

Rules made under s.26.

**THE IMPORTATION OF BIRDS, POULTRY AND
HATCHING EGGS RULES**

Revoked by LN. 2004/095 as from 1.10.2004.

(LN. 1984/070)

16.8.1984

Amending enactments	Relevant current provisions	Commencement date
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ARRANGEMENT OF RULES.

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Title.

1. These rules may be cited as the Importation of Birds, Poultry and Hatching Eggs Rules 1984.

Interpretation.

2. In these rules, unless the context otherwise requires—

“birds” means any member of the Class “Aves”;

“poultry” means domestic fowls, geese, ducks, guinea fowls, pigeons and turkeys;

“eggs” means eggs of birds imported for incubation.

Prohibition of landing of birds, poultry and eggs.

3.(1) The landing in Gibraltar of any bird, poultry or eggs, from a place outside Gibraltar is hereby prohibited except under the authority of a licence in writing issued by the Chief Environmental Health Officer and in accordance with the conditions of that licence.

(2) A licence may be issued subject to such conditions specified therein as the Chief Environmental Health Officer may see fit to impose for the purpose of preventing the introduction or spreading of disease into or within Gibraltar.

(3) The Chief Environmental Health Officer may vary, revoke or suspend a licence by a notice in writing served on the person to whom the licence was issued.

Detention of birds, poultry and eggs in quarantine.

4.(1) Birds, poultry and eggs landed in Gibraltar shall, except where the licence otherwise provides, be detained in quarantine, at the owner’s expense, for such period and at such premises as shall, and subject to such conditions as may be specified in the licence.

(2) Notwithstanding the provisions of subrule (1) the Chief Environmental Health Officer may, for the purpose of preventing the introduction or spreading of disease into or within Gibraltar, by notice in writing served on the owner or the person in charge of birds, poultry or eggs landed in Gibraltar require such birds, poultry or eggs to be detained in quarantine, at the owner’s expense, for such period, or (where the birds, poultry or eggs are being detained in quarantine at the time when the notice

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is served) for such further period, as shall be specified in the notice, and subject to such conditions as may be so specified, and where the birds, poultry or eggs in respect of which the notice is served were excepted from the requirement contained in subrule (1) the notice shall specify the premises at which the birds, poultry or eggs are to be so detained.

(3) It shall be the duty of the person for the time being in charge of the birds, poultry or eggs required to be detained under this rule to ensure that, until such time as they arrive at the premises at which they are to be detained, they are kept separate from birds, poultry or eggs which do not form part of the same consignment.

(4) No person shall remove or attempt to remove, or cause or permit the removal or attempted removal of any birds, poultry or eggs which are being detained under this rule from the premises at which they are being so detained, except with the written authority of the Chief Environmental Health Officer and in accordance with any conditions subject to which that authority is given.

(5) The prohibition in subrule (4) extends to the removal or attempted removal of carcasses of birds or poultry or parts of eggs.

Powers of the Chief Environmental Health Officer in relation to disease.

5. (1) Where the Chief Environmental Health Officer suspects that birds, poultry or eggs:—

- (a) which have been landed in Gibraltar; or
- (b) which may have been in contact with birds, poultry or eggs so landed,

are or may be affected with disease, he may require the owner or the person in charge thereof to submit:—

- (i) such birds, poultry or eggs or sample thereof; or
- (ii) any litter, droppings, other excreta or any other material or thing which may have been in contact with such birds, poultry or eggs,

to such diagnostic or other tests as he may specify.

(2) Without prejudice to subrule (4) the Chief Environmental Health Officer may serve on the owner or the person in charge of the birds, poultry or eggs to which subrule (1) applies, a notice in writing requiring him, at the owner's expense and within such time as he may specify in the notice:

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- (a) in the case of birds, poultry or eggs which have been landed in Gibraltar—
 - (i) to export such birds, poultry or eggs from Gibraltar; or
 - (ii) to slaughter such birds or poultry or destroy such eggs;
or
- (b) in any other case:—
 - (i) to place such birds, poultry or eggs in quarantine for such period and at such premises as he shall, and subject to such conditions as he may, specify in the notice; or
 - (ii) to slaughter such birds or poultry or destroy such eggs.

(3) Where the owner or the person in charge of the birds or eggs fails to comply:—

- (a) with a requirement under subrule (1); or
- (b) with the requirements of a notice served under subrule (2),

the Chief Environmental Health Officer may, without prejudice to any proceedings for an offence arising out of such failure seize the birds, poultry or eggs to which the requirement or the notice relates and carry out or cause to be carried out:—

- (i) any tests specified in the requirement; or
- (ii) the requirements of the notice.

(4) The Chief Environmental Health Officer may at any time seize or cause to be seized, and may thereafter slaughter or cause to be slaughtered or, as the case may be destroy or cause to be destroyed any birds, poultry or eggs to which subrule (1) applies.

Contravention.

