

2011 No. 2883

ANIMALS

ANIMAL HEALTH

The Non-Commercial Movement of Pet Animals Order 2011

<i>Made</i> - - - -	<i>6th December 2011</i>
<i>Laid before Parliament</i>	<i>9th December 2011</i>
<i>Laid before the National Assembly for Wales</i>	<i>9th December 2011</i>
<i>Coming into force</i> - -	<i>1st January 2012</i>

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The Secretary of State and the Welsh Ministers are designated(a) for the purposes of section 2(2) of the European Communities Act 1972(b) in relation to the common agricultural policy of the European Union and measures in the veterinary and phytosanitary fields for the protection of public health.

The Secretary of State, in relation to England and Scotland, and the Welsh Ministers, in relation to Wales, make this Order in exercise of the powers conferred by section 10 of the Animal Health Act 1981(c) and section 2(2) of, and paragraph 1A of Schedule 2 to, the European Communities Act 1972(d).

To the extent that this Order makes provision for a purpose mentioned in section 2(2) of the European Communities Act 1972, it appears to the Secretary of State and the Welsh Ministers that it is expedient for the references in this Order to the Decision specified in paragraph (a), and to the

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- (a) For the Secretary of State, see S.I. 1972/1811 and S.I. 1999/2027 and for the Welsh Ministers, see S.I. 2010/2690 and S.I. 2008/1792.
- (b) 1972 c. 68 (“the 1972 Act”). Section 2(2) was amended by the Legislative and Regulatory Reform Act 2006 (c. 51), section 27(1)(a), and the European Union (Amendment) Act 2008 (c. 7), Part 1 of the Schedule.
- (c) 1981 c. 22 (“the 1981 Act”). Functions conferred under the 1981 Act on “the Ministers” (as defined in section 86) are now exercisable by the Secretary of State in relation to England, the Welsh Ministers in relation to Wales and the Scottish Ministers in relation to Scotland. In relation to England 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). In relation to Wales, the functions of “the Ministers” were transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) and were then further transferred to the Welsh Ministers by section 162 of, and paragraph 30 of Schedule 11 to, the Government of Wales Act 2006 (c. 32). In relation to Scotland, functions were transferred to the Scottish Ministers by section 53 of the Scotland Act 1998 (c. 46). Despite this transfer, the Secretary of State retains power to exercise functions under section 10 of the 1981 Act by virtue of article 3(1) of, and Schedule 1 to, the Scotland Act 1998 (Concurrent Functions) Order 1999 (S.I. 1999/1592).
- (d) Paragraph 1A of Schedule 2 was inserted by section 28 of the Legislative and Regulatory Reform Act 2006, and amended by the European Union (Amendment) Act 2008, Part 1 of the Schedule, and S.I. 2007/1388. The Secretary of State retains power to exercise functions under section 2(2) of the 1972 Act as regards Scotland by virtue of section 57(1) of the Scotland Act 1998.

provisions of the Regulation specified in paragraph (b), to be construed as references to that Decision or those provisions as amended from time to time—

- (a) Commission Decision 2007/25/EC as regards certain protection measures in relation to highly pathogenic avian influenza and movements of pet birds accompanying their owners into the Community^(a), and
- (b) Annexes I and II to Regulation (EC) No 998/2003 of the European Parliament and of the Council on the animal health requirements applicable to the non-commercial movement of pet animals and amending Council Directive 92/65/EEC^(b).

PART 1

General

Title, extent and commencement

- 1.—(1) This Order may be cited as the Non-Commercial Movement of Pet Animals Order 2011.
- (2) It extends to Great Britain.
- (3) It comes into force on 1st January 2012.

Interpretation

2.—(1) In this Order—

“the appropriate authority” means—

- (a) in relation to England, the Secretary of State,
- (b) in relation to Scotland, the Scottish Ministers,
- (c) in relation to Wales, the Welsh Ministers;

“carrier” means any undertaking carrying goods or passengers for hire by land, sea or air;

“Decision 2003/459/EC” means Commission Decision 2003/459/EC on certain protection measures with regard to monkey pox virus^(c);

“Decision 2006/146/EC” means Commission Decision 2006/146/EC on certain protection measures with regard to certain fruit bats, dogs and cats coming from Malaysia (Peninsula) and Australia^(d);

“Decision 2007/25/EC” means Commission Decision 2007/25/EC as regards certain protection measures in relation to highly pathogenic avian influenza and movements of pet birds accompanying their owners into the Community;

“health certificate” means a certificate issued in accordance with Article 8(2) of the Pets Regulation;

“local authority” has the meaning given in article 3;

“pet bird” has the same meaning as in Decision 2007/25/EC;

“the Pets Regulation” means Regulation (EC) No 998/2003 of the European Parliament and of the Council on the animal health requirements applicable to the non-commercial movement of pet animals and amending Council Directive 92/65/EEC;

“the supplementary Regulation” means Commission Delegated Regulation (EU) No 1152/2011 supplementing Regulation (EC) No 998/2003 of the European Parliament and of

(a) OJ No L 8, 13.1.2007, p29, as last amended by Commission Decision 2010/734/EU (OJ No L 316, 2.12.2010, p10).

(b) OJ No L 146, 13.6.2003, p1, as last amended by Commission Delegated Regulation (EU) No 1153/2011 (OJ No L 296, 15.11.2011, p13).

(c) OJ No L 154, 21.6.2003, p112.

(d) OJ No L 55, 25.2.2006, p44.

the Council as regards preventive health measures for the control of *Echinococcus multilocularis* infection in dogs^(a).

