

SCHEDULE 3

PART II

SUPPLEMENTARY CONTROL OVER ANIMALS

Extent

1. This Part does not extend to France.

Interpretation

2. In this Part “animal” means a four—footed mammal capable of carrying the rabies virus, except one which—

- (a) is lawfully being transported through the tunnel system, or
- (b) enters the tunnel system for purposes connected with law enforcement or security and is under the control of a person approved in writing by the appropriate Minister,

and “tunnel”, except in the expression “tunnel system”, means a tunnel mentioned in section 1(7)(a) of the Channel Tunnel Act 1987.

Duties of Concessionaires

3. The Concessionaires shall—
 - (a) construct and maintain the installations described in paragraph 4, and
 - (b) comply with the requirements imposed by paragraph 5.

Installations

4. The installations mentioned in paragraph 3(a) are—
 - (a) a grid at the entrance to each tunnel of such a size, so positioned and electrified at such a voltage as to ensure, so far as is practicable, that an animal cannot cross it or go round it, and
 - (b) fencing around each such entrance, except at places where gaps are necessary to allow the passage of vehicles through the tunnel, of such material and of such a height above and depth below the surface of the ground as to ensure, so far as is practicable, that an animal cannot cross it.

Requirements

5. The requirements mentioned in paragraph 3(b) are—
 - (a) to ensure, so far as is practicable, that any animal which has entered a tunnel is removed from the tunnel system,
 - (b) to operate a system of surveillance that will ensure, so far as is practicable, that the passage of any animal through a tunnel is detected,
 - (c) to take effective measures for the control of rodents, including monitoring each tunnel for the presence of rodents and laying poisoned bait for them,
 - (d) so far as is practicable, to keep each tunnel free of waste food, urine, faeces and every other substance likely to attract animals,

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- (e) to ensure that all points of access to a tunnel, other than the entrance to the tunnel and any ventilation shafts, are sealed when not in use,
- (f) to ensure that all tunnel ventilation shafts are so constructed as effectively to deter animals from passing through them, and
- (g) to keep records of the taking of any bait laid as mentioned in sub—paragraph (c) and of the detection of the presence of any animal in a tunnel or within the fencing described in paragraph 4(b).

Unauthorised interference

- 6. Unless authorised in writing by the Concessionaires, no person shall intentionally—
 - (a) remove or in any way impair the effectiveness of any installation described in paragraph 4, or
 - (b) do anything which might in any way impair the effectiveness of any measures taken to comply with the requirements described in paragraph 5.

Enforcement

- 7. A person authorised by the appropriate Minister may, on producing, if required to do so, some duly authenticated document showing his authority—
 - (a) enter any part of the tunnel system for the purpose of ascertaining whether there is or has been any breach of a requirement or prohibition imposed by this Part, and
 - (b) for that purpose inspect any relevant document or computer record.

Offences

- 8. A person who contravenes any of paragraphs 3 to 6 or obstructs the exercise of powers by an authorised person under paragraph 7 shall be guilty of an offence and shall be liable—
 - (a) on conviction on indictment to a fine, and
 - (b) on summary conviction to a fine not exceeding the statutory maximum.