6. (1) Without prejudice to subrule (2) where:—

- (a) birds, poultry or eggs are landed in Gibraltar in contravention of these rules or of a licence, issued under these rules; or
- (b) there is in respect of birds, poultry or eggs which have been landed in Gibraltar any contravention of or failure to comply

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with any provision of these rules or of a licence or of a notice or of an authority issued, served or given under these rules,

the Chief Environmental Health Officer may by notice in writing served on the owner or the person in charge of the birds, poultry or eggs require him, at the owner's expense and within such time as he may specify in the notice:—

- (i) to slaughter the birds or poultry or destroy the eggs;
- (ii) to export the birds, poultry or eggs from Gibraltar; or
- (iii) to place the birds, poultry or eggs in quarantine for such period and at such premises as he shall, and subject to such conditions as he may, specify in the notice,

and where the owner or the person in charge of the birds, poultry or eggs fails to comply with the requirements of the notice, the Chief Environmental Health Officer may seize or cause to be seized the birds, poultry or eggs to which the notice relates and carry out or cause to be carried out the requirements of the notice.

(2) The Chief Environmental Health Officer may at any time seize or cause to be seized and may thereafter slaughter or cause to be slaughtered or, as the case may be, destroy or cause to be destroyed:—

- (a) any birds, poultry or eggs to which subrule (1) applies, and
- (b) any birds, poultry or eggs which may have been in contact with any birds, poultry or eggs to which subrule (1) applies.

Cleansing and disinfection of premises, vehicles etc.

7. (1) Where the Chief Environmental Health Officer suspects that birds, poultry or eggs which have been landed in Gibraltar are or may be affected with disease he may by notice in writing served on the owner or the person in charge of the premises, place, vessel, aircraft, vehicle, pen or container on or in which the birds, poultry or eggs are or have been present require the person on whom the notice is served to cleanse and disinfect such premises, place, vessel, aircraft, vehicle, pen or container, or to destroy or otherwise dispose of such container, in such manner and within such time as he may by such notice specify at the expense of such person.

(2) Where the requirements of a notice served under sub-rule (1) have not been complied with, the Chief Environmental Health Officer may, without prejudice to any proceedings for an offence arising out of such failure to comply, carry out or cause to be carried out the requirements of

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the notice and for this purpose the Chief Environmental Health Officer may seize or cause to be seized a container.

Miscellaneous.

8. (1) No compensation shall be paid to any person in respect of any birds or poultry slaughtered or eggs or containers destroyed or disposed of under any provision of these rules.

(2) Any reasonable expenses arising out of or in connection with the exercise of any power conferred on the Chief Environmental Health Officer by these rules shall, without prejudice to any proceedings for any offence be recoverable on demand, as a civil debt from the owner or the person in charge of the birds, poultry or eggs in respect of which the power was exercised or, where such expenses arose out of or in connection with the exercise of powers under rule 7 from the person on whom the notice referred to in that rule was served.

(3) Nothing in rules 5 and 6 shall be construed as precluding the owner of any birds, poultry or eggs to which any of these rules apply from slaughtering such birds or poultry or destroying such eggs.

(4) The Chief Environmental Health Officer may vary, revoke or suspend a notice served, under these rules by a notice in writing served on the person on whom the notice was served.

(5) For the purpose of exercising his power to seize birds, poultry or eggs under rules 5(3) and 5(4) or rule 6 or for the purpose of exercising his powers under rule 7(2) above the Chief Environmental Health Officer, or any Environmental Health Officer duly authorised by him for the purpose may, enter any land, premises, vessel, aircraft, vehicle, pen or container taking with him such persons as he considers requisite. The Chief Environmental Health Officer or Environmental Health Officer authorised as aforesaid, entering under this subrule shall, if required by the owner or the person in charge of the land, premises, vehicle, pen or container, state his reasons for entering.

(6) The owner or the person in charge of birds, poultry or eggs to which rules 5 or 6 apply shall give all reasonable assistance to the Chief Environmental Health Officer and any person accompanying him so as to enable the powers conferred by those rules to be properly exercised.

Production of licence etc.

9. The owner or the person in charge of birds, poultry or eggs to which these rules apply shall on demand by an officer of the Revenue Department or by an Environmental Health Officer or a Police Officer produce the licence or notice which has been issued or given to, or served on him under these rules

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and shall allow a copy thereof or an extract therefrom to be taken, and shall, if required, furnish his name and address.

Summary offences.

10. Any person who lands or attempts to land any birds, poultry or eggs in contravention of rule 4(1) or who contravenes any other provision of these rules or of a licence, or a notice served under these rules or who causes or permits any such landing or attempted landing or any such contravention or non-compliance, commits an offence and shall be liable on summary conviction to a fine of £200 and to imprisonment for 6 months.

Savings.

11. Nothing in these rules shall affect the—

(1) powers of the Collector of Customs to seize or detain as liable to forfeiture under the Imports and Exports Ordinance any birds, poultry or eggs which are landed in Gibraltar in contravention of these rules or of a licence, or to institute legal proceedings under the Imports and Exports Ordinance in respect of such contravention; or

(2) provisions relating to the restrictions of importation of the live or dead animals specified in the Endangered Species (Import and Export) Ordinance, 1976.

Revocation.

12. Rules 24 and 25 of the Animals and Birds Rules are revoked.