

**2011 No. 438**

**ANIMALS**

**AGRICULTURE**

**The Trade in Animals and Related Products Regulations  
(Northern Ireland) 2011**

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The Department of Agriculture and Rural Development is designated<sup>(a)</sup> for the purposes of making Regulations under section 2(2) of the European Communities Act 1972<sup>(b)</sup> in relation to the common agricultural policy of the European Union.

These Regulations make provision for a purpose mentioned in that section and it appears to the Department of Agriculture and Rural Development that it is expedient for the references to the European instruments in these Regulations to be construed as references to those instruments as amended from time to time.

The Department of Agriculture and Rural Development makes these Regulations in exercise of the powers conferred by section 2(2) of, and paragraph 1A of Schedule 2 to, the European Communities Act 1972.

## PART 1 INTRODUCTION

### **Citation and commencement**

1. These Regulations may be cited as the Trade in Animals and Related Products Regulations (Northern Ireland) 2011 and shall come into operation on 1st January 2012.

### **Interpretation**

2.—(1) In these Regulations—

“the Agency” means the Food Standards Agency;

“animal” means an animal of any kind, including a bird, fish or invertebrate;

“authorised officer” means a person who is authorised by the Department, a district council, or the Agency either generally or specifically, to act in matters arising under these Regulations, whether or not that person is an officer of the Department, a district council or the Agency;

“border inspection post” means a port or airport approved as such by the European Commission<sup>(c)</sup>;

“CVED” means the Common Veterinary Entry Document specified in—

(a) Commission Regulation (EC) No. 136/2004 laying down procedures for veterinary checks at Community border inspection posts on products imported from third countries<sup>(d)</sup>; and

(b) Commission Regulation (EC) No. 282/2004 introducing a document for the declaration of, and veterinary checks on, animals from third countries entering the Community<sup>(e)</sup>.

“the Department” means the Department of Agriculture and Rural Development;

“enforcement authority” has the meaning given in regulation 31;

“equidae” means wild or domesticated animals of the equine (including zebras) or asinine species or the offspring or crossings of those species;

“genetic material” means hatching eggs and animal semen, ova or embryos;

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(a) S. I. 2000/2812

(b) 1972 c. 68. Paragraph 1A was inserted into Schedule 2 by section 28 of the Legislative and Regulatory Reform Act 2006 (c. 51)

(c) The Commission periodically publishes lists of border inspection posts

(d) O.J. No. L 21, 28.1.2004, p. 11 as last amended by Commission Regulation (EC) No 206/2009 (O.J. No. L 77, 24.3.2009, p. 1)

(e) O.J. No. L 49, 19.2.2004, p. 11 as last amended by Commission Regulation (EC) No 585/2004 (O.J. No. L 91, 30.3.2004, p. 17)

“official veterinary surgeon” means a veterinary surgeon appointed by the Department in accordance with regulation 12(1)(a);

“premises” includes—

- (a) any land, building, shed, pen or other place;
- (b) any receptacle or container;
- (c) ship, vessel, boat, aircraft, hovercraft or vehicle of any other description;

“product” means a product listed in Annex I to Commission Decision 2007/275/EC (concerning lists of animals and products to be subject to controls at border inspection posts under Council Directives 91/496/EEC and 97/78/EC(a)) and, in addition, hay and straw.

(2) All references in Schedule 2 to European Union instruments are references to those instruments as amended from time to time.

(3) The Interpretation Act (Northern Ireland) 1954(b) shall apply to these Regulations as it applies to an Act of the Assembly.

### **Exceptions for pet animals**

3.—(1) These Regulations shall not apply in relation to pets accompanied by and under the responsibility of a natural person, where—

- (a) the movement is not the subject of a commercial transaction; and
- (b) (in the case of cats, dogs and ferrets) not more than five animals are travelling with the person.

(2) In this regulation “pet” means any animal of a species listed in Annex I to Regulation (EC) No. 998/2003 (on the animal health requirements applicable to the non-commercial movement of pet animals(c)).

### **International agreements**

4. Trade with Iceland, Liechtenstein, Norway and Switzerland under any agreement between those countries and the European Union is treated as trade between member States for the purposes of these Regulations.

## **PART 2**

### **MOVEMENT BETWEEN MEMBER STATES**

#### **Movement of animals and genetic material between member States**

5.—(1) No animal or genetic material shall be consigned to another member State, or brought into Northern Ireland from another member State, unless it is accompanied by—

- (a) the completed, signed health certificate required for that animal or genetic material in the relevant instrument in Schedule 2; or
- (b) any other document required by the instrument.

(2) The consignee of an incoming consignment shall keep the certificate for 12 months from the date of delivery of the consignment.

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(a) O.J. No. L 116, 4.5.2007, p. 9

(b) 1954 c.33 (N.I.)

(c) O.J. No. L 146, 13.6.2003, p. 1 as last amended by Regulation (EU) No 438/2010 (O.J. No. L 132, 29.5.2010, p. 3)

### **Preparation of a health certificate**

6.—(1) In order to prepare a health certificate for the consignment of an animal or genetic material to another member State, the person intending to despatch the consignment shall apply to the Department or a person authorised by the Department for a uniquely numbered certificate.

(2) The certificate shall then be completed by a person authorised to do so by the Department, in accordance with the instructions sent by the Department with the certificate.

(3) The person completing the certificate shall ensure that the conditions specified in the certificate are fulfilled and that all necessary examinations have been carried out.

(4) If everything is in order the person shall sign the certificate.

(5) A person shall not sign a certificate unless authorised to do so by the Department.

(6) A person shall not sign a certificate knowing it to be false, or believing it not to be true.

### **Notification of movement of animals and genetic material between member States**

7.—(1) No animal or genetic material shall be consigned to another member State unless the consignor or their representative has notified the competent authority of the member State of destination, at least 24 hours in advance of the intended arrival of the consignment and using the Traces system established under Commission Decision 2004/292/EC (on the introduction of the Traces system<sup>(a)</sup>).

(2) No animal, (other than registered horses accompanied by identification documentation provided for by Council Directive 90/427/EEC (on the zootechnical and genealogical conditions governing intra-Community trade in equidae) or genetic material shall be brought into Northern Ireland from another member State unless the person bringing in the consignment has notified the Department, at least 24 hours in advance of the intended arrival of the consignment.

### **Additional requirements in specific cases**

8. Part I of Schedule 3 makes additional requirements for specific cases.

## **PART 3**

### **IMPORTATION FROM A THIRD COUNTRY**

#### **Scope of this Part**

9. This Part applies in relation to the importation into Northern Ireland from a country outside the European Union of any animal or product specified in Commission Decision 2007/275/EC, including a situation where the ultimate destination is outside Northern Ireland.

#### **Importation**

10.—(1) Subject to paragraph (2), a person shall not import any animal directly from a place outside the European Communities.

(2) Nothing in paragraph (1) shall prevent the import of any animals specified in Schedule 1 to the Rabies (Importation of Dogs, Cats and Other Mammals) Order (Northern Ireland) 1977<sup>(b)</sup> at a place permitted under that Order.