(2) Terms and expressions used in this Order and in the Pets Regulation have the same meaning as in the Pets Regulation.

(3) In this Order—

- (a) any reference to Decision 2007/25/EC is a reference to that Decision as amended from time to time, and
- (b) any reference to Annex I or II to the Pets Regulation is a reference to that Annex to that Regulation as amended from time to time.

Meaning of local authority

3.—(1) In England, “local authority” means—

- (a) where there is, within the meaning of the Local Government Changes for England Regulations 1994^(b), a unitary authority, that authority,
- (b) where there is not a unitary authority—
 - (i) in a metropolitan district, the council of that district,
 - (ii) in a non-metropolitan county, the council of that county,
 - (iii) in a London borough, the council of that borough,
- (c) in the City of London, the Common Council, or
- (d) in the Isles of Scilly, the Council.

(2) In Scotland, “local authority” means a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994^(c).

(3) In Wales, “local authority” means a county council or a county borough council.

Designation

4.—(1) The appropriate authority—

- (a) is the competent authority for the purposes of Article 5(1)(b) of the Pets Regulation, and
- (b) acts as the member State for the purposes of Article 1(1) of Decision 2007/25/EC.

(2) The appropriate authority and the local authority are the competent authorities for the purposes of—

- (a) Article 12 of the Pets Regulation, and
- (b) Article 2(1) of Decision 2007/25/EC.

PART 2

Controls on diseases

Controls on rabies and certain other diseases of mammals

5.—(1) The Rabies (Importation of Dogs, Cats and Other Mammals) Order 1974^(d) does not apply to the landing of a pet animal in Great Britain which—

(a) OJ No L 296, 15.11.2011, p6.

(b) S.I. 1994/867; relevant amending instruments are S.I. 1996/611 and 2008/2867.

(c) 1994 c.39.

(d) S.I. 1974/2211. Amending instruments are, in relation to Great Britain, S.I. 1977/361, 1984/1182, 1986/2062, 1990/2371, 1993/1813, 1994/1405, 1994/1716, 1995/2922 and 2002/3135; in relation to England, S.I. 2004/2364; in relation to Wales, S.I. 2002/882; and in relation to Scotland, S.S.I. 2003/229 and 2011/46.

- (a) is an animal of a species listed in Part A or B of Annex I to the Pets Regulation and is brought into Great Britain on a carrier approved in accordance with article 11 (unless article 11(2) applies) and satisfies—
 - (i) the requirement in respect of rabies in article 6,
 - (ii) the requirement in respect of Nipah disease in article 7 (where applicable),
 - (iii) the requirement in respect of Hendra disease in article 8 (where applicable), and
 - (iv) the requirement in respect of *Echinococcus multilocularis* in article 9 (where applicable),
- (b) is brought into Great Britain from Northern Ireland, the Channel Islands or the Isle of Man, or
- (c) is an animal of a species listed in Part C of Annex I to the Pets Regulation and is brought into Great Britain from another member State or a territory listed in Part B of Annex II to the Pets Regulation.

(2) But the Rabies (Importation of Dogs, Cats and Other Mammals) Order 1974 does apply to the importation into Great Britain of a pet animal which is—

- (a) a prairie dog originating in or coming from the United States of America, or
- (b) a rodent of non-domestic species or a squirrel originating in or coming from a third country of the African sub-Saharan region.

Rabies

6. The requirement in respect of rabies is that the animal complies with Article 5 or 8 of the Pets Regulation (as the case may be).

Nipah disease

7. The requirement in respect of Nipah disease is that a dog or cat imported from Malaysia (Peninsula) must be accompanied by a certificate which—

- (a) is signed by a representative of the Malaysian government veterinary services,
- (b) states the number of the microchip implanted in the dog or cat, and
- (c) certifies that the conditions in Article 2(2) of Decision 2006/146/EC have been met.

Hendra disease

8. The requirement in respect of Hendra disease is that a cat imported from Australia must be accompanied by a certificate which—

- (a) is signed by a representative of the Australian government veterinary services,
- (b) states the number of the microchip implanted in the cat, and
- (c) certifies that the condition in Article 3(2) of Decision 2006/146/EC has been met.

Echinococcus multilocularis

9. The requirement in respect of *Echinococcus multilocularis* is that a dog complies with the preventive health measures in Article 7 of the supplementary Regulation, except where those measures do not apply by virtue of Article 2(2) of that Regulation.

Highly pathogenic avian influenza

10.—(1) The Importation of Birds, Poultry and Hatching Eggs Order 1979(a) does not apply to the landing of a pet bird to which Decision 2007/25/EC applies.

(2) Paragraphs (3) to (5) apply where a pet bird is part of a movement into Great Britain which does not comply with Decision 2007/25/EC.

(3) An officer of the competent authority may serve a written notice on the person accompanying the bird, requiring that person to—

- (a) return the bird to its country of origin,
- (b) place the bird in quarantine for such period, at such place and subject to such conditions as may be specified in the notice, or
- (c) where the return or quarantine of the bird is not possible, cause the bird to be destroyed by a date specified in the notice.

(4) A person on whom a notice is served must comply with it at that person's own expense.

(5) Where a notice is not complied with, an officer of the competent authority may seize the bird, detain it and arrange for it to be treated as required by the notice at the expense of the person on whom notice is served.

PART 3

Carriers

Approval of carriers

11.—(1) A carrier who moves a pet animal which is subject to Article 5 or 8 of the Pets Regulation into Great Britain must be approved for the purpose by the appropriate authority.

