PESTS

The Prevention of Damage by Pests (Application to Shipping) Order, 1951

1951 No. 967

Made - - - -	31*st May*, 1951
Laid before Parliament	31*st May*, 1951
Coming into Operation	1*st October*, 1951

At the Court at Buckingham Palace, the 31st day of May, 1951

Present,

The King's Most Excellent Majesty in Council

His Majesty, in pursuance of subsection (1) of Section 23 of the Prevention of Damage by Pests Act, 1949(a), is pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered, as follows:—

PART I—*General*

1.—(1) This Order which may be cited as the Prevention of Damage by Pests (Application to Shipping) Order, 1951, shall come into operation on the 1st day of October, 1951.

(2) This Order shall not extend to Northern Ireland.

2.—(1) In this Order, except when the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say:—

"the Act" means the Prevention of Damage by Pests Act, 1949;

"food" includes any substance ordinarily used in the composition or preparation of food, the seeds of any cereal or vegetable, and any feeding-stuffs for animals, but does not include any food carried on any vessel for consumption by the passengers or crew;

"infestation" means the presence of rats, mice, insects or mites in numbers or under conditions which involve an immediate or potential risk of substantial loss of or damage to food, and "infested" shall be construed accordingly;

"the Minister" means the Minister of Agriculture and Fisheries, or, in relation to Scotland, the Secretary of State;

"sea-going ship" has the meaning assigned to it by Article 3 (2) of this Order;

"working days" includes any day except Sunday, a Bank Holiday, Christmas Day or Good Friday.

(2) The Interpretation Act, 1889(b), shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

3.—(1) Subject to the exceptions and modifications prescribed by this Order, the provisions of the Act shall apply in relation to any vessel which is not a sea-going ship as they apply in relation to land, but, except as provided in Part IV of this Order, shall not apply in relation to any sea-going ship:

Provided that none of the provisions of the Act relating to structural repairs or other works shall apply to any kind of vessel.

(a) 12, 13 & 14 Geo. 6. c. 55. (b) 52 & 53 Vict. c. 63.

(2) A sea-going ship means:—

(*a*) any vessel employed in trading or going between a place in the United Kingdom, the Channel Islands or the Isle of Man, and a place not within the United Kingdom, the Channel Islands or the Isle of Man;

(*b*) any vessel (other than a vessel which is wholly or mainly engaged in trading or going within the limits of any harbour or haven or dock, or of any estuary or on any tidal or non-tidal river or inland waterway, or a vessel used for the purpose of storage) in respect of which the master holds either (i) a valid deratisation certificate or a valid deratisation exemption certificate satisfying the requirements of the Port Health Regulations, 1933 and 1945(**a**), or the Port Sanitary Regulations (Scotland), 1933 and 1945(**b**); or (ii) a certificate issued not more than 4 months previously in the form set out in the Schedule to this Order or in a form substantially to the like effect by the medical officer of a port health authority or port local authority certifying that the ship is so far as practicable free from rats and mice.

PART II—*Rats and mice*

4. All references in Part I of the Act to an owner or occupier of land, or to the duty of a local authority to secure that their district is so far as practicable kept free from rats and mice shall have effect subject to the following modifications:—

(*a*) general references to an owner of land shall be construed as references to the owner of a vessel which is not a sea-going ship;

(*b*) general references to an occupier of land shall be construed as references to the person having the custody or control of a vessel which is not a sea-going ship;

(*c*) general references to the duty of a local authority to secure so far as practicable that their district is kept free from rats and mice shall be construed as including a duty to secure so far as practicable that any vessel in their district which is not a sea-going ship is kept free from rats and mice.

5. Notwithstanding the provisions of Section 1 of the Act which prescribe the local authorities for the purposes of Part I of the Act, the functions of a local authority in relation to sludge vessels owned by the council of any administrative county or county borough shall be exercised by that council and not by any other authority.