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(a) O.J. No. L 94, 31.3.2004, p. 63 as last amended by Commission Decision 2005/515/EC (O.J. No. L 187, 19.7.2005, p. 29)

(b) S.R. 1977 No. 113 as amended by S.R. 1977 No. 256, S.R. 1994 No. 402, S.R. 2000 No. 10 and S.R. 2006 No. 275

### **Border inspection post**

**11.**—(1) If at any time the Department or district council is of the opinion that any part of the inspection facilities at the border inspection post no longer complies with the requirements for approval, the Department or district council may serve a notice on the operator—

- (a) specifying the breach;
- (b) providing a time limit within which the conditions shall be complied with; and
- (c) prohibiting the use of that part of the facilities until the conditions of the approval are complied with.

(2) If the notice is not complied with the Department or district council may suspend the approval in relation to that part of the inspection facilities.

(3) If the operator of a border inspection post is in serious breach of the requirements for a border inspection post set out in Annex II to Council Directive 97/78/EC (laying down the principles governing the organisation of veterinary checks on products entering the Community from third countries<sup>(a)</sup>) or the conditions of the approval, and in particular if the operation of the border inspection post creates a risk to human or animal health, the Department shall suspend its approval and shall inform the Commission and the other member States of the suspension and the reason.

### **Appointment of official veterinary surgeons and authorised officers**

**12.**—(1) The Department shall appoint—

- (a) suitably trained veterinary surgeons to be official veterinary surgeons;
- (b) such appropriately trained assistants for each official veterinary surgeon appointed under sub-paragraph (a),

for any border inspection post authorised to import animals.

(2) A district council shall appoint—

- (a) an authorised officer to carry out the regulatory functions in relation to fish and fishery products at each border inspection post in its district;
- (b) such appropriately trained assistants for each authorised officer appointed under sub-paragraph (a),

if the approval for the border inspection post permits the importation of any product (other than snails) for human consumption listed in Chapter 3 of Annex I to Commission Decision 2007/275/EC.

(3) An authorised officer appointed under paragraph (2) shall have all the powers of an official veterinary surgeon in relation to those products referred to in paragraph (2).

(4) The appointment under paragraph (2) may be made by the Department rather than the district council if the approval for the border inspection post only permits the importation of animal by-products.

### **Place of importation**

**13.** An animal or product shall not be imported into Northern Ireland other than at a border inspection post designated for that animal or product.

### **Notification of importation**

**14.**—(1) In the case of animals the person responsible for a consignment shall notify its arrival to the border inspection post at least one working day before it is due to arrive.

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(a) O.J. No. L 24, 30.1.1998, p. 9 as last amended by Council Directive 2006/104/EC (O.J. No. L 363, 20.12.2006, p. 352)

(2) In the case of products the person responsible for a consignment shall notify its arrival to the border inspection post before the consignment is unloaded from the means of transport that brought it to Northern Ireland.

(3) The notification shall be made by submitting the CVED with Part I completed.

(4) In the case of transshipment of products to another member State the person responsible for the consignment shall notify the official veterinary surgeon at the border inspection post of arrival at the time of arrival, of—

- (a) the estimated time of unloading of the consignment;
- (b) the border inspection post at which it will be checked;
- (c) the location of the consignment; and
- (d) the estimated time of departure.

### **Procedure on importation**

**15.**—(1) When the consignment has been unloaded, the person responsible for the consignment shall without undue delay arrange for it, together with the documentation specified for that consignment in the relevant legislation in Schedule 2, to be presented at the border inspection post inspection facilities to enable—

- (a) the checks required by Article 4 of Council Directive 97/78/EC laying down the principles governing the organisation of veterinary checks on products entering the Community from third countries<sup>(a)</sup>,
- (b) the checks required by Article 4 of Council Directive 91/496/EEC laying down the principles governing the organization of veterinary checks on animals entering the Community from third countries<sup>(b)</sup>, or
- (c) the official controls referred to in Article 14(1) of Regulation (EC) No. 882/2004 of the European Parliament and of the Council on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules<sup>(c)</sup>,

to be carried out.

(2) The official veterinary surgeon may serve on the person responsible for the consignment a notice specifying a reasonable time at which the consignment shall be presented for inspection, and that person shall comply with such a notice.

(3) The official veterinary surgeon shall carry out all necessary checks and controls specified in paragraph (1) and shall only issue a CVED permitting entry if—

- (a) the consignment complies with the requirements relating to it in the relevant instrument in Schedule 2;
- (b) the importation is not prohibited under paragraph (4); and
- (c) the correct fee for the checks has been or will be paid.

(4) In the case of live animals the official veterinary surgeon shall not issue a CVED permitting entry if—

- (a) the animals are from a territory or part of a territory of a third country not included in the lists drawn up in accordance with legislation of the European Union for the species concerned or from which imports are prohibited under that legislation;
- (b) the animals are suffering from or are suspected to be suffering from or are infected by a contagious disease or a disease presenting a risk for human or animal health, or any other reason provided for in legislation of the European Union;

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(a) O.J. No. L 24, 30.1.1998, p. 9 as last amended by Council Directive 2006/104/EC (O.J. No. L 363, 20.12.2006, p. 352)

(b) O.J. No. L 268, 24.9.1991, p. 56 as last amended by Council Directive 2008/73/EC (O.J. No. L 219, 14.8.2008, p. 40)

(c) O.J. No. L 165, 30.4.2004, p. 1 as last amended by Commission Regulation (EU) No 208/2011 (O.J. No. L 58, 3.3.2011, p. 29)

- (c) the exporting third country has not complied with the requirements provided for in legislation of the European Union;
- (d) the animals are not in a fit state to continue their journey;
- (e) the veterinary certificate or document accompanying the animals does not meet the requirements of legislation of the European Union relating to importation.

(5) If there are no legislative requirements relating to the consignment, the official veterinary surgeon shall not issue a CVED unless importation has been authorised in writing under this paragraph by the Department, who shall only grant an authorisation if satisfied that the consignment does not pose a risk to human or animal health, or to the animal health status of the United Kingdom.

(6) The official veterinary surgeon shall keep the original certificate accompanying the consignment for three years (except that, if the consignment is refused the official veterinary surgeon shall stamp it accordingly, return the original to the importer and keep a copy of it for three years).

### **Removal from the border inspection post**

**16.**—(1) A person shall not remove a consignment from the border inspection post unless it is accompanied by a CVED issued by the official veterinary surgeon and the movement is in accordance with the CVED.

(2) The person transporting a consignment from the border inspection post shall ensure that it is transported to the destination specified in the CVED and is accompanied by its CVED.

(3) This does not apply if the consignment is removed from the border inspection post under the authority of the official veterinary surgeon.

### **Channelling**

**17.** In the case of a product, if box 30, 31, 33 or 34 of the CVED requires a consignment to be taken to a specific destination in the European Union—

- (a) the movement shall be under customs supervision if this is specified in the CVED; and
- (b) on arrival, the occupier of the premises of consignment shall immediately notify the Department of its arrival.

### **Destination outside the United Kingdom**

**18.**—(1) This regulation relates to a consignment brought into Northern Ireland but intended for an ultimate destination outside the United Kingdom.

(2) In the case of an animal consigned to a destination outside the European Union, the person notifying its arrival shall provide documentary evidence that the country of destination will accept the animal, and the official veterinary surgeon at the border inspection post may refuse to accept the animal if this is not provided.