(2) But approval is not required where—

- (a) the movement is from the Republic of Ireland, or
- (b) the carrier is a Community air carrier and the movement is of a recognised assistance dog.

(3) Approval may be granted subject to such terms and conditions as the authority considers necessary or expedient to ensure that pet animals are checked by or on behalf of the carrier for compliance with the Pets Regulation and (if applicable) the supplementary Regulation and Decision 2006/146/EC.

(4) Approvals in force immediately before 1st January 2012 under article 7 of the Pet Travel Scheme (Scotland) Order 2003(b) and article 8 of the Non Commercial Movement of Pet Animals (England) Regulations 2004(c) continue in force as approvals under this Order.

(5) The appropriate authority may amend an approval by giving notice in writing to the carrier.

(6) In this article, “Community air carrier” and “recognised assistance dog” have the same meanings as in Regulation (EC) No 1107/2006 of the European Parliament and of the Council concerning the rights of disabled persons and persons with reduced mobility when travelling by air(d).

Suspension or withdrawal of approvals

12.—(1) Where the appropriate authority is satisfied that a carrier has failed to comply with its approval, the appropriate authority may suspend or withdraw the approval by giving notice in writing to the carrier.

(a) S.I. 1979/1702, amended by S.I. 1990/2371.

(b) S.S.I. 2003/229.

(c) S.I. 2004/2363.

(d) OJ No L 204, 26.7.2006, p1.

(2) A suspension or withdrawal under paragraph (1) has effect at the end of the period of 21 days beginning with the date of service of the notice.

(3) But if it is necessary for the protection of public or animal health the appropriate authority may specify in the notice that the suspension or withdrawal has immediate effect.

(4) The notice must—

- (a) give reasons,
- (b) state when it comes into effect and, in the case of suspension, state on what date or event it is to cease to have effect, and
- (c) explain the right of the carrier to make written representations in accordance with paragraph (6), and details of the person to whom such representations may be made.

(5) Where the notice does not have immediate effect and representations are made under paragraph (6), a suspension or withdrawal must not have effect until the final determination of the appropriate authority in accordance with paragraph (9), unless the appropriate authority decides that it is necessary for the protection of public or animal health for the suspension or withdrawal to have immediate effect and gives notice to that effect.

(6) A carrier may make written representations against a suspension or withdrawal of its approval to a person appointed for the purpose by the appropriate authority.

(7) Written representations must be made within the period of 21 days beginning with the date on which notice is served on the carrier to suspend or withdraw its approval.

(8) The appointed person must consider the representations and report in writing to the appropriate authority.

(9) The appropriate authority must give to the carrier written notification of its final determination and the reasons for it.

PART 4

Enforcement

Enforcement authority

13.—(1) The local authority enforces the Pets Regulation, Decision 2003/459/EC, Decision 2006/146/EC, Decision 2007/25/EC, the supplementary Regulation and this Order (in this Part, “the relevant instruments”).

(2) In relation to cases of a particular description or to a particular case, the appropriate authority may direct that the relevant instruments be enforced by it instead.

Appointment of authorised officers

14.—(1) The local authority or the appropriate authority may authorise officers for the purpose of enforcing the relevant instruments.

(2) The following are authorised officers for the purpose of enforcing the relevant instruments—

- (a) a person appointed as an inspector or a veterinary inspector for the purposes of the Animal Health Act 1981(a),
- (b) a person appointed for the purposes of the Non Commercial Movement of Pet Animals (England) Regulations 2004(b) or the Pet Travel Scheme (Scotland) Order 2003(c).

(a) 1981 c. 22.
(b) S.I. 2004/2363.
(c) S.S.I. 2003/229.

Powers of authorised officers

15.—(1) An authorised officer may, on producing a duly authenticated authorisation if required, enter any premises at any reasonable hour for the purpose of enforcing the relevant instruments, and in this article “premises” includes any place, trailer, container, vessel, boat, aircraft or vehicle of any other description.

(2) An authorised officer may be accompanied by such other persons as the authorised officer considers necessary, including any representative of the European Commission.

(3) Admission to premises used wholly or mainly as a private dwelling house may not be demanded as of right unless the entry is in accordance with a warrant granted under paragraph (4).

(4) A justice of the peace in England and Wales, or a sheriff, stipendiary magistrate or justice of the peace in Scotland may by signed warrant permit an authorised officer to enter premises used wholly or mainly as a private dwelling house, if necessary by reasonable force, if satisfied, on sworn information in writing (in England and Wales) or by evidence on oath (in Scotland)—

- (a) that there are reasonable grounds to enter those premises for the purpose of enforcing the relevant instruments, and
- (b) that any of the conditions in paragraph (5) are met.

(5) The conditions are—

- (a) entry to the premises has been, or is likely to be, refused, and notice of the intention to apply for a warrant has been given to the occupier,
- (b) asking for admission to the premises, or giving such a notice, would defeat the object of the entry,
- (c) entry is required urgently, or
- (d) the premises are unoccupied or the occupier is temporarily absent.

(6) A warrant is valid for three months.

(7) An authorised officer who enters any unoccupied premises must leave them as effectively secured against unauthorised entry as they were before entry.

(8) An authorised officer who has entered premises for the purposes of enforcing the relevant instruments may for those purposes—

- (a) carry out any examination, investigation or test,
- (b) inspect and search the premises,
- (c) require the production of any document or record (including a passport or health certificate) and inspect and take a copy of or extract from such document or record,
- (d) require any person to provide such assistance, information or facilities as is reasonable,
- (e) seize and detain a pet animal or pet bird.

