
WELSH STATUTORY INSTRUMENTS

2011 No. 2379 (W.252)

ANIMALS, WALES

The Trade in Animals and Related Products (Wales) Regulations 2011

<i>Made</i>	- - - -	<i>28 September 2011</i>
<i>Laid before the National Assembly for Wales</i>	- -	<i>28 September 2011</i>
<i>Coming into force</i>	- -	<i>19 October 2011</i>

The Welsh Ministers are designated ^{F1} for the purposes of making Regulations under section 2(2) of the European Communities Act 1972 ^{F2} 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 Welsh Ministers that it is expedient for the references to the European instruments in Schedule 1 to these Regulations to be construed as references to those instruments as amended from time to time.

In accordance with section 56(1) of the Finance Act 1973 ^{F3}, the Treasury consent to the making of these Regulations.

The Welsh Ministers make 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.

F1 [S.I. 2010/2690](#).

F2 [1972 c. 68](#). Paragraph 1A was inserted into Schedule 2 by section 28 of the [Legislative and Regulatory Reform Act 2006 \(c. 51\)](#).

F3 [1973 c. 51](#) The Welsh Ministers may exercise this power by virtue of section 59(5) of the [Government of Wales Act 2006 \(c. 32\)](#).

PART 1

Introduction

Title, application and commencement

1. The title of these Regulations is the Trade in Animals and Related Products (Wales) Regulations 2011. They apply in relation to Wales and come into force on 19 October 2011.

Interpretation

2.—(1) In these Regulations—

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

“enforcement authority” (“*awdurdod gorfodi*”) has the meaning given in regulation 31;

[^{F4}“genetic material” (“*deunydd genetig*”) means any germinal product that includes semen, oocytes and embryos intended for artificial reproduction and hatching eggs;]

[^{F5}“health certificate” (“*tystysgrif iechyd*”) in these Regulations includes the equivalent of a health certificate in electronic form;]

[^{F5}“importer” (“*mewnforiwr*”) means the natural or legal person who presents animals or products for importation from outside the United Kingdom;]

[^{F5}“intensified official controls” (“*rheolaethau swyddogol dwysach*”) means those controls carried out in accordance with Article 65(4) of the EU Regulation;]

“local authority” (“*awdurdod lleol*”) means in relation to an area, the county or county borough council for that area;

[^{F5}“official controls” (“*rheolaethau swyddogol*”) means activities performed in accordance with Article 2(1) of the EU Regulation;]

“port health authority” (“*awdurdod iechyd porthladd*”) means in relation to any port health district constituted by order under section 2(3) of the Public Health (Control of Disease) Act 1984, a port health authority for that district constituted by order under section 2(4) of that Act;

[^{F5}“premises” (“*mangre*”) includes any place, vehicle, trailer, container, stall, moveable structure, ship or aircraft;]

[^{F6}“product” (“*cynnyrch*”) means—

- (a) any product of animal origin, germinal product, animal by-product, derived product or hay or straw subject to official controls at border control posts, and
- (b) any composite product listed in Commission Decision 2007/275 ^{F7} concerning lists of animals and products to be subject to official controls at border inspection posts;]

(2) All references in Schedule 1 to European Union instruments are references to those instruments as amended from time to time.

[^{F8}(3) In these Regulations,—

- (a) “the EU Regulation” (“*Rheoliad yr UE*”) is a reference to Regulation (EU) 2017/625 of the European Parliament and of the Council on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products ^{F9};
- (b) “Regulation (EU) No. 2016/1012” (“*Rheoliad (EU) Rhif 2016/1012*”) is a reference to Regulation (EU) No. 2016/1012 on zootechnical and genealogical conditions for the breeding, trade in and entry into the Union of purebred breeding animals, hybrid breeding pigs and the germinal products thereof ^{F10};
- (c) any reference to a “border inspection post” (“*arolygfa ffin*”) is to be read as a reference to a “border control post” (“*safle rheoli ar y ffin*”) as defined in regulation 11; and
- (d) any reference to a “CVED” (“*DMMG*”) is to be read as a reference to a “CHED” (“*DMIG*”) as defined in regulation 10.]