(3) In the case of products, a consignment intended for a destination outside the United Kingdom brought into a border inspection post may be taken directly from the border inspection post (in the case of an airport this shall be by air, and in the case of a sea port this shall be by sea) to a destination outside the United Kingdom without a CVED, if it does not remain at the border inspection post more than 12 hours (in the case of an airport) or 7 days (in the case of a sea port).

(4) If the consignment is intended to be sent to a destination in the European Union, and the importation of the product into the European Union is not permitted, the official veterinary surgeon shall reject the consignment.

### **Unchecked consignments**

**19.**—(1) The Department or district council shall seize any consignment—



- (a) brought into Northern Ireland other than through a border inspection post approved for that animal, product or genetic material;
- (b) removed from a border inspection post without a CVED or the authority of the official veterinary surgeon at the border inspection post; or
- (c) transported from the border inspection post to a destination other than that specified in the CVED.

(2) Where the Department or district council suspects that a consignment does not satisfy the conditions in the legislation in Schedule 2 relating to that animal, product or genetic material—

- (a) it may seize, or cause the consignment to be seized, pending investigation; and
- (b) any costs incurred shall be at the expense of the person responsible for the consignment.

#### **Action following failure of checks or seizure – products**

**20.**—(1) In the case of a product, if the checks at a border inspection post show that the consignment does not satisfy the conditions in the legislation in Schedule 2 relating to that product, or where such checks reveal an irregularity, the official veterinary surgeon, after consultation with the person responsible for the consignment or that person’s representative, shall—

- (a) permit the use of the consignment as animal by-products in accordance with Regulation (EC) No. 1069/2009 of the European Parliament and of the Council laying down health rules as regards animal by-products and derived products not intended for human consumption (a) provided there is no risk to human or animal health;
- (b) where health conditions permit, require the person in charge of the consignment to redispach the product outside the European Union from the same border inspection post to a destination agreed with the person responsible for the consignment, using the same means of transport, within a maximum time limit of 60 days; or
- (c) if the person responsible for the consignment gives immediate agreement, redispach is impossible or the 60-day time limit has elapsed, destroy the products.

(2) Pending redispach or confirmation of the reasons for rejection, the person responsible for the consignment shall store the consignment under the supervision of the Department or the district council at the expense of the person responsible for the consignment.

(3) If a consignment of products is seized outside a border inspection post under regulation 19 the Department or district council shall—

- (a) dispose of the consignment as Category 1 material in accordance with Regulation (EC) No. 1069/2009 of the European Parliament and of the Council, or
- (b) act in accordance with sub-paragraph (b) or (c) of paragraph (1).

#### **Consignments of products likely to constitute a risk to animal or human health**

**21.** If veterinary checks at a border inspection post indicate that a consignment of products is likely to constitute a danger to animal or human health, the official veterinary surgeon or authorised officer shall immediately seize and destroy it at the expense of the person responsible for it.

#### **Serious or repeated infringements and breach of maximum residue limits**

**22.**—(1) Where the enforcement authority reasonably concludes, on the basis of the results of veterinary checks in any member State revealing that products entering the European Union from—

- (a) a particular third country;
- (b) part of a third country; or
- (c) establishment in a third country,

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(a) O.J. No. L 300, 14.11.2009, p. 1 as last amended by Council Directive 2010/63/EU (O.J. No. L 276, 20.10.2010, p.4)

are implicated in serious or repeated infringements of any requirement laid down in a Community instrument relating to animal or public health, or where those checks reveal that maximum residue levels have been exceeded, this regulation shall apply to the next ten consignments brought into the United Kingdom from that third country, part of a third country or establishment in a third country as the case may be, that are brought into Northern Ireland.

(2) The official veterinary surgeon at the border inspection post at which any such consignment is brought shall, by notice served on the person responsible for the consignment, take charge of it and carry out a physical check thereon, including the taking of samples and laboratory tests and analyses.

(3) Upon service of a notice under paragraph (2) the person responsible for the consignment shall lodge with the official veterinary surgeon a deposit or guarantee sufficient to assure payment of all charges payable for veterinary checks carried out on the consignment, including the taking of samples, and any laboratory test and analysis carried out on any sample taken.

(4) If any veterinary check carried out on the consignment reveals an infringement of any requirement laid down in a Community instrument relating to animal or public health, the official veterinary surgeon shall redispach or dispose of the consignment in accordance with Regulation 20(1).

#### **Action following failure of checks or seizure – animals**

**23.**—(1) If the checks at a border inspection post show that an animal does not satisfy the conditions in the legislation in Schedule 2 relating to that animal, or where such checks reveal an irregularity, the authorised officer shall, by notice served on the importer or the importer's representative, require that the importer or the importer's representative—

- (a) shelter, feed and water and, if necessary, treat the animal;
- (b) if necessary, place it in quarantine or isolate it for so long as is necessary to ensure that there is no risk to human or animal health; or
- (c) where animal health or welfare requirements so allow redispach it, within a time limit to be set by the official veterinary surgeon, outside the European Union.

(2) If redispach is impossible, in particular for welfare reasons, the authorised officer may arrange for the slaughter of the animal.

(3) If an animal is seized under regulation 19 the Department or district council shall isolate it and, following examination of the animal, shall—

- (a) release the animal from restriction; or
- (b) require the animal to be slaughtered; or
- (c) require the animal to be re-exported outside the European Union.

(4) Where a horse is imported under the conditions of Commission Decision 92/260 (on animal health conditions and veterinary certification for temporary admission of registered horses) and is not re-exported within 90 days the Department may require the horse to be re-exported.

(5) The importer or the importer's representative is liable for the costs incurred in these measures but is entitled to the slaughter value of the animal after deduction of these costs.

#### **Appeals**

**24.**—(1) Any person who is aggrieved by a decision referred to in regulation 20 or 23, may appeal within one month of the decision to a Magistrates' court by way of sworn complaint in writing for an order and the Magistrates' Court (Northern Ireland) Order 1981(a) applies to the proceedings.

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(a) 1981 No.1675 (N.I.26)

### **Additional requirements in specific cases**

25. Part 2 of Schedule 3 makes additional requirements for specific cases.

### **Exclusions**

26. The provisions of this Part do not apply in the cases specified in Schedule 4.

### **Re-importation of products**

27.—(1) An official veterinary surgeon at a border inspection post shall authorise the re-importation of a consignment of products that originated in the European Union and was refused by a third country, if the consignment is accompanied—

- (a) by the original certificate or a copy authenticated by the competent authority which issued the certificate accompanying the consignment, together with details of the reasons for refusal and a guarantee that the conditions governing the storage and transport of the consignment have been observed, stating that the products in the consignment have not undergone any handling; or
- (b) in the case of sealed containers, by a certificate from the carrier stating that the content has not been handled or unloaded.

(2) The official veterinary surgeon shall carry out a documentary and identity check and if necessary a physical check.

(3) The importer shall—

- (a) transport the consignment directly to the establishment of origin in the member State where the certificate was issued, in leak-proof means of transport, identified and sealed by the official veterinary surgeon at the border inspection post so that the seals will be broken whenever the container is opened; or
- (b) destroy the consignment as animal by-products.