Offences

16.—(1) Failure to comply with either of the following is an offence—

- (a) a notice served under article 10(3),
- (b) article 11(1), except where article 11(2) applies.

(2) It is an offence—

- (a) intentionally to obstruct any person acting in the execution of the relevant instruments,
- (b) without reasonable cause, to fail to give to any such person any assistance or information that that person may reasonably require,
- (c) to furnish to any such person any information knowing it to be false or misleading (including information contained in a passport or health certificate), or
- (d) to fail to produce a document or record (including a passport or health certificate) to any such person when required to do so.

Penalties

17.—(1) A person guilty of an offence under article 16(1) is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(2) A person guilty of an offence under article 16(2) is liable on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding level 5 on the standard scale.

Offences by bodies corporate, partnerships and unincorporated associations

18.—(1) Where a body corporate is guilty of an offence under this Order, and that offence is proved to have been committed with the consent or connivance of, or to have been attributable to any neglect on the part of—

- (a) a director, manager, secretary or other similar officer of the body corporate, or
- (b) a person who was purporting to act in any such capacity,

that person, as well as the body corporate, is guilty of the offence.

(2) In paragraph (1) “director”, in relation to a body corporate whose affairs are managed by its members, means a member of the body corporate.

(3) Where a partnership or Scottish partnership is guilty of an offence under this Order, and that offence is proved to have been committed with the consent or connivance of, or to have been attributable to any neglect on the part of a partner, the partner, as well as the partnership or Scottish partnership, is guilty of the offence.

(4) In paragraph (3) “partner” includes a person purporting to act as a partner.

(5) Where an unincorporated association is guilty of an offence under this Order, and that offence is proved to have been committed with the consent or connivance of, or to have been attributable to any neglect on the part of an officer of the association, that officer, as well as the association, is guilty of the offence.

(6) In paragraph (5) “officer”, in relation to an unincorporated association, means—

- (a) an officer of the association or a member of its governing body, or
- (b) a person purporting to act in such a capacity.

PART 5

Transitional provision, amendments, revocations and review

Transitional provision

19.—(1) Where a pet animal is detained and isolated in quarantine in Great Britain immediately before 1st January 2012 under the Rabies (Importation of Dogs, Cats and Other Mammals) Order 1974, the period of quarantine required by that Order ends on the earliest of the dates specified in paragraph (2).

(2) The dates are—

- (a) in the case of an animal which, immediately before 1st January 2012, was subject to Article 6 or 8(1)(a)(ii) of the Pets Regulation, the date it satisfies the requirements of Article 5 of that Regulation,
- (b) in the case of an animal which, immediately before 1st January 2012, was subject to Article 8(1)(b)(ii) of the Pets Regulation, the date it satisfies the requirements of Article 8(1)(b)(i) of that Regulation, or
- (c) the expiry of the period of six months beginning with the date on which the animal was originally detained.

Amendments

20. The Schedule (amendments) has effect.

Revocations

21. The following instruments are revoked—

- (a) the Rabies (Importation of Dogs, Cats and Other Mammals) (Amendment) Order 1994(a),
- (b) the Rabies (Importation of Dogs, Cats and Other Mammals) (Amendment) (Wales) Order 2002(b),
- (c) the Pet Travel Scheme (Scotland) Order 2003(c),
- (d) the Non Commercial Movement of Pet Animals (England) Regulations 2004(d),
- (e) the Rabies (Importation of Dogs, Cats and Other Mammals) (England) (Amendment) Order 2004(e), and
- (f) the Rabies (Importation of Dogs, Cats and Other Mammals) Amendment (Scotland) Order 2011(f).

Review

22.—(1) The Secretary of State must from time to time—

- (a) carry out a review of this Order,
- (b) set out the conclusions of the review in a report, and
- (c) publish the report.

(2) In carrying out the review the Secretary of State must, so far as is reasonable, have regard to how the Pets Regulation, the supplementary Regulation, Decision 2003/459/EC, Decision 2006/146/EC and Decision 2007/25/EC are enforced in other member States.

(3) The report must in particular—

- (a) set out the objectives intended to be achieved by this Order,
- (b) assess the extent to which those objectives are achieved, and
- (c) assess whether those objectives remain appropriate and, if so, the extent to which they could be achieved in a less burdensome way.

(4) The first report under this Order must be published before the end of the period of five years beginning with 1st January 2012.

(5) Reports under this article are afterwards to be published at intervals not exceeding five years.

6th December 2011

Taylor of Holbeach
Parliamentary Under Secretary of State
Department for Environment, Food and Rural Affairs

5th December 2011

John Griffiths
Minister for Environment and Sustainable Development
One of the Welsh Ministers

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- (a) S.I. 1994/1716.
 - (b) S.I. 2002/882.
 - (c) S.S.I. 2003/229.
 - (d) S.I. 2004/2363.
 - (e) S.I. 2004/2364.
 - (f) S.S.I. 2011/46.