F4 Words in reg. 2(1) substituted (31.1.2020) by The Official Controls (Animals, Feed and Food, Plant Health Fees etc.) (Wales) Regulations 2020 (S.I. 2020/44), regs. 1(2), 23(2)(a)(i)

- F5** Words in reg. 2(1) inserted (31.1.2020) by [The Official Controls \(Animals, Feed and Food, Plant Health Fees etc.\) \(Wales\) Regulations 2020 \(S.I. 2020/44\)](#), regs. 1(2), **23(2)(a)(iii)**
- F6** Words in reg. 2(1) substituted (31.1.2020) by [The Official Controls \(Animals, Feed and Food, Plant Health Fees etc.\) \(Wales\) Regulations 2020 \(S.I. 2020/44\)](#), regs. 1(2), **23(2)(a)(ii)**
- F7** OJ No. L 76, 16.3.2007, p. 12.
- F8** Reg. 2(3) inserted (31.1.2020) by [The Official Controls \(Animals, Feed and Food, Plant Health Fees etc.\) \(Wales\) Regulations 2020 \(S.I. 2020/44\)](#), regs. 1(2), **23(2)(b)**
- F9** OJ No. L 95, 7.4.2017, p. 1, as amended by Commission Delegated Regulation (EU) 2019/478 (OJ No. L 82, 25.5.2019, p. 4).
- F10** OJ No. L 171, 29.6.2016, p. 66.

[^{F11}Exception for pet animals

- 3.—(1) These Regulations do not apply in relation to pet animals where—
- (a) the movement is a non-commercial movement, and
 - (b) in the case of cats, dogs and ferrets—
 - (i) the pet animal is accompanying the owner or authorised person, or
 - (ii) where more than five pet animals are accompanying the owner or authorised person, the conditions set out in Article 5(2) of the Pets Regulation are fulfilled.
- (2) In this regulation—
- “accompanying” (“*mynd gyda*”) has the same meaning as in the Pets Regulation;
- “authorised person” (“*person awdurdodedig*”), “non-commercial movement” (“*symud anfasnachol*”) and “owner” (“*perchennog*”) have the meanings given by Article 3 of the Pets Regulation;
- “pet animal” (“*anifail anwes*”) has the same meaning as in Article 4(11) of Regulation (EU) 2016/429 on transmissible animal diseases ^{F12};
- “the Pets Regulation” (“*y Rheoliad Anifeiliaid Anwes*”) means Regulation (EU) No. 576/2013 ^{F13} of the European Parliament and of the Council on the non-commercial movement of pet animals and repealing Regulation (EC) No. 998/2003.]

- F11** Reg. 3 substituted (31.1.2020) by [The Official Controls \(Animals, Feed and Food, Plant Health Fees etc.\) \(Wales\) Regulations 2020 \(S.I. 2020/44\)](#), regs. 1(2), **23(3)**
- F12** OJ No. L 84, 31.3.2016, p. 1.
- F13** OJ No. L 17, 28.6.2013, p. 1.

International agreements

4. Trade with [^{F14}the Faroe Islands, Greenland,] 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.

- F14** Words in reg. 4 inserted (31.1.2020) by [The Official Controls \(Animals, Feed and Food, Plant Health Fees etc.\) \(Wales\) Regulations 2020 \(S.I. 2020/44\)](#), regs. 1(2), **23(4)**

PART 2

Movement between member States

[^{F15}Movement of animals or genetic material to or from member States]

5.—[^{F16}(1) No animal or genetic material may be sent to or brought from a member State unless it is accompanied by an original health certificate.

(1A) No animal product may be sent to or brought from a member State unless it is accompanied by a relevant document.]

(2) The consignee of an incoming consignment must keep the certificate for at least three years.

- F15** Reg. 5 heading substituted (31.1.2020) by [The Official Controls \(Animals, Feed and Food, Plant Health Fees etc.\) \(Wales\) Regulations 2020 \(S.I. 2020/44\)](#), regs. 1(2), **23(5)(a)**
- F16** Reg. 5(1)(1A) substituted for reg. 5(1) (31.1.2020) by [The Official Controls \(Animals, Feed and Food, Plant Health Fees etc.\) \(Wales\) Regulations 2020 \(S.I. 2020/44\)](#), regs. 1(2), **23(5)(b)**

Preparation of a health certificate

6.—(1) In order to prepare a health certificate for the consignment of an animal [^{F17}, animal product or genetic material to a] member State, the person intending to despatch the consignment must apply to the Welsh Ministers for a uniquely numbered certificate.