### **Admission of products into warehouses**

28. A person shall not bring a consignment of products that does not comply with the import requirements of these Regulations into a warehouse in a free zone, a free warehouse (as defined in Title IV chapter 3 section 1 of Council Regulation (EEC) No. 2913/92 establishing the Community Customs Code(a)) or a customs warehouse.

## **PART 4**

### **SAFEGUARD MEASURES**

#### **Safeguard measures**

29.—(1) This regulation applies where the Department or the Agency has reasonable grounds for suspecting the existence of a disease, zoonosis, phenomenon or circumstance outside the United Kingdom liable to present a serious threat to human or animal health.

(2) The Department or the Agency may by written declaration suspend, or impose conditions upon, the entry into Northern Ireland of any animal, product or genetic material from the whole or any part of the country concerned.

(3) The declaration shall be published in such manner as the Department or the Agency thinks fit.

(4) A person shall not bring anything into Northern Ireland in breach of such declaration.

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(a) O.J. No. L 302, 19.10.92, p. 1

## PART 5

### ADMINISTRATION

#### **Notices, authorisations and declarations**

- 30.**—(1) A notice served, authorisation granted, or declaration made under these Regulations—
- (a) shall be in writing;
  - (b) may be made subject to conditions; and
  - (c) may be amended, suspended or revoked by a further notice in writing at any time.
- (2) Any notice, authorisation or declaration under these Regulations shall be complied with.

#### **Enforcement authorities**

**31.** The enforcement authorities are the Department, the Agency or a district council within its district.

#### **Enforcement**

- 32.**—(1) At a border inspection post these Regulations are enforced—
- (a) in relation to animals and genetic material by the Department; and
  - (b) in relation to products by the Department or the district council as the case may be.
- (2) Outside a border inspection post, in relation to animals they are enforced by—
- (a) the Department;
  - (b) otherwise by the district council in its district.
- (3) Outside a border inspection post, in relation to genetic material they are enforced by the Department.
- (4) Outside a border inspection post, in relation to products they are enforced by—
- (a) the district council (except in relation to animal feed, where it is the Department); or
  - (b) by the Agency at—
    - (i) any cutting plant, game-handling establishment or slaughterhouse, or
    - (ii) premises at which the Agency enforces the Food Hygiene Regulations (Northern Ireland) 2006(a).
- (5) In addition, in relation to products they are enforced by a general customs official in any place where goods are subject to customs supervision by that official under Articles 37 and 38 of Council Regulation (EEC) No. 2913/92 establishing the Community Customs Code.
- (6) The Department may direct, in relation to cases of a particular description or a particular case, that the Department of Agriculture and Rural Development may discharge any duty imposed on a district council under this regulation.
- (7) Where an officer of the Department or a district council, when exercising any statutory function, discovers at a point of entry a consignment or product that the officer considers may have been brought in breach of regulation 13, the officer shall seize the consignment or product, or cause the consignment or product to be seized, pending investigation, and any costs incurred shall be at the expense of the person responsible for the consignment or product.
- (8) In cases where an officer of a district council who is not an authorised officer for the purposes of these Regulations, when exercising any statutory function, discovers at any place other than a point of entry or a border inspection post, a consignment or product—

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(a) S. R. 2006 No. 3 as amended

- (a) in relation to which the officer considers these Regulations may not have been complied with; or
- (b) that the officer considers is from a third country and may present a risk to animal or public health,

the officer shall notify an authorised officer and detain the consignment or product until an authorised officer takes charge of it.

#### **Powers of entry**

**33.**—(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 these Regulations.

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

(3) Admission to any premises used only as a private dwelling house may not be demanded as of right unless the entry is in accordance with a warrant granted under this regulation.

(4) If a lay magistrate, on sworn complaint in writing, is satisfied that there are reasonable grounds for entry into any premises for any purpose in paragraph (1) and that either—

- (a) admission to the premises has been refused, or a refusal is anticipated, and that notice of the intention to apply for a warrant has been given to the occupier; or
- (b) an application for admission, or the giving of such notice, would defeat the object of the entry, or that the case is one of urgency, or that the premises are unoccupied or the occupier temporarily absent,

the lay magistrate may by signed warrant authorise an authorised officer to enter the premises, if need be by reasonable force.

(5) A warrant granted under this regulation continues in force for one month.

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

#### **Powers of authorised officers**

**34.** An authorised officer may—

- (a) inspect and examine any animal;
- (b) inspect any product, or genetic material, including its packaging, seals, marking, labelling and presentation, and any plant or equipment used for or in connection with it;
- (c) have access to, and inspect and copy any documents or records (in whatever form they are held), and remove them to enable them to be copied;
- (d) have access to, inspect and check the operation of any computer and any associated apparatus used in connection with the records; and may require any computer records to be produced in a form in which they may be taken away;
- (e) seize and retain anything required as evidence in proceedings under these Regulations;
- (f) open any bundle, package, packing case, or item of personal luggage, or require any person in possession of or accompanying the same to open it and inspect the contents;
- (g) take samples of any animal or product for laboratory tests, for checking against any relevant document relating to the animal or product or otherwise for checking compliance with these Regulations or any condition of import enforced by these Regulations.

#### **Consignments from another member State constituting a risk to health**

**35.**—(1) If an animal, product or genetic material brought in from another member State constitutes a serious risk to human or animal health or comes from a region contaminated by an

epizootic disease, an authorised officer of the Department may serve a notice on the person appearing to be in charge of the animal, product or genetic material requiring that person—

(a) to detain and isolate—

- (i) the animals;
- (ii) any animals with which they have been in contact;
- (iii) the product;
- (iv) the genetic material;

and take such further action as may be specified in the notice for the purpose of preventing the introduction or spreading of disease; or

(b) without delay, to slaughter an animal, or, in the case of an product or genetic material, destroy it, in accordance with such conditions as may be specified in the notice.

(2) An authorised officer of the Department who knows or suspects that animals, products or genetic material do not comply with the provisions of Article 3 of Council Directive 90/425/EEC, may, if animal health and welfare considerations so permit, give the consignor or his representative or the person appearing to him to be in charge of those animals, products or genetic material by way of notice the choice of—

- (a) where the cause of non-compliance is the presence in animals of residues in excess of that permitted under regulation 9 of the Animals and Animal Products (Examination for Residues and Maximum Residue Limits) Regulations (Northern Ireland) 1998(a), maintaining the animals under supervision until the residue levels fall to the levels permitted by the legislation or Schedule 2 to these Regulations;
- (b) slaughtering the animals or destroying the products or genetic material in accordance with such conditions as may be specified in the notice; or
- (c) returning the animals, products or genetic material to the member State of despatch, with the authorisation of the competent authority of the member State of despatch and with prior notification to any member State of transit.

(3) If the consignment fails to comply only by reason of an irregularity in respect of the required consignment documentation, the authorised officer shall serve a notice—

- (a) requiring the consignor, the consignor's representative or the person in charge of the consignment to produce the required documentation within 7 days; and
- (b) to detain the consignment in accordance with the terms of the notice.

(4) If a notice served under this regulation is not complied with an authorised officer may seize any animal, product or genetic material to which the notice relates, and arrange for the requirements of the notice to be complied with at the expense of the person on whom the notice was served.