Amendments

PART 1

The Rabies (Importation of Dogs, Cats and Other Mammals) Order 1974

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

1. The Rabies (Importation of Dogs, Cats and Other Mammals) Order 1974(a) is amended in accordance with this Part.

Amendment of article 2

2. In article 2—

(a) in paragraph (1), after the definition of “the Minister”, insert—

““the Pets Regulation” means Regulation (EC) No 998/2003 of the European Parliament and of the Council on the animal health requirements applicable to the non-commercial movement of pet animals and amending Council Directive 92/65/EEC(b);

“the Pets Regulation quarantine end date” means—

- (a) in the case of a cat or ferret subject to Article 5 of the Pets Regulation, the date on which the animal satisfies the requirements of that Article,
- (b) in the case of a cat or ferret subject to Article 8 of the Pets Regulation, the date on which the animal satisfies the requirements of that Article,
- (c) in the case of a dog subject to Article 5 of the Pets Regulation and Article 7 of the supplementary Regulation, the date on which the dog satisfies the requirements of both Articles,
- (d) in the case of a dog subject to Article 5 of the Pets Regulation but exempt from Article 7 of the supplementary Regulation, the date on which the dog satisfies the requirements of Article 5 of the Pets Regulation,
- (e) in the case of a dog subject to Article 8 of the Pets Regulation and Article 7 of the supplementary Regulation, the date on which the dog satisfies the requirements of both Articles,

and for the purposes of this definition “the supplementary Regulation” means Commission Delegated Regulation (EU) No 1152/2011 supplementing Regulation (EC) No 998/2003 of the European Parliament and of the Council as regards preventive health measures for the control of *Echinococcus multilocularis* infection in dogs(c);”, and

(b) in paragraph (2)(d), after the words “leaves or escapes from, a vessel” insert “, vehicle”.

(a) S.I. 1974/2211. Amending instruments are, in relation to Great Britain, S.I. 1977/361, 1984/1182, 1986/2062, 1990/2371, 1993/1813, 1994/1405, 1994/1716, 1995/2922 and 2002/3135; in relation to England, S.I. 2004/2364; in relation to Wales, S.I. 2002/882; and in relation to Scotland, S.S.I. 2003/229 and 2011/46.

(b) OJ No L 146, 13.6.2003, p1, as last amended by Commission Delegated Regulation (EU) No 1153/2011 (OJ No L 296, 15.11.2011, p13).

(c) OJ No L 296, 15.11.2011, p6.

(d) Paragraph (2) was amended by S.I. 1990/2371, 1993/1813 and 1994/1405.

Amendment of article 4

3. In article 4—

(a) for paragraphs (2)(a) and (2A)(b) substitute—

“(2) The prohibition in paragraph (1) shall not apply to the landing in Great Britain of—

- (a) an animal which—
 - (i) is brought to Great Britain from another member State, Norway, Switzerland or Liechtenstein,
 - (ii) is subject to Council Directive 92/65/EEC, and
 - (iii) complies with the trade requirements,
- (b) an animal which—
 - (i) originates in, and is brought to Great Britain from, Northern Ireland, the Channel Islands or the Isle of Man, or
 - (ii) is subject to Council Directive 92/65/EEC and was brought to Northern Ireland, the Channel Islands or the Isle of Man from a place outside those territories and subsequently brought to Great Britain,
- (c) an animal which originates in, and is brought to Great Britain from, the Republic of Ireland, unless—
 - (i) it is an animal which is subject to Article 5 of the Pets Regulation but fails to comply with the requirements of that Article, or
 - (ii) it is an animal which is subject to Council Directive 92/65/EEC but fails to comply with the trade requirements,
- (d) an animal which—
 - (i) is brought to Northern Ireland, the Channel Islands, the Isle of Man or the Republic of Ireland from a place outside those countries or territories (other than Great Britain) and is subsequently brought to Great Britain,
 - (ii) is not subject to Council Directive 92/65/EEC or the Pets Regulation, and
 - (iii) has been detained and isolated in quarantine in Northern Ireland, the Channel Islands, the Isle of Man or the Republic of Ireland for a period of at least four months before being brought to Great Britain.”,

(b) in paragraph (3), omit “previously”,

(c) after paragraph (3), insert—

“(3A) But a licence may not be granted for the importation of—

- (a) prairie dogs originating in or coming from the United States of America,
- (b) rodents of non-domestic species and squirrels originating in or coming from a third country of the African sub-Saharan region,
- (c) dogs or cats from Malaysia (Peninsula) which fail to meet the requirements in article 7 of the Pets Order (in respect of Nipah disease), or
- (d) cats from Australia which fail to meet the requirements in article 8 of the Pets Order (in respect of Hendra disease).”,

(d) in paragraph (4)—

- (i) for the words from “The ports and airports which alone” to “Schedule 2 to this order”, substitute “An animal may be landed in Great Britain only at an entry point which is specified in Schedule 2”,

(a) Paragraph (2) was amended in relation to Great Britain by S.I. 1994/1716 and in relation to England by S.I. 2000/1298. Paragraph (2)(a) was subsequently substituted in relation to England by S.I. 2004/2364.

(b) Paragraph (2A) was inserted in relation to England by S.I. 2000/1298 and subsequently substituted by S.I. 2004/2364.

- (ii) for “at a port or airport other than a port or airport specified in that Schedule”, substitute “at a point of entry other than a designated entry point specified in Schedule 2”,
- (e) for paragraph (4A)(a) substitute—
 - “(4A) The restriction in paragraph (4) does not apply to the landing in Great Britain of an animal to which, in accordance with paragraph (2), the prohibition in paragraph (1) does not apply.”,
- (f) in paragraph (5)—
 - (i) for “port or airport”, substitute “designated entry point”,
 - (ii) after “vessel”, insert “, vehicle”,
- (g) in paragraph (8)(a), omit “the Republic of Ireland,”, and
- (h) after paragraph (10) add—
 - “(11) In this article—
 - (a) “the trade requirements” means—
 - (i) the requirements of Council Directive 92/65/EEC, and
 - (ii) the requirements of the Trade in Animals and Related Products Regulations 2011(b) (in relation to England), the Trade in Animals and Related Products (Wales) Regulations 2011(c) (in relation to Wales) or the Animals and Animal Products (Import and Export) (Scotland) Regulations 2007(d) (in relation to Scotland),
 - (b) “Council Directive 92/65/EEC” means Council Directive 92/65/EEC laying down animal health requirements governing trade in and imports into the Community of animals, semen, ova and embryos not subject to animal health requirements laid down in specific Community rules referred to in Annex A(I) to Directive 90/425/EEC(e), and
 - (c) “the Pets Order” means the Non-Commercial Movement of Pet Animals Order 2011(f).

