STATUTORY INSTRUMENTS

1979 No. 135

ANIMALS

DISEASES OF ANIMALS

The Rabies Virus Order 1979

Made - - - -	*8th February* 1979
Laid before Parliament	*20th February* 1979
Coming into Operation	*13th March* 1979

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 by sections 1 and 24 of the Diseases of Animals Act 1950(**a**) and section 6A of the Rabies Act 1974(**b**), and now vested in them(**c**), and of all other powers enabling them in that behalf, for the purpose of preventing the introduction or spreading of rabies into or within Great Britain, hereby order as follows:—

Citation, extent and commencement

1. This order, which may be cited as the Rabies Virus Order 1979, shall apply to Great Britain and shall come into operation on 13th March 1979.

Interpretation

2. In this order—

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

"animals" has the meaning assigned to it by section 84 of the Act as extended by Article 3 of the Rabies (Importation of Dogs, Cats and Other Mammals) Order 1974(**d**);

"appropriate Minister", in the application of this order to England, means the Minister of Agriculture, Fisheries and Food, in the application of this order to Scotland, means the Secretary of State for Scotland and, in the application of this order to Wales, means the Secretary of State for Wales;

"importation" includes the importation of rabies virus in combination or admixture with any other material or in any living creature (including eggs) being used as a carrier of the virus for the purpose of importation;

(**a**) 1950 c. 36; section 1 was extended by section 3 of the Rabies Act 1974 (c. 17) and section 24 was amended by section 1 of the Diseases of Animals Act 1975 (c. 40).
(**b**) Section 6A of the Rabies Act 1974 was inserted by section 55(3) of the Criminal Law Act 1977 (c. 45).
(**c**) By the Transfer of Functions (Animal Health) Order 1955 (S.I. 1955/958) and the Transfer of Functions (Wales) (No. 1) Order 1978 (S.I. 1978/272).
(**d**) S.I. 1974/2211

"keeping" includes the keeping of rabies virus in combination or admixture with any other material or in any living creature (including eggs) but does not include the presence of rabies virus resulting from natural or accidental infection with that virus;

"licence" means a licence issued by the appropriate Minister under Article 3(1) of this order;

"rabies virus" means virus of the genus lyssavirus of the family Rhabdoviridae including whole virus, attenuated or otherwise genetically altered virus and any fraction thereof;

"vehicle" includes any vessel, boat, hovercraft, aircraft and any other description of vehicle or any part thereof.

Prohibition on importation, keeping or deliberate introduction into animals of rabies virus

3.—(1) Subject to Article 4 of this order, the importation, the keeping or the deliberate introduction into animals of any rabies virus are hereby prohibited, except under the authority of a licence issued by the appropriate Minister and in accordance with the conditions of that licence.

(2) The appropriate Minister may, by written notice, vary, revoke or suspend a licence.

Exceptions to prohibitions

4. The prohibitions contained in Article 3(1) of this order shall not apply to the importation, the keeping or the deliberate introduction into animals of any rabies virus contained in a medicinal product which may be imported, kept or introduced into animals in accordance with the provisions of section 7 of the Medicines Act 1968(**a**) or section 32 of that Act.

Powers of inspectors

5.—(1) Where an inspector has reasonable grounds for suspecting that a rabies virus has been imported, kept or deliberately introduced into an animal in contravention of this order or of a licence he may by notice in writing served on the owner or the person in charge of the virus or the animal require the person on whom the notice was served to detain the virus or the animal in such manner, for such period and at such place as he may specify in the notice, or he may at any time seize or cause the virus or the animal to be seized, and a veterinary inspector may thereafter destroy or cause the virus or the animal to be destroyed without compensation.

(2) In this Article the powers of an inspector in relation to a rabies virus extend to any material or living creature (including eggs) being used as a carrier of the virus.