### **Obstruction**

**36.**—(1) A person shall not—

- (a) intentionally obstruct any person acting in the execution of these Regulations;
- (b) without reasonable cause, fail to give any person acting in execution of these Regulations any assistance or information that that person may reasonably require for the purpose of carrying out functions under these Regulations; or
- (c) furnish to any person acting in the execution of these Regulations any information knowing it to be false or misleading.

(2) Nothing in paragraph 1(b) shall be construed as requiring any person to answer any question or give any information if to do so might incriminate them.

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(a) S. R. 1998 No. 237

### **Exchange of information**

**37.**—(1) The enforcement authority may exchange information for the purposes of these Regulations, and may divulge information to the enforcement authorities in England, Scotland and Wales for the purposes of this Part or the equivalent legislation in those jurisdictions.

(2) Paragraph (1) is without prejudice to any other power of the enforcement authority, to disclose information.

(3) No person shall disclose any information received from the enforcement authority under paragraph (1) if—

(a) the information relates to a person whose identity—

(i) is specified in the disclosure; or

(ii) can be deduced from the disclosure;

(b) the disclosure is for a purpose other than the purposes specified in paragraph (1); and

this shall include a servant of the Crown.

### **Fees**

**38.**—(1) The Department, the district council or the Agency (whichever is responsible under regulation 32) may charge a reasonable fee in relation to any activity relating to trade between member States in animals or genetic material under these Regulations.

(2) The consignor, the consignor's representative and the person in charge of any animal or genetic material are jointly and severally liable for that fee(a).

### **Offences**

**39.** A person contravening any of the provisions of these Regulations specified in Schedule 1 shall be guilty of an offence.

### **Penalties**

**40.**—(1) A person guilty of an offence of disclosure in breach of regulation 37(3) (disclosure of information) is liable—

(a) on summary conviction, to a fine not exceeding the statutory maximum, to imprisonment not exceeding 3 months, or to both;

(b) on conviction on indictment, to imprisonment for a term not exceeding 2 years, to a fine or to both.

(2) A person guilty of any other offence under these Regulations is liable on summary conviction to a fine not exceeding the statutory maximum or, on conviction on indictment, to a fine.

### **Disapplication of existing provisions**

**41.**—(1) The Landing of Carcasses and Animal Products Order (Northern Ireland) 1985(b) and The Diseases of Animals (Importation of Bird Products) Order (Northern Ireland) 1996(c) shall not apply to products to which these Regulations apply, except the products referred to in paragraphs 2 and 4 of Schedule 4.

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(a) Fees relating to imports from third countries are established under Regulation (EC) No 882/2004 of the European Parliament and of the Council on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules (O.J. No L 165, 30.4.2004, p. 1)

(b) S.R. 1985 No. 161 as amended by S.R. 1995 No. 315

(c) S.R.1996 No. 81

(2) The Artificial Reproduction of Animals (Northern Ireland) Order 1975(a) shall not apply to products to which these Regulations apply, except embryos, ova and semen of the ovine, caprine and bovine species.

### Revocations

42.—(1) The following are revoked—

- (a) the Products of Animal Origin (Import and Export) Regulations (Northern Ireland) 1998(b);
- (b) the Products of Animal Origin (Import and Export) (Amendment) Regulations (Northern Ireland) 2001(c);
- (c) the Animals and Animal Products (Import and Export) Regulations (Northern Ireland) 2006(d);
- (d) the Products of Animal Origin (Third Country Imports) Regulations (Northern Ireland) 2007(e);
- (e) the Products of Animal Origin (Third Country Imports) (Amendment) Regulations (Northern Ireland) 2007(f);
- (f) the Animals and Animal Products (Import and Export) (Circuses and Avian Quarantine) Regulations (Northern Ireland) 2007(g);
- (g) the Animals and Animal Products (Import and Export) (Amendment) Regulations (Northern Ireland) 2008(h);
- (h) the Animals and Animal Products (Import and Export) (Amendment) Regulations (Northern Ireland) 2009(i);
- (i) the Animals and Animal Products (Import and Export) (Amendment) Regulations (Northern Ireland) 2010(j);
- (j) the Products of Animal Origin (Third Country Imports) (Amendment) Regulations (Northern Ireland) 2010(k);
- (k) the Animals and Animal Products (Import and Export) (Amendment) Regulations (Northern Ireland) 2011(l).

(2) Schedule 5 makes amendments consequential to these Regulations.

Sealed with the Official Seal of the Department of Agriculture and Rural Development on 21st December 2011



*C. McMaster*  
A senior officer of the Department of Agriculture and Rural Development

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- (a) S.I.1975 No.1834 (N.I. 17)
  - (b) S.R. 1998 No. 45
  - (c) S.R. 2001 No. 242
  - (d) S.R. 2006 No. 401
  - (e) S.R. 2007 No. 199
  - (f) S.R. 2007 No. 314
  - (g) S.R. 2007 No. 327
  - (h) S.R. 2008 No. 53
  - (i) S.R. 2009 No. 86
  - (j) S.R. 2010 No. 380
  - (k) S.R. 2010 No. 417
  - (l) S.R. 2011 No. 27



SCHEDULE 1  
OFFENCES

Regulation 39

<i>Provision</i>	<i>Description of the offence</i>
regulation 5(1)	Consigning an animal or genetic material without a health certificate
regulation 5(2)	Failing to keep a certificate for at least twelve months
regulation 6(5)	Signing a certificate without being authorised by the Department
regulation 6(6)	Signing a certificate knowing it to be false, or not believing it to be true
regulation 7	Failing to notify movement between member States
regulation 13	Importation other than at a border inspection post
regulation 14	Failing to notify importation
regulation 15(1)	Failing to present a consignment for inspection
regulation 15(2)	Failing to comply with a notice
regulation 16(1)	Removal from a border inspection post without a CVED
regulation 16(2)	Failing to transport a consignment to the place specified in the CVED
regulation 17(a)	Movement other than under Customs supervision
regulation 17(b)	Failure to notify the Department
regulation 28	Bringing a non-compliant product into a warehouse etc.
regulation 29(4)	Bringing in an animal, product or genetic material in breach of a declaration
regulation 36	Obstruction
regulation 37(3)	Disclosure of information
Schedule 3:	
paragraph 5(1) of Part 1	Trading in apes
paragraph 6(2) of Part 1	Keeping records
paragraph 6(3) of Part 1	Notification of movement
Paragraph 7 of Part 1	Movement of Animal by-products
paragraph 8(2) of Part 2	Slaughter of animals
paragraph 8(3) of Part 2	Keeping animals at their place of destination
paragraph 9(2) of Part 2	Transport of birds to approved quarantine facilities or centres
paragraph 9(3) of Part 2	Release of birds from quarantine
paragraph 11 of Part 2	Use of a certificate relating to ships' stores
Schedule 4 paragraph 4(3)	Destruction or redispach in accordance with the authorisation