(12) For the purposes of paragraph (11)(a), the requirements of Council Directive 92/65/EEC include the requirement that animals (other than dogs, cats and ferrets) were born on a registered holding and have been kept in captivity since birth, as referred to in Article 10(4) of that Directive.”.

Revocation of articles 4A

4. Both articles 4A(g) are revoked.

Revocation of article 4B

5. Article 4B(h) is revoked.

Revocation of article 4C

6. Article 4C(i) is revoked.

(a) Paragraph (4A) was inserted in relation to Great Britain by S.I. 1977/361.
 (b) S.I. 2011/1197.
 (c) S.I. 2011/2379.
 (d) S.S.I. 2007/194, as amended by S.S.I. 2007/375, 2008/155, 2009/227, 2010/343 and 2011/171.
 (e) OJ No L 268, 14.9.1992, p.54, as last amended by Commission Regulation (EU) No 176/2010 (OJ No L 52, 3.3.2010, p.14).
 (f) S.I. 2011/2883.
 (g) Article 4A was inserted in relation to Great Britain by S.I. 1994/1716. This provision continues to apply to Scotland and Wales, but, in relation to England, Article 4A was substituted by S.I. 2004/2364.
 (h) Article 4B was inserted, in relation to England, by S.I. 1999/3443 and subsequently substituted by S.I. 2004/2364.
 (i) Article 4C was inserted, in relation to Scotland, by S.S.I. 2003/229.

Amendment of article 5

7. In article 5—

- (a) for paragraph (2) and both paragraphs (2A)(a), substitute—

“(2) Where an animal specified in Part 2 of Schedule 1 is landed in Great Britain in accordance with a licence granted under article 4(3) it must be immediately detained and isolated in quarantine at its owner’s expense at such premises and subject to such conditions as may be specified in the licence.

(2A) But paragraph (2) does not apply to an animal of the order *Rodentia* or *Lagomorpha* where the licence states that it is being brought into Great Britain—

- (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(b).

(2B) The period of quarantine required under paragraph (2) is—

- (a) in the case of an animal subject to Article 5 or 8 of the Pets Regulation, the period ending with the Pets Regulation quarantine end date,
(b) in any other case, subject to paragraph (2C), four months.

(2C) The Secretary of State (in England), the Scottish Ministers (in Scotland) or the Welsh Ministers (in Wales) may authorise release of an animal which is not subject to Article 5 or 8 of the Pets Regulation from quarantine or waive its period of quarantine if satisfied that such release will present negligible risk of the introduction of rabies into or spread of rabies within Great Britain.

(2D) Any offspring born to an animal during its quarantine must be kept in quarantine for the remainder of the period of the dam’s quarantine, unless the release of either animal is authorised under paragraph (2C).”, and

- (b) in paragraph (3), for “referred to in that paragraph shall, unless the Minister” substitute “referred to in paragraph (2B) shall, unless the animals are subject to Article 5 or 8 of the Pets Regulation or the Minister”.

Revocation of article 5A

8. Article 5A(c) is revoked.

Revocation of article 5B

9. Article 5B(d) is revoked.

Revocation of article 5C

10. Article 5C(e) is revoked.

Amendment of article 6

11. In article 6—

- (a) for both headings(f), substitute “Vaccination of dogs and cats in quarantine”, and

-
- (a) Paragraph (2A) was inserted in relation to England by S.I. 2004/2364; a corresponding provision was inserted in relation to Scotland by S.S.I. 2011/46.
(b) 1981 c.37. Section 1 was amended in relation to England by S.I. 2002/3080; in relation to Wales by S.I. 2003/992 and the Local Government (Wales) Act 1994 (c. 19), Schedule 16, paragraph 62(1), and Schedule 18; and in relation to Scotland by S.S.I. 2003/174 and the Local Government etc (Scotland) Act 1994 (c.39), Schedule 13, paragraph 124.
(c) Article 5A was inserted in relation to England by S.I. 1999/3443 and subsequently substituted by S.I. 2004/2364.
(d) Article 5B was inserted in relation to Wales by S.I. 2002/882.
(e) Article 5C was inserted in relation to Scotland by S.S.I. 2003/229.
(f) Article 5C was inserted in relation to Scotland by S.S.I. 2003/229.

(b) for both paragraphs (3)(a), substitute—

“(3) This article does not apply to a dog or cat which is subject to Article 5 or 8 of the Pets Regulation.”.

Amendment of article 7

12. In article 7—

(a) in paragraph (1)(b)—

(i) for the words from “Where an animal” to “it shall be the duty”, substitute “Where an animal is landed in Great Britain in accordance with a licence granted under article 4(3) (other than an animal exempted from quarantine under article 5(2A)), it shall be the duty”,

(ii) in sub-paragraph (b), for “port or airport” substitute “designated entry point”,

(b) in paragraphs (2) and (5), for “port or airport” substitute “designated entry point”, and

(c) in paragraph (3), after “vessel”, insert “, vehicle”.