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

(3) The person completing the certificate must 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 must sign the certificate.

(5) No person may sign a certificate unless authorised by the Welsh Ministers.

(6) No person may sign a certificate knowing it to be false, or not believing it to be true.

- F17** Words in reg. 6(1) substituted (31.1.2020) by [The Official Controls \(Animals, Feed and Food, Plant Health Fees etc.\) \(Wales\) Regulations 2020 \(S.I. 2020/44\)](#), regs. 1(2), **23(6)**

[^{F18}Notification of movement of animals and genetic material to and from member States]

7.—(1) No animal or genetic material may be consigned to [^{F19}a] member State unless the consignor has notified the competent authority of the member State of destination, at least [^{F20}one working day before the expected arrival of the consignment].

(2) No animal or genetic material (other than registered horses accompanied by an identification document provided for by Council Directive [90/427/EEC](#)) may be brought into Wales from [^{F21}a] member State unless the person bringing in the consignment has notified the Welsh Ministers, at least 24 hours in advance of the intended arrival of consignment ^{F22}.

- F18** Reg. 7 heading substituted (31.1.2020) by [The Official Controls \(Animals, Feed and Food, Plant Health Fees etc.\) \(Wales\) Regulations 2020 \(S.I. 2020/44\)](#), regs. 1(2), **23(7)(a)**
- F19** Word in reg. 7(1) substituted (31.1.2020) by [The Official Controls \(Animals, Feed and Food, Plant Health Fees etc.\) \(Wales\) Regulations 2020 \(S.I. 2020/44\)](#), regs. 1(2), **23(7)(b)(i)**

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Trade in Animals and Related Products (Wales) Regulations 2011. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- F20** Words in reg. 7(1) substituted (31.1.2020) by [The Official Controls \(Animals, Feed and Food, Plant Health Fees etc.\) \(Wales\) Regulations 2020 \(S.I. 2020/44\)](#), regs. 1(2), **23(7)(b)(ii)**
- F21** Word in reg. 7(2) substituted (31.1.2020) by [The Official Controls \(Animals, Feed and Food, Plant Health Fees etc.\) \(Wales\) Regulations 2020 \(S.I. 2020/44\)](#), regs. 1(2), **23(7)(c)**
- F22** OJ No. L 224, 18.8.1990, p. 55 as last amended by Council Directive 2008/73/EC (OJ No. 219, 14.8.2008, p. 40).

Additional requirements in specific cases

8. Part 1 of Schedule 2 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 Wales from a country outside the European Union of any animal or product [^{F23}subject to official controls at border control posts].

- F23** Words in reg. 9 substituted (31.1.2020) by [The Official Controls \(Animals, Feed and Food, Plant Health Fees etc.\) \(Wales\) Regulations 2020 \(S.I. 2020/44\)](#), regs. 1(2), **23(8)**

[^{F24}Meaning and use of Common Health Entry Document “CHED”

10.—(1) A “Common Health Entry Document” (“CHED”) (“*Dogfen Mynediad Iechyd Gyffredin*” (“*DMIG*”)) means a document, or an electronic equivalent, in the format specified in Commission Implementing Regulation (EU) [\(EU\) 2019/1715](#) laying down rules for the functioning of the information management system for official controls and its system components ^{F25}.

(2) Where the imported consignment is required to be accompanied by a CHED to the premises of final destination, the operator responsible for the consignment must complete the relevant parts of the document prior to the physical arrival of the consignment.

(3) The cases where and conditions under which the use of a CHED is required are specified in Commission Delegated Regulation [\(EU\) 2019/1602](#) supplementing Regulation [\(EU\) 2017/625](#) of the European Parliament and of the Council concerning the Common Health Entry Document accompanying consignments of animals and goods to their destination ^{F26}.

(4) Where a CHED is required, the operator responsible for the consignment must comply with the provisions of Article 56 of the EU Regulation.

(5) An electronic equivalent refers to a CHED capable of being produced at any time by the person responsible for the consignment.]

- F24** Reg. 10 substituted (31.1.2020) by [The Official Controls \(Animals, Feed and Food, Plant Health Fees etc.\) \(Wales\) Regulations 2020 \(S.I. 2020/44\)](#), regs. 1(2), **23(9)**
- F25** OJ No. L 261, 14.10.2019, p. 37.
- F26** OJ No. L 250, 30.7.2019, p. 6.