance with those Regulations.”.

(4) For article 4B there shall be substituted the following—

“Disapplication in relation to pet animals complying with Regulation (EC) No. 998/2003 and the Non Commercial Movement of Pet Animals (England) Regulations 2004

4B. The provisions of this Order shall not apply in relation to animals brought into England in accordance with the provisions of Regulation (EC) No. 998/2003 and the Non Commercial Movement of Pet Animals (England) Regulations 2004(6).”.

(5) In article 5, after paragraph (2) there shall be inserted the following paragraph—

“(2A) Paragraph (2) shall not apply to any animal of the Order Rodentia or Lagomorpha where a licence granted under article 4(3) states that it is being brought into England—

- (a) for use at research premises in connection with scientific research; or
- (b) to an establishment licensed as a zoo under section 1 of the Zoo Licensing Act 1981(7).”.

(6) For article 5A there shall be substituted the following—

(4) Regulation (EC) No. 998/2003 of the European Parliament and of the Council of 26 May 2003 on the animal health requirements applicable to the non-commercial movements of pet animals and amending Council Directive 92/65/EC, OJ No. L 146, 13.6.2003, p1 (amended by Commission Regulation (EC) No. 592/2004, OJ No. L 94, 31.3.2004, p7).

(5) S.I. 2004/853

(6) S.I. 2004/2363

(7) 1981 c. 37

“Release from quarantine

5A. If a pet dog, cat or ferret is in quarantine in England, the Secretary of State may grant a licence releasing it if she is satisfied that—

- (a) it has been identified and vaccinated (including any revaccination where required) in accordance with the requirements of Regulation (EC) No. 998/2003 and the Non Commercial Movement of Pet Animals (England) Regulations 2004;
- (b) at least 24 hours before release it has been treated by a veterinary surgeon against *Echinococcus multilocularis* and ticks (and in the case of treatment against *Echinococcus multilocularis* the treatment contains praziquantel as the active ingredient);
- (c) a neutralising antibody titration has been carried out on a blood sample from it in accordance with the requirements of Regulation (EC) No. 998/2003 and the Non Commercial Movement of Pet Animals (England) Regulations 2004 and the result is in accordance with the requirements of those instruments;
- (d) the waiting period before entry to England required by Regulation (EC) No. 998/2003 and the Non Commercial Movement of Pet Animals (England) Regulations 2004 has elapsed; and
- (e) it has not been outside the countries and territories in Annex II of Regulation (EC) No. 998/2003 in the six months prior to its import to England.”.

(7) In article 6—

- (a) for the heading there shall be substituted the following—

“Vaccination of animals in quarantine”; and

(b) for article 6(3) there shall be substituted the following—

“(3) The requirement to vaccinate against rabies in paragraph (1) above shall not apply in any case where the Secretary of State is satisfied that—

- (a) the animal has been vaccinated in accordance with Regulation (EC) No. 998/2003 and the period of cover of the vaccination has not expired; and
- (b) a neutralising antibody titration has been carried out on a blood sample from the animal in accordance with Regulation (EC) No. 998/2003 and the Non Commercial Movement of Pet Animals (England) Regulations 2004 and the result is in accordance with the requirements of those instruments.”.

(8) In article 7(1), after the words “a licence granted under Article 4 above” there shall be inserted “(other than an animal brought into England which is exempted from quarantine by article 5(2A))”.

(9) In Part II of Schedule 2, “Norwich” shall be deleted.

Ben Bradshaw
Parliamentary Under Secretary of State
Department for Environment, Food and Rural
Affairs

8th September 2004

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes amendments to the Rabies (Importation of Dogs, Cats and Other Mammals) Order 1974 (S.I.1974/2211 as amended, “the principal Order”). Most of the amendments are consequential on the application of Regulation (EC) No. 998/2003 of the European Parliament and the Council of 26 May 2003 on the animal health requirements applicable to the non-commercial movement of pet animals and amending Council Directive 92/65/EEC (OJ No. L146, 13.6.2003, p1), as amended by Commission Regulation (EC) No. 592/2004 (OJ No. L 94, 31.3.2004, p7) (“the Community Regulation”).

The Community Regulation is administered and enforced by the Non Commercial Movement of Pet Animals (England) Regulations 2004 (“the Non Commercial Movement Regulations”), which revoke and replace the Pet Travel Scheme (Pilot Arrangements) (England) Order 1999 and come into force simultaneously with this Order.

The Order amends the principal Order consequentially to the Community Regulation to:

- (i) update the health requirements on commercial imports of dogs, cats and ferrets to take account of the Community Regulation (regulations 2(2)(a) and 2(3));
- (ii) exempt animals which have entered a British Isles jurisdiction (other than Scotland or Wales) in accordance with the Community Regulation and rules equivalent to the Non Commercial Movement Regulations from the requirements of the principal Order on entry to England (regulation 2(2)(b));
- (iii) exempt animals which enter England in accordance with the Community Regulation and the Non Commercial Movement Regulations from the requirements of the principal Order (regulation 2(4));
- (iv) update the provisions allowing for early release from quarantine to take account of the Community Regulation (regulation 2(6)); and
- (v) update the requirement to vaccinate animals in quarantine to take account of the Community Regulation (regulation 2(7)).

In addition to amendments consequential on the Community Regulation, regulations 2(5) and 2(8) create an exception to the quarantine requirements of the principal Order for rodents and lagomorphs which are brought into England to a research establishment or a zoo, and regulation 2(9) removes Norwich airport from the list of permitted landing points.

No Regulatory Impact Assessment has been prepared in respect of this Order.