Amendment of article 8

13. In article 8—

(a) in paragraph (3)(c), for “port or airport for exportation” substitute “port, airport or such other place as may be specified in the licence”,

(b) in paragraph (5)(d), for “six”, substitute “four”, and

(c) after paragraph (7), insert—

“(8) This article does not apply to the landing of an animal which is subject to Article 5 or 8 of the Pets Regulation.”.

Amendment of article 12

14. In article 12(e)—

(a) in paragraph (1), for “6”, substitute “four”,

(b) for paragraph (3)(f), substitute—

“(3) Paragraph (2)(c) shall not apply to an animal which is landed—

(a) in accordance with article 4(2)(a),

(b) in accordance with a licence granted under article 4(3), or

(c) in the circumstances referred to in article 8.”,

(c) in paragraph (5), for “six”, substitute “four”,

(d) after paragraph (5), insert—

“(5A) But—

(a) where an animal is subject to Article 5 or 8 of the Pets Regulation, the period of quarantine under paragraph (5) must end on the Pets Regulation quarantine end date,

(a) Paragraph (3) was inserted in relation to England by S.I. 1999/3443 and subsequently substituted by S.I. 2004/2364; a corresponding provision was inserted in relation to Scotland by S.S.I. 2003/229.

(b) Paragraph (1) was amended in relation to England by S.I. 2004/2364; a corresponding amendment was made in relation to Scotland by S.S.I. 2011/46.

(c) Paragraph (3) was amended in relation to Great Britain by S.I. 1984/1182.

(d) Paragraph (5) was amended in relation to Great Britain by S.I. 1977/361.

(e) Article 12 was substituted in relation to Great Britain by S.I. 1977/361.

(f) Paragraph (3) was amended in relation to Great Britain by S.I. 1994/1716.

- (b) where an animal is not subject to Article 5 or 8 of the Pets Regulation, the Secretary of State (in England), the Scottish Ministers (in Scotland) or the Welsh Ministers (in Wales) may authorise release of the animal from quarantine or waive its period of quarantine if satisfied that such release will present negligible risk of the introduction of rabies into or spread of rabies within Great Britain.”,
- (e) in paragraph (8)(ii), for “six”, substitute “four”, and
- (f) after paragraph (8), insert—
 - “(8A) But—
 - (a) where an animal is subject to Article 5 or 8 of the Pets Regulation, the period of quarantine under paragraph (8)(ii) must end on the Pets Regulation quarantine end date,
 - (b) where an animal is not subject to Article 5 or 8 of the Pets Regulation, the Secretary of State (in England), the Scottish Ministers (in Scotland) or the Welsh Ministers (in Wales) may authorise release of the animal from quarantine or waive its period of quarantine if satisfied that such release will present negligible risk of the introduction of rabies into or spread of rabies within Great Britain.”.

Amendment of article 13

15. In article 13—

- (a) in paragraph (1)(ii)(a), for “six”, substitute “four”,
- (b) after paragraph (1), insert—
 - “(1A) But where an animal is subject to Article 5 or 8 of the Pets Regulation, the period of quarantine under paragraph (1) must end on the Pets Regulation quarantine end date (and notice given under that paragraph ceases to have effect on that date).”,
- (c) in paragraph (3), for “six”, substitute “four”, and
- (d) after paragraph (3), insert—
 - “(3A) But—
 - (a) where an animal is subject to Article 5 or 8 of the Pets Regulation, the notice may not be terminated under paragraph (3) before the Pets Regulation quarantine end date,
 - (b) where an animal is not subject to Article 5 or 8 of the Pets Regulation, the Secretary of State (in England), the Scottish Ministers (in Scotland) or the Welsh Ministers (in Wales) may, if satisfied that release of the animal from quarantine or waiver of its quarantine period will present negligible risk of the introduction of rabies into or spread of rabies within Great Britain, terminate the operation of the notice by notice given to the person in charge of the animal.”.

Amendment of article 14

16. In article 14(b)—

- (a) renumber the provision as paragraph (1), and
- (b) after paragraph (1), insert—
 - “(2) But, where the animal is subject to Article 8 of the Pets Regulation, paragraph (1) is subject to Article 14(c) of the Pets Regulation.”.

(a) Paragraph (1) was amended in relation to Great Britain by S.I. 1990/2371.
 (b) Article 14 was amended in relation to Great Britain by S.I. 1977/361.

Amendment of article 16

17. In article 16, after paragraph (2), insert—

“(3) This article does not apply to the landing or attempted landing of an animal subject to Article 5 of the Pets Regulation brought directly into Great Britain from a place in the Republic of Ireland.”.

Amendment of article 17

18. In article 17—

- (a) renumber the provision as paragraph (1), and
- (b) after paragraph (1), insert—

“(2) This article does not apply to the landing or attempted landing of an animal subject to Article 5 of the Pets Regulation brought directly into Great Britain from a place in the Republic of Ireland.”.

Amendment of Schedule 2

19. In Schedule 2(a)—

- (a) for the heading, substitute “Designated Entry Points”,
- (b) in Part 1—
 - (i) insert the heading “Ports”,
 - (ii) omit “Southampton”,
- (c) in Part 2—
 - (i) insert the heading “Airports”,
 - (ii) omit “Birmingham”, and
- (d) after Part 2, insert—

“Part 3

Other Designated Entry Points

Eurotunnel Folkestone Terminal”.