(3) A veterinary inspector may, by notice in writing served on the occupier of any premises or place, or on the owner or person in charge of any vehicle in which any rabies virus is or has been present in contravention of this order or of a licence, require the person on whom the notice was served to cleanse and disinfect such premises, place or vehicle in such manner as he may by such notice specify at the expense of such person.

(a) 1968 c. 67.

(4) Where, by virtue of a notice served under paragraph (3) above, any vehicle is required to be cleansed and disinfected, a veterinary inspector may detain that vehicle until the requirements of the notice have been complied with.

(5) Where the requirements of a notice served under paragraph (3) above have not been complied with, a veterinary inspector may carry out or cause to be carried out the cleansing and disinfecting specified in the notice and for this purpose a veterinary inspector may enter any premises, place or vehicle taking with him such persons as he considers requisite.

(6) Any expenses reasonably incurred by an inspector in the exercise of the powers conferred on him by paragraphs (1), (2), (4) and (5) above shall be recoverable by the appropriate Minister or, as the case may be, the local authority as a civil debt from the person on whom the notice was served.

Production of licences

6. Any person acting under the authority of a licence shall on demand made under this order by an officer of Customs and Excise or by a veterinary inspector or an officer of the appropriate Minister or by an inspector of a local authority, or a constable produce the licence and allow a copy thereof or an extract therefrom to be taken, and shall, if required, furnish his name and address.

Summary offences

7. Any person who contravenes any provision of this order or of a licence or of a notice served under this order, or who fails to comply with any such provision, or with any condition of a licence, or who causes or permits any such contravention or non-compliance commits an offence against the Act.

Indictable offences

8. The following offences are hereby declared to be offences to which section 3 of the Diseases of Animals Act 1975 applies and accordingly may be prosecuted on indictment—

(*a*) the importation of any rabies virus with intent to evade the provisions of Article 3(1) of this order, and

(*b*) the failure by any person, with a like intent, to observe any conditions of a licence relating to importation.

Punishment for summary offences

9. It is hereby directed that paragraph (a) of section 79(1) of the Act (punishment for offences) shall have effect in relation to any summary offence against the Act the existence of which is attributable to the provisions of this order as if for the words "£400" (which were substituted by section 105(5)(a) of the Agriculture Act 1970(**a**)) there were substituted the words "£1,000".

Exemption from giving notice of rabies

10. Section 8(1A) of the Act(**b**) and Article 4 of the Rabies (Control) Order 1974(**c**) (which section and Article relate to giving notice of animals affected or suspected of being affected with rabies) shall not apply in relation

(**a**) 1970 c. 40.
(**b**) Section 8 was amended by section 4 of the Rabies Act 1974.
(**c**) S.I. 1974/2212.

to an animal affected with rabies virus under the authority of a licence and in accordance with the conditions of that licence.

Local authority to enforce order

11. The provisions of this order shall, except where otherwise expressly provided, be executed and enforced by the local authority.

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 rabies virus which is imported in contravention of this order or of a licence, 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 2nd February 1979.

(L.S.)

John Silkin,
Minister of Agriculture, Fisheries and Food.

Bruce Millan,
Secretary of State for Scotland.

6th February 1979.

John Morris,
Secretary of State for Wales.

8th February 1979.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order, which applies to Great Britain, prohibits the importation, keeping or deliberate introduction into animals of rabies virus except under the authority of a licence and in accordance with the conditions of that licence.

The Order has no application to such importation etc. of any virus contained in a medicinal product as is permitted under the Medicines Act 1968.

The Order contains powers for the seizure and destruction, without compensation, of any rabies virus imported or kept in contravention of the Order or in breach of any licence conditions or of the animal into which the virus has been deliberately introduced or for requiring the detention of such virus or animal. The Order also contains powers for requiring the cleansing and disinfection of places and vehicles where the virus is or has been present.

The Order makes the intentional contravention of the import controls in the Order an indictable offence and increases the maximum fine for summary offences arising from the contravention of the Order to £1,000. A person convicted on indictment is liable to imprisonment for a term not exceeding 12 months or to an unlimited fine or to both.

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