

S.I. No. 221 of 2003

Diseases of Animals Act 1966 (Avian Influenza) (Control of Imports of Avian Products from Germany) Order 2003

I, Joe Walsh, Minister for Agriculture and Food, in exercise of the powers conferred on me by sections 3, 13, 30 and 33 of the Diseases of Animals Act 1966 (No. 6 of 1966) (as adapted by the Agriculture, Food and Rural Development (Alteration of Name of Department and Title of Minister) Order 2003 (S.I. No. 306 of 2002) and the Agriculture and Food (Delegation of Ministerial Functions) Order 2002 (S.I. No. 409 of 2002), for the purpose of giving effect to Commission Decision No.2003/333/EC of 12 May 2003¹, hereby order as follows –

1. This Order may be cited as the Diseases of Animals Act 1966 (Avian Influenza) (Control of Imports of Avian Products from Germany) Order 2003.

2.(1) In this Order –

“avian product” means live poultry, hatching eggs, unprocessed poultry manure or litter and fresh poultry meat to which Article 2 of the Commission Decision applies;

“authorised officer” means an authorised officer within the meaning of section 17A (inserted by section 2 of the Diseases of Animals (Amendment) Act 2001 (No. 3 of 2001)) of the Diseases of Animals Act 1966 (No. 6 of 1996);

“Commission Decision” means Commission Decision No. 2002/333/EC of 12 May 2003;

“premises” includes land with or without buildings;

“vehicle” includes a ship, hovercraft, aircraft and offshore installation (being an offshore installation within the meaning assigned to it by section 2 (1) of the Safety, Health and Welfare (Offshore Installations) Act, 1987).

¹ O.J. No. L 116 of 13.5.2003, p. 28

- (2) A word or expression that is used in this Order and that is also used in the Commission Decision has, unless the contrary intention appears, the same meaning in this Order as it has in the Commission Decision.
- (3) In this Order, unless the contrary intention appears, a reference to an Article is a reference to an Article in this Order and a reference to a paragraph or sub-paragraph is to the paragraph or sub-paragraph of the provision in which the reference occurs.
- 3.(1) A person, including the master or person in charge of a vessel or aircraft, shall not import an avian product from the Land of North Rhine-Westphalia in Germany or cause or permit another person to import an avian product from North Rhine-Westphalia.
- (2) A person, including the master or person in charge of a vessel or aircraft, shall not have in his or her possession or under his or her control an avian product that has been imported in contravention of paragraph (1).
- 4.(1) An authorised officer may direct a person to dispose of an avian product imported in contravention of Article 3 in a manner (if any) specified by the officer.
- (2) A person to whom a direction is given under paragraph (1) shall, at his or her own cost, forthwith comply with the direction.

GIVEN under my Official Seal,
14 May 2003

Joe Walsh
Minister for Agriculture and Food

EXPLANATION NOTE

(This note is not part of the instrument and does not purport to be a legal interpretation.)

This Order gives effect to Commission Decision No. 2002/333/EC of 12 May 2003 concerning certain protective measures with regard to avian products imported from Germany.

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