PART 2

The Zoonoses Order 1989

Amendment of the Zoonoses Order 1989

20. After article 8 of the Zoonoses Order 1989(b), insert—

“Notification of *Echinococcus multilocularis*

8A.—(1) A person who knows or suspects that an animal or carcass is infected with *Echinococcus multilocularis* must give notice as soon as practicable.

(a) Schedule 2 was substituted in relation to Great Britain by S.I. 1977/361; subsequent amendments were made in relation to Great Britain by S.I. 1984/1182 and 1986/2062 and in relation to England by S.I. 2004/2364.
(b) S.I. 1989/285.

(2) Notice must be given to the Secretary of State in England, the Welsh Ministers in Wales or the Scottish Ministers in Scotland.

(3) For the purpose of this article—

- (a) “animal” means any kind of mammal except man, and
- (b) “carcass” means the carcass of an animal and includes part of a carcass or any portion thereof.”.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes provision for the administration and enforcement of the following EU instruments in Great Britain—

Commission Decision 2003/459/EC on certain protection measures with regard to monkey pox virus (OJ No L 154, 21.6.2003, p112),

Regulation (EC) No 998/2003 on the animal health requirements applicable to the non-commercial movement of pet animals and amending Council Directive 92/65/EEC (OJ No L 146, 13.6.2003, p1),

Commission Decision 2006/146/EC on certain protection measures with regard to certain fruit bats, dogs and cats coming from Malaysia (Peninsula) and Australia (OJ No L 55, 25.2.2006, p44),

Commission Decision 2007/25/EC as regards certain protection measures in relation to highly pathogenic avian influenza and movements of pet birds accompanying their owners into the Community (OJ No L 8, 13.1.2007, p29), and

Commission Delegated Regulation (EU) No 1152/2011 supplementing Regulation (EC) No 998/2003 of the European Parliament and of the Council as regards preventive health measures for the control of *Echinococcus multilocularis* infection in dogs (OJ No L 296, 15.11.2011, p6).

This Order revokes and replaces the Non Commercial Movement of Pet Animals (England) Regulations 2004 (S.I. 2004/2363) and the Pet Travel Scheme (Scotland) Order 2003 (S.S.I. 2003/229).

Part 1 is introductory and includes definitions and designates the administrative authorities responsible for various functions under the Order.

Part 2 concerns the preventive health measures that apply to the movement of pet animals to Great Britain to protect against the risk of the introduction of rabies, *Echinococcus multilocularis* (tapeworm), Hendra disease, Nipah disease and highly pathogenic avian influenza into Great Britain. Article 5(1)(a) operates so as to exempt a pet dog, cat or ferret from the provisions of the Rabies (Importation of Dogs, Cats and Other Mammals) Order 1974 (S.I. 1974/2211) (“the 1974 Order”) provided the pet dog, cat or ferret is brought into Great Britain on a carrier that is approved under article 11 and meets all preventive health measures that are applicable to that animal. Pet rodents and rabbits (as well as certain other species) brought to Great Britain from another member State or other European country listed in Part B of Annex II to Regulation (EC) No 998/2003 are also exempt from the provisions of the 1974 Order, as are pet animals brought to Great Britain from Northern Ireland, the Channel Islands or the Isle of Man (article 5(1)(b) and (c)). A pet bird brought to Great Britain from a third country (subject to certain exceptions) which does not comply with the preventive health measures in Commission Decision 2007/25/EC may be re-exported, detained in quarantine or destroyed (article 10).

Part 3 requires carriers that land pet dogs, cats and ferrets in Great Britain to be approved, subject to certain exceptions, and makes provision regarding the suspension or withdrawal of carrier approvals.

Part 4 contains provisions relating to enforcement. The Order is enforceable by local authorities (article 13). Authorised officers are given powers to require compliance with the Order, including powers of entry and seizure.

Offences listed in article 16(1) are punishable on summary conviction with a fine only. Offences listed in article 16(2) relating to obstruction of authorised officers or falsification of documentation are punishable on summary conviction with a fine or up to three months' imprisonment. Owners of pet dogs, cats or ferrets that are not brought into Great Britain on an approved carrier (subject to certain exceptions) and in accordance with the preventive health measures applicable to that animal may also be subject to the offences in article 16 or 17 of the 1974 Order.

Part 5 provides a transitional arrangement for pet dogs, cats and ferrets already detained and isolated in quarantine on the coming into force of this Order and deals with amendments to other legislation, principally the 1974 Order. In particular, the 1974 Order has been amended to require all pet dogs, cats and ferrets that are subject to, but do not comply with, Article 5 or 8 of Regulation (EC) No 998/2003 and, where applicable, Commission Delegated Regulation (EU) No 1152/2011 when entering Great Britain to be detained in quarantine and to prohibit their release until they comply with those requirements. The 1974 Order has also been amended to reduce the quarantine period for rabies-susceptible animals (other than animals subject to Article 5 or 8 of Regulation (EC) No 998/2003) from 6 months to 4 months and to give a discretionary power to the appropriate authorities to reduce or waive the 4-month quarantine period if satisfied that the release of an animal from quarantine will present negligible risk of the introduction of rabies into Great Britain.

Article 22 requires the Secretary of State to review the operation and effect of this Order in Great Britain and publish a report within five years of 1st January 2012 and within every five years after that.

A full impact assessment of the effect that this instrument will have on the costs of business, the voluntary sector and the public sector is available on the Defra website at www.defra.gov.uk, and is published with the Explanatory Memorandum alongside the instrument on www.legislation.gov.uk.

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