PART III—*Infestation of food and certain other goods*

6.—(1) The provisions of sub-section (1) of Section 13 of the Act relating to the obligation of certain persons to give notice of occurrence of infestation shall be modified so as to require notice to be given by the person having the custody or control of any vessel which is not a sea-going ship only of infestation by insects or mites present in the vessel when used or likely to be used for the transport or storage of food, or on or in any equipment belonging to such vessel, or in any food or other goods stored or carried in the vessel:

Provided that

(i) the Minister if he is satisfied that it is expedient so to do may on an application being made in that behalf, relax or exclude this requirement as to notice so far as it relates to infestation present in any such vessel or on or in any equipment belonging to such vessel, or in any food or

(**a**) S.R. & O. 1933 (No. 38) p. 1608 and S.R. & O. 1945 (No. 1282) I, p. 1018.
(**b**) S.R. & O. 1933 (No. 60) p. 1635 and S.R. & O. 1945 (No. 1438) I, p. 1023.

other goods carried in the vessel, subject to such conditions as he may consider necessary to secure that all reasonable steps will be taken to destroy infestation in the vessel or equipment before it is used for the carriage or storage of food or other goods likely to come into contact with food;

(ii) when any notice has been given in accordance with this Article in respect of any food or any other goods no person shall, without the consent of the Minister, deliver, or cause to be delivered such food or goods from the vessel to any other vessel or premises until a period of three working days from the date of notification has expired.

(2) The provisions of sub-sections (2) and (3) of Section 13 of the Act shall not apply in respect of any vessel to which this Article relates.

7. Subject to the proviso in Article 3 of this Order relating to structural repairs or other works, the provisions of Section 14 of the Act relating to the powers of the Minister to give directions to certain persons for the purpose of preventing or mitigating damage to food shall be modified so that directions may be given to the owner or other person having the custody or control of any vessel which is not a sea-going ship and which is used or likely to be used for the transport of food in respect of any such vessel, any equipment belonging thereto and any food or other goods stored or carried, or to be stored or carried thereon for any of the purposes mentioned in sub-section (2) of the aforesaid Section.

PART IV—*Application of the Act to sea-going ships*

8. The provisions of sub-section (1) of Section 13 of the Act relating to the obligation of certain persons to give notice of occurrence of infestation shall apply in respect of sea-going ships when used or likely to be used for the transport of food so as to require the master of such vessel to give notice of any infestation by insects or mites present in his vessel:

Provided that the Minister may grant exemption from the obligation to give notice subject to such conditions as he may think advisable.

9. Subject to the proviso in Article 3 of this Order relating to structural repairs or other works, the provisions of sub-section (1) of Section 14 of the Act relating to the powers of the Minister to give directions for the purpose of preventing or mitigating damage to food shall apply in respect of any sea-going ship when used or likely to be used for the transport of food and sub-section (2) of the aforesaid Section shall be modified and have effect as follows:—

Directions may be given by the Minister to the owner or master of any sea-going ship

(*a*) prohibiting or restricting the use for the transport of food of the vessel, or any equipment belonging to the vessel, which is infested by insects or mites;

(*b*) restricting the delivery or removal from the vessel or requiring the discharge at ship's rail in such manner as to facilitate treatment to remedy the infestation of any infested food or of any other infested goods which are likely to come into contact with food;

(*c*) requiring the application, within such time as may be specified in the directions, of any form of treatment, being treatment appearing to the Minister to be necessary for preventing or remedying infestation in any such vessel, equipment, food or other goods as aforesaid.

10. The provisions of Sections 16 and 17, and Part III of the Act shall apply in respect of any sea-going ship as they apply in respect of any other vessel.

E. C. E. Leadbitter.

SCHEDULE

To be retained by the Master

PREVENTION OF DAMAGE BY PESTS ACT, 1949

PREVENTION OF DAMAGE BY PESTS (APPLICATION TO SHIPPING) ORDER, 1951

RODENT CONTROL CERTIFICATE

GRANTED IN ACCORDANCE WITH ARTICLE 3 (2) (*b*) OF THE ORDER

Date ..... (i) Port of .....

This is to certify that the ..... of ..... net tons after treatment as detailed below at this Port* is, so far as practicable, free from rats and mice.

This Certificate is valid until .....(ii).

.....
(Signature of Port Medical Officer.)

SCHEDULE

TREATMENT

Compartments fumigated/trapped	Total cubic capacity fumigated	Fumigant and quantity used	Dead rats recovered

(ii) The date inserted here should be four months after the date at (i).

* If no treatment is given delete words from " after " to " Port " inclusive, and write " Nil " across the Schedule.

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

This Order applies the provisions of the Prevention of Damage by Pests Act, 1949, to vessels. The obligations in relation to rats and mice, which are imposed by the Act on the occupier of land, are applied by this Order to the person having the custody or control of any vessel other than a sea-going ship. The obligations imposed by the Act in relation to the infestation of food and certain other goods are, with necessary exceptions and modifications, applied by this Order to all vessels used for the transport or storage of food. None of the provisions of the Act requiring the carrying out of any structural repairs or other works are applied in respect of vessels.