## SCHEDULE 2

Regulations 5 and 15

### EUROPEAN UNION LEGISLATION

<i>EU legislation</i>	<i>Subject</i>
Council Directive 64/432/EEC on animal health problems affecting intra-Community trade in bovine animals and swine(a)	Bovine animals and swine
Council Directive 88/407/EEC laying down the animal health requirements applicable to intra-Community trade in and imports of semen of domestic animals of the bovine species(b)	Bovine semen
Council Directive 89/556/EEC on animal health conditions governing intra-Community trade in and importation from third countries of embryos of domestic animals of the bovine species(c)	Fresh and frozen bovine embryos
Council Directive 89/662/EEC concerning veterinary checks in intra-Community trade with a view to completion of the internal market(d)	Veterinary checks
Council Directive 90/425/EEC concerning veterinary and zootechnical checks applicable in intra-Community trade in certain live animals and products with a view to the completion of the internal market(e)	Veterinary checks
Council Directive 90/429/EEC laying down the animal health requirements applicable to intra-Community trade in and imports of semen of domestic animals of the porcine species(f)	Porcine semen
Council Directive 91/496/EEC laying down the principles governing the organisation of veterinary checks on animals entering the Community from third countries(g)	Veterinary checks
Council Directive 91/68/EEC on animal health conditions governing intra-Community trade in ovine and caprine animals(h)	Sheep and goats
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) (1) to Directive 90/ 425/EEC (i)	Other animals and products specified in the Directive
Council Directive 92/118/EEC laying down animal health and public health requirements governing trade in and imports into the Community of products not subject to the said requirements laid down in specific Community rules referred to in Annex A (I) to Directive 89/662/EEC and, as regards pathogens, to Directive 90/425/EEC(j)	Miscellaneous products
Council Directive 96/23/EC on measures to monitor certain substances and residues thereof in live animals and animal	Residues

(a) O.J. No. L 121, 29.7.64, p. 1977 as last amended by Commission Decision 2009/976/EU (O.J. No. L 336, 18.12.2009, p. 36)

(b) O.J. No. L 194, 22.7.1988, p. 10 as last amended by Council Directive 2008/73/EC (O.J. No. L 219, 14.8.2008, p. 40)

(c) O.J. No. L 302, 19.10.1989, p. 1 as last amended by Council Directive 2008/73/EC

(d) O.J. No. L 395, 30.12.1989, p. 13 as last amended by Directive 2004/41/EC (O.J. No. L 157, 30.4.2004, p. 33)

(e) O.J. No. L 224, 18.8.1990, p. 29 as last amended by Directive 2002/33/EC (O.J. No. L315, 19.11.2002, p. 14)

(f) O.J. No. L 224, 18.8.1990, p. 62 as last amended by Council Directive 2008/73/EC

(g) O.J. No. L268, 24.9.1991, p. 56 as last amended by Directive 2008/73/EC,(O.J. No. L219, 14.8.2008, p. 40)

(h) O.J. No. L 46, 19.2.1991, p. 19 as last amended by Council Directive 2008/73/EC

(i) O.J. No. L 268, 14.9.1992, p. 54 as last amended by Commission Regulation (EU) No 2010/684 (O.J. No. L 293, 11.11.2010, p. 62)

(j) O.J. No. L 62, 15.3.1993, p. 49 as last amended by Commission Regulation (EC) No 445/2004 (O.J. No. L 72, 11.3.2004, p. 60)

products and repealing Directives 85/358/EEC and 86/469/EEC and Decisions 89/187/EEC and 91/664/EEC(a)	
Council Directive 97/78/EC laying down the principles governing the organisation of veterinary checks on products entering the Community from third countries(b)	Veterinary checks
Regulation (EC) No 178/2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down the procedures in matters of food safety(c)	Animal products for human consumption
Council Directive 2002/99/EC laying down the animal health rules governing the production, processing, distribution and introduction of products of animal origin for human consumption(d)	Animal products for human consumption
Council Directive 2004/68/EC laying down animal health rules for the importation into and transit through the Community of certain live ungulate animals(e)	Certain live ungulate animals including bovine, ovine, caprine, porcine
Commission Regulation (EC) No 136/2004 laying down procedures for veterinary checks at Community border inspection posts on products imported from third countries(f)	Hay and Straw
Regulation (EC) No 852/2004 of the European Parliament and of the Council on the hygiene of foodstuffs(g)	Animal products for human consumption
Regulation (EC) No 853/2004 of the European Parliament and of the Council laying down specific hygiene rules for food of animal origin(h)	Animal products for human consumption
Regulation (EC) No. 854/2004 of the European Parliament and the Council laying down specific hygiene rules for the organisation of official controls on products of animal origin intended for human consumption (i)	Animal products for human consumption
Regulation (EC) No 882/2004 of the European Parliament and of the Council on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules(j)	Official controls on feed, food, animal health and animal welfare
Council Regulation (EC) No. 183/2005 laying down requirements for feed hygiene(k)	Animal feed
Commission Decision 2007/275 concerning lists of animals and products to be subject to controls at border inspection posts under Council Directives 91/496/EEC and 97/78/EC(l)	Composite products
Council Directive 2006/88/EC on animal health requirements for aquaculture animals and products thereof, and on the prevention	Aquatic animals

- (a) O.J. No. L 125, 23.5.1996, p. 10 as last amended by Regulation (EC) No. 596/2009 of the European Parliament and of the Council (O.J. No. 188, 18.7.2009, p. 14)
- (b) O.J. No. L. 24, 30.1.1998, p. 9 as last amended by Directive 2006/104/EC (O.J. L. 363, 20.12.2006)
- (c) O.J. No. L 31, 1.2.2002, p. 1 as last amended by Regulation (EC) No. 596/2009 of the European Parliament and of the Council (O.J. No. L. 188, 18.7.2009)
- (d) O.J. No. L 18, 23.1.2003, p. 11
- (e) O.J. No. L 139, 30.4.2004, p. 321
- (f) O.J. No. L 21, 28.1.2004, p. 11 as last amended by Commission Regulation (EC) No. 206/2009 of the European Parliament and of the Council (O.J. No. L. 77, 24.3.2009, p. 1)
- (g) O.J. No. L 139, 30.4.2004, p. 1 as last amended by Regulation (EC) No. 219/2009 of the European Parliament and of the Council (O.J. No. L 87, 31.3.2009, p. 109)
- (h) O.J. No. L 139, 30.4.2004, p. 55 as last amended by Commission Regulation (EU) 150/2011 (O.J. No. L 46, 19.2.2011, p. 14)
- (i) O.J. No. L 139, 30.4.2004, p. 206 as last amended by Commission Regulation (EU) No 739/2011 (O.J. No. L 196, 28.7.2011, p. 196)
- (j) O.J. No. L 165, 30.4.2004, p. 1
- (k) O.J. No. L 35, 8.2.2005, p. 1 as last amended by Regulation (EC) No. 219/2009 of the European Parliament and of the Council
- (l) O.J. No. L 116, 4.5.2007, p. 9

and control of certain diseases in aquatic animals(a)	
Council Directive 2009/156/EC on animal health conditions governing the movement and importation from third countries of equidae(b)	Equidae
Council Directive 2009/158/EC on animal health conditions governing intra-Community trade in, and imports from third countries of, poultry and hatching eggs(c)	Poultry and hatching eggs
Regulation (EC) No 767/2009 of the European Parliament and of the Council of 13 July 2009 on the placing on the market and use of feed(d)	Animal feed
Council Regulation (EC) No 1069/2009 laying down the health rules as regards animal by-products and derived products not intended for human consumption (e)	Animal by-products

## SCHEDULE 3

Regulations 8 and 25

### SPECIFIC REQUIREMENTS FOR INDIVIDUAL CASES

#### PART 1

#### ADDITIONAL REQUIREMENTS FOR TRADE BETWEEN MEMBER STATES

##### **Dealers in cattle, sheep, pigs or goats**

1.—(1) The Department may authorise premises to operate as an assembly centre or dealer's premises in accordance with Council Directive 64/432/EEC (in the case of cattle and pigs) or Council Directive 91/68/EEC (in the case of sheep and goats).

