STATUTORY INSTRUMENTS

1973 No. 470

ANIMALS

DISEASES OF ANIMALS

The Equine Animals (Importation) Order 1973

Made - - - -	16*th March* 1973
Laid before Parliament	23*rd March* 1973
Coming into Operation	16*th April* 1973

The Minister of Agriculture, Fisheries and Food and the Secretary of State, acting jointly, in exercise of powers conferred by sections 1(1), 24(1), 33(1), 84(1), 84(3)(*a*) and 85(1) of the Diseases of Animals Act 1950**(a)**, and now vested in them **(b)** (as extended by the Diseases of Animals (Extension of Definitions) Order 1952**(c)** as adapted to air transport by section 11(1) of the Agriculture (Miscellaneous Provisions) Act 1954**(d)**, and as amended by section 105(1) of the Agriculture Act 1970**(e)**) and 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 Equine Animals (Importation) Order 1973 applies to Great Britain and shall come into operation on 16th April 1973.

Interpretation

2.—(1) In this order unless the context otherwise requires the following expressions have the meanings hereby respectively assigned to them:—

"the Act" means the Diseases of Animals Act 1950;

"equine animal" means a horse, ass, mule (which includes hinny) or zebra;

"the Minister" means the Minister of Agriculture, Fisheries and Food.

(2) Other expressions used in this order have, in so far as the context admits, the same meanings as in the Act.

(3) The Interpretation Act 1889**(f)** applies to the interpretation of this order as it applies to the interpretation of an Act of Parliament, and as if this order and the orders herby revoked were Acts of Parliament.

Extension of definitions

3. For the purposes of this order, and for the purposes of sections 1, 24, 33 and Part III of the Act, in so far as they may be applicable to the making, administration and enforcement of this order—

(*a*) the definition of the expression "animals" contained in section 84(1)

(a) 1950 c. 36.
(b) By the Transfer of Functions (Animal Health) Order 1955 (S.I. 1955/958 (1955 I, p. 1184).
(c) S.I. 1952/1236 (1952 I, p. 128).
(d) 1954 c. 39.
(e) 1970 c. 40.
(f) 1889 c. 63.

of the Act (as extended to specified equine animals by the Diseases of Animals (Extension of Definitions) Order 1952) shall continue to be extended so as to comprise zebras, and

(*b*) the definition of the expression "disease" in section 84(3) of the Act shall continue to be extended so as to comprise infectious equine anaemia, encephalomyelitis, equine virus abortion (equine rhino-pneumonitis) and African horse sickness ((*Pestis equorum*).

Prohibition of importation of equine animals into Great Britain

4.—(1) Subject to the provisions of this order, the landing or unloading in Great Britain from any country out of Great Britain of any equine animal is hereby prohibited except under the authority of and in accordance with the provisions of a licence issued by the Minister or the Secretary of State.

(2) A licence referred to in paragraph (1) of this Article (which may be either general or specific and in either case conditional or unconditional) may be issued by the Minister or the Secretary of State, in the case of a general licence by publication of the terms of such licence in such manner and to such extent as appears sufficient to the Minister or the Secretary of State to bring the licence to the attention of interested persons or in the case of a specific licence, which shall be in writing, by delivery of such licence to the licensee to whom it is granted.

(3) Failure to comply with any condition of a licence issued under this order shall be an offence against the Act.

Power to require mallein test on arrival in Great Britain

5. For the purpose of preventing the introduction or spread of glanders or farcy, the Minister or the Secretary of State may cause any equine animal imported into Great Britain from any country outside Great Britain except Northern Ireland, the Republic of Ireland, the Channel Islands or the Isle of Man to be tested with mallein by a veterinary inspector at any time within twenty-eight days after the arrival of the animal, and the owner of the animal and occupier of the premises where the animal is located and any person in charge of such animal shall give all necessary facilities for such testing.

Power to require exportation of any equine animal landed in contravention of this order

6. An inspector may serve a notice in writing on the owner or person in charge of any equine animal which has been landed or unloaded in Great Britain in contravention of this order, requiring the exportation of such equine animal within such period as may be specified in the notice.

Detention of equine animals illegally imported

7.—(1) If any equine animal is imported into Great Britain in contravention of this order, the Minister or the Secretary of State may serve on any person having the control or custody of the animal a notice in writing requiring him at the expense of the owner of the animal or the person on whom the notice was served to detain or isolate the animal subject to any conditions imposed by the notice and to subject it to or to permit it to be subjected to, such examinations and tests as the Minister or the Secretary of State may determine; and the person on whom such a notice is served shall comply with the requirements thereof.

(2) If any person on whom such a notice is served fails to comply with the requirements thereof it shall be lawful for an inspector, without prejudice to any

proceedings for an offence arising out of such default, to seize the animal in respect of which the notice was served, and to detain or isolate it and subject it to such examinations and tests as he may determine.

(3) A person who has failed to comply with the terms of any such notice shall give all necessary facilities to an inspector to enable him to exercise the power conferred on him by paragraph (2) of this article, and the reasonable expenses incurred by such an inspector in exercising the said power shall be recoverable as a civil debt from the owner of the animal or the person on whom the notice was served.

Enforcement

8. This order shall, except where it is otherwise provided, be executed and enforced by the Local Authority.

Revocation and saving

9.—(1) The Equine Animals (Importation) Order 1969**(a)**, the Equine Animals (Importation) Amendment Order 1971**(b)** and the Equine Animals (Importation) Amendment Order 1972**(c)** are hereby revoked.

(2) A licence or certificate (whether or not accompanied by a declaration) given or any notice served, under any provision of the orders revoked by this order shall have effect as if issued under this order.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 16th March 1973.

(L.S.)

Joseph Godber,
Minister of Agriculture, Fisheries and Food.

Gordon Campbell,
Secretary of State for Scotland.

15th March 1973.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order consolidates with amendments the Equine Animals (Importation) Order 1969, as amended.

A general prohibition is now placed upon the importing of equine animals (including zebras) from any country outside Great Britain except in accordance with the terms of a licence issued by the Minister of Agriculture, Fisheries and Food or the Secretary of State for Scotland.

In addition to the power of serving a notice requiring any person in charge of an equine animal illegally imported to detain and isolate the animal as required by the notice, power is now taken to serve a notice requiring the re-export of any such animal.

(a) S.I. 1969/915 (1969 II, p. 2791). **(b)** S.I. 1971/1137 (1971 II, p. 3371).
(c) S.I. 1972/761 (1972 II, p. 2419).

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