(2) The authorisation shall specify the dealer or operator authorised to operate the premises.

(3) The Department must be satisfied that the dealer or operator will operate the premises in accordance with Council Directive 64/432/EEC or Council Directive 91/68/EEC.

(4) In this Article dealer means—

- (a) in the case of cattle or pigs, any person who buys and sells animals commercially either directly or indirectly, who has a regular turnover of these animals and who within 30 days of purchasing animals resells or relocates them from the first premises to other premises not within his ownership; and
- (b) in the case of sheep or goats, any person who buys and sells animals commercially either directly or indirectly, who has a regular turnover of these animals and who within 29 days of purchasing animals resells or relocates them from the first premises to other premises not within his ownership

##### **Transport of cattle, pigs, sheep or goats**

2.—(1) Any person transporting cattle, pigs, sheep or goats between member States shall comply with this paragraph.

(2) The transporter shall be approved for the purpose by the Department.

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(a) O.J. No. L 328, 24.11.2006, p. 14 as last amended by Commission Directive 2008/53/EC (O.J. No. L 117, 1.5.2008, p. 27)

(b) O.J. No. L 192, 23.7.2010, p. 1

(c) O.J. No. L 343, 22.12.2009, p. 74 as amended by Commission Decision 2011/214/EU (O.J. No. L90, 6.4.2011, p. 27)

(d) O.J. No. L 229, 1.9.2009, p. 1 as last amended by Commission Regulation (EU) No 939/2010 (O.J. No. L 277, 21.10.2010, p. 4)

(e) O.J. No. L 300, 14.11.2009, p.1 as last amended by Directive 2010/63/EU of the European Parliament and of the Council (O.J. No. L 276, 20.10.2010, p. 33)

(3) The transporter shall, for each vehicle used for the transport of those animals, keep a register containing the following information,

- (a) places and dates of pick-up, and the name or business name and address of the holding or assembly centre where the animals are picked up;
- (b) places and dates of delivery, and the name or business name and address of the consignee;
- (c) species and number of animals carried;
- (d) date and place of disinfection; and
- (e) the unique identifying number of accompanying health certificates.

(4) The register shall be kept for at least three years.

(5) The transporter shall ensure that the means of transport is constructed in such a way that animal faeces, litter or feed cannot leak or fall out of the vehicle.

(6) The transporter shall give a written undertaking to the Department stating that—

- (a) in the case of cattle or pigs, Council Directive 64/432/EEC, and in particular the provisions laid down in Article 12 of that Directive and the provisions of that Directive relating to the appropriate documentation that shall accompany the animals, will be complied with;
- (b) in the case of sheep or goats, Council Directive 91/68/EEC, and in particular the provisions laid down in Article 8c of that Directive and the provisions of that Directive relating to the appropriate documentation that shall accompany the animals, will be complied with; and
- (c) the transport of animals will be entrusted to staff who possess the necessary ability, professional competence and knowledge.

## **Horses**

3. Registered equidae and equidae for breeding and production (other than registered horses accompanied by identification documentation provided for by Council Directive 90/427/EEC (on the zootechnical and genealogical conditions governing intra-Community trade in equidae) covered by a bi-lateral agreement made under Article 6 of Council Directive 2009/156/EC on animal health conditions governing the movement and importation from third countries of equidae) may move between member states without a health attestation or a health certificate.

## **Northern Ireland Poultry Health Assurance Scheme**

4. For the purposes of Article 6 of, and Annex II to, Council Directive 2009/158/EC (which establishes a poultry health scheme relating to trade between member States)—

- (a) the approval of establishments and laboratories shall be granted by the Department under the Northern Ireland Poultry Health Assurance Scheme Order (Northern Ireland) 2011(b);
- (b) an annual inspection of an approved establishment shall be carried out by a veterinary surgeon appointed for the purpose by the Department for the establishment to remain on the register.

## **Approvals for the Balai Directive**

5.—(1) A person shall not trade in apes (simiae and prosimiae) other than between a centre approved by the Department and a centre approved by the competent authority for the other member State in accordance with Article 5 of Council Directive 92/65/EEC (“the Balai Directive”).

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(a) O.J. No. L 192, 23.7.2010, p. 1

(b) S.R. 2011 No. 436

(2) A body seeking approval to use the different health provisions set out in Article 13 of the Balai Directive shall be approved by the Department.

(3) The Department shall suspend, withdraw or restore approvals in sub-paragraph (1) or (2) in the circumstances set out in point 6 of Annex C to that Directive.

(4) The Department shall approve a body authorised to engage in trade between member States in semen, ova and embryos in accordance with Article 11 of the Balai Directive if it meets the conditions applicable to it in respect of approval and the performance of its duties as required by Article 11 of and Annex D to that Directive.

(5) By way of derogation, from sub-paragraph (1), the Department may authorise in writing a body approved under this paragraph to acquire an ape (*simiae* and *prosimiae*) belonging to an individual.

### **Circuses**

**6.**—(1) The Department is the competent authority for the purposes of Commission Regulation (EC) No. 1739/2005 laying down animal health requirements for the movement of circus animals between member States<sup>(a)</sup>.

(2) A person shall not contravene Article 8 of that Commission Regulation (keeping of records).

(3) Notwithstanding regulation 5(1) of these Regulations, a person shall not contravene Article 10(1) of that Commission Regulation (notification of movement).

### **Animal by-products**

**7.** Animal by-products to which Article 48 of Regulation (EC) No 1069/2009 apply may only be consigned to another member State, or brought into Northern Ireland from another member State, in accordance with that Article.

## **PART 2**

### **ADDITIONAL PROVISIONS RELATING TO IMPORTS FROM THIRD COUNTRIES**

#### **Arrival at premises of destination**

**8.**—(1) This paragraph applies to elephants and to cattle, pigs, sheep goats and all other animals of the taxa *Artiodactyla*, and their crossbreeds.

(2) Animals intended for immediate slaughter shall be conveyed without delay from the border inspection post to the slaughterhouse of destination and slaughtered within 3 working days.

(3) In any other case the animals shall be taken without delay from the border inspection post to the holding of destination and kept there for at least 30 days (unless consigned from the holding direct to a slaughterhouse).

#### **Imported birds**

**9.**—(1) The Department is the competent authority for Commission Regulation (EC) No 318/2007 laying down animal health conditions for imports of certain birds into the Community and the quarantine conditions thereof<sup>(b)</sup>.

(2) An importer shall comply with Article 7 (transport of birds) of that Regulation.

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(a) O.J. No. L 279, 22.10.2005, p. 47

(b) O.J. No. L 84, 24.3.2007, p. 7 as last amended by Commission Regulation (EU) No 239/2010 (O.J. No. L 75, 23.3.2010, p. 18)

(3) A person shall not release a bird from quarantine except in accordance with Article 16 (release of birds) of that Regulation.

### **Horses**

10. When a horse is imported from a third country under Commission Decision 92/260/EEC on animal health conditions and veterinary certification for temporary admission of registered horses(a), the official veterinary surgeon shall return the health certificate to the person accompanying the horse, and make a record of the certificate.

### **Ships stores**

11. A product that does not comply with import requirements and is sent from a border inspection post to a ship shall be accompanied by the certificate referred to in the instrument in Schedule 2 relating to that product, and the master of the vessel shall confirm delivery of the product by signing the certificate specified in Commission Decision 2000/571/EC (laying down the methods of veterinary checks for products from third countries destined for introduction into free zones, free warehouses, customs warehouses or operators supplying cross border means of sea transport(b)) and returning it as soon as is reasonably practicable to the official veterinary surgeon at the border inspection post.

### **Charges for veterinary checks from New Zealand**

12. The charge for veterinary checks carried out on a consignment from New Zealand is 1.5 euro for each tonne of the consignment, subject to a minimum of 30 euro and a maximum of 350 euro, save that where the actual cost of the veterinary checks carried out on a consignment exceeds 350 euro, the amount of the charge is the actual cost.

## **SCHEDULE 4**

Regulation 26

### **CASES TO WHICH PART 3 DOES NOT APPLY**

#### **Disapplication of Part 3**

1. Part 3 of these Regulations, with the exception of regulation 21 does not apply in the cases set out in this Schedule.

#### **Case 1: Personal imports and small consignments**

2. The products of animal origin specified in Article 2 of Commission Regulation (EC) No. 206/2009 on the introduction into the Community of personal consignments of products of animal origin(c).

#### **Case 2: International means of transport**

3. Products on board means of transport operating internationally that are intended for consumption by the crew and passengers and that are either—

- (a) not unloaded;
- (b) transferred directly from one means of transport operating internationally to another at the same port and under customs supervision; or
- (c) destroyed as soon as they are unloaded.

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(a) O.J. No. L 130, 15.5.1992, p. 67 as last amended by Commission Decision 2010/463/EU (O.J. No. L 220, 21.8.2010, p. 74)

(b) O.J. No. L 240, 23.9.2000, p. 14

(c) O.J. No. L 77, 24.3.2009, p. 1

### **Case 3: Trade samples and samples for particular study or analysis**

4.—(1) Products sent as trade samples or intended for exhibitions provided that they are not intended to be marketed and have been authorised in advance for that purpose by the Department.

(2) Products intended for particular studies or analyses provided that such products are not intended for human consumption and have been authorised in advance for that purpose by the Department.

(3) When the exhibition is finished or when the particular studies or analyses have been carried out, these products, with the exception of the quantities used for the analyses, shall be destroyed or redispached as specified in the import authorisation.

(4) This case does not apply in relation to any product controlled under Regulation (EC) No 1069/2009 of the European Parliament and of the Council laying down health rules as regards animal by-products and derived products not intended for human consumption and repealing Regulation (EC) No 1774/2002 (Animal by-products Regulation) (the rules for those products are laid down in that Regulation).

### **Case 4: Consignments cleared in another member State**

5. Consignments of animals and products that have been presented to a border inspection post in another member State or another part of the United Kingdom and have been cleared for free circulation.

### **Case 5: Composite products**

6.—(1) Composite products and foodstuffs listed in Annex II to Commission Decision 2007/275/EC.

(2) Composite products not containing meat or meat products, where less than half of the product is processed product of animal origin, provided that such products are—

- (a) shelf-stable at ambient temperature or have clearly undergone, in their manufacture, a complete cooking or heat treatment process throughout their substance, so that any raw product is denatured;
- (b) clearly identified as intended for human consumption;
- (c) securely packaged or sealed in clean containers; and
- (d) accompanied by a commercial document and labelled in an official language of a Member State, so that that document and labelling together give information on the nature, quality and number of packages of the composite products, the country of origin, the manufacturer and the ingredient.

### **Case 6: Animals subject to rabies control**

7. Animals specified in the Schedule to the Rabies (Importation of Dogs, Cats and Other Mammals) Order (Northern Ireland) 1977<sup>(a)</sup> and imported in accordance with a licence under that Order.

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<sup>(a)</sup> S.R. 1977 No. 113 as last amended by S.R. 2005 No. 275



## SCHEDULE 5

Regulation 42(2)

### CONSEQUENTIAL AMENDMENTS

#### **Amendment to the Bluetongue Regulations (Northern Ireland) 2008**

1. After regulation 20 (compulsory vaccination) of the Bluetongue Regulations (Northern Ireland) 2008(a) insert—

##### **“Exports**

**20A.**—(1) A person shall not export any animal, semen, ovum or embryo to a third country unless it complies with Commission Regulation (EC) No. 1266/2007 on implementing rules for Council Directive 2000/75/EC as regards the control, monitoring, surveillance and restrictions on movements of certain animals of susceptible species in relation to bluetongue.

(2) An inspector who has reasonable cause to suspect that a person intends to export any animal, semen, ovum or embryo in contravention of this regulation may by notice served on that person, that person’s representative or the person appearing to be in charge of the animal, semen, ovum or embryo, prohibit that export and require the person on whom the notice is served to take the animal, semen, ovum or embryo to such places as may be specified in the notice and to take such further action in relation to it as may be specified in the notice.

(3) If a notice served under paragraph (2) is not complied with, an inspector may seize any animal or thing to which it relates and arrange for the requirements of the notice to be complied with at the expense of the person on whom the notice was served.”.

#### **Amendment to the Landing of Carcases and Animal Products Order (Northern Ireland) 1985**

2. The Landing of Carcases and Animal Products Order (Northern Ireland) 1985(b) is amended by inserting after article 3(2)—

“(3) This Order does not apply in relation to any importation in relation to which the Trade in Animals and Related Products Regulations (Northern Ireland) 2011 apply.”.

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(a) S. R. 2008 No. 275.

(b) S. R. 1985 No. 161 as amended by S. R. 1995 No. 315

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations revoke and replace the Regulations specified in regulation 42.

They establish a system for trade between member States in live animals and genetic material (Part 2) and for the importation of live animals, genetic material and products of animal origin from outside the European Union (Part 3).

The European Union legislation required to be complied with before animals or goods can be released from control at the port of importation (the “border inspection post”) is listed in Schedule 2.

As before, the Department of Agriculture and Rural Development is empowered (in Part 4) to prohibit importation into Northern Ireland of any animal or product in the event of a disease outbreak outside the United Kingdom.

The Regulations are enforced by the Department of Agriculture and Rural Development, the Agency and the district council in the circumstances set out in regulation 32.

The Regulations establish various offences, punishable on summary conviction to a fine up to the statutory maximum or on conviction on indictment to an unlimited fine (or in the case of disclosure relating to customs information imprisonment for up to three months)

A full impact assessment has not been produced for this instrument as no impact on the private, voluntary or public sectors is foreseen.

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