STATUTORY RULES OF NORTHERN IRELAND

2014 No. 196

ANIMALS
AGRICULTURE

The Trade in Animals and Related Products (Amendment) Regulations (Northern Ireland) 2014

Made - - - -	*30th June 2014*
Coming into operation	*31st July 2014*

The Department of Agriculture and Rural Development is designated(**1**) for the purposes of making Regulations under section 2(2) of the European Communities Act 1972(**2**) 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(**3**) to, the European Communities Act 1972.

Citation and commencement

1. These Regulations may be cited as the Trade in Animals and Related Products (Amendment) Regulations (Northern Ireland) 2014 and shall come into operation on 31st July 2014.

Interpretation

2. The Interpretation Act (Northern Ireland) 1954(**4**) shall apply to these Regulations as it applies to an Act of the Assembly.

(**1**) S. I. 2000/2812
(**2**) 1972 c. 68.
(**3**) Paragraph 1A was inserted into Schedule 2 by section 28 of the Legislative and Regulatory Reform Act 2006 (c. 51)
(**4**) 1954 c. 33 (N.I.)

Amendment of the Trade in Animals and Related Products Regulations (Northern Ireland) 2011

3.—(1) The Trade in Animals and Related Products Regulations (Northern Ireland) 2011(**5**) are amended in accordance with paragraphs (2) to (13).

(2) Regulation 10 (Importation) is revoked.

(3) In regulation 12(2)(a) for "it's" substitute "its".

(4) In regulation 17 (Channelling) after "Department" insert "and district council".

(5) In regulation 19(2)(a) (Unchecked consignments) after "may" insert "detain or," and after "be" insert "detained or".

(6) For regulation 27(3)(b) (Re-importation of products) substitute—

"(b) dispose of any product comprising the consignment in accordance with Council Regulation (EC) No. 1069/2009 of the European Parliament and of the Council on laying down health rules as regards animal by-products and derived products not intended for human consumption and repealing (EC) No. 1774/2002 (Animal by-products Regulation)"(**6**).

(7) For regulation 32(7) (Enforcement) substitute—

"(7) Where an authorised officer, when exercising any statutory function, discovers at any place other than a border inspection post a consignment or product that the officer considers may have been brought in breach of regulation 13, the officer shall detain or seize the consignment or product, or cause the consignment or product to be detained or seized, pending investigation, and any costs incurred shall be at the expense of the person responsible for the consignment or product.".

(8) In regulation 32(8) (Enforcement)—

(a) after "than a" omit "point of entry or a"; and

(b) after "takes charge of it", at the end of that paragraph, insert "and any costs incurred shall be at the expense of the person responsible for the consignment or product.".

(9) After regulation 34 (Powers of authorised officers) insert—

"**Protection of officials acting in good faith**

34A.—(1) An authorised officer shall not be personally liable in respect of any act done by that person in the performance or purported performance of the functions within the scope of that person's employment, if the person did that act in the honest and reasonable belief that his duties under these Regulations required or entitled the person to do so.

(2) Paragraph (1) does not relieve an enforcement authority from any liability in respect of acts of its officers.".

(10) In Regulation 35(1) and (2) (Consignments from another member State constituting a risk to health) after "officer" omit "of the Department".

(11) In Schedule 1 (Offences) for the words "Keeping records" substitute "Obligations of the circus operator".

(12) In Schedule 3 (Specific requirements for individual cases)—

(a) For paragraph 6(2) (Circuses) substitute—

"(2) A person shall not contravene Article 8 of that Commission Regulation (obligations of the circus operator)."; and

(**5**) S.R. 2011 No. 438
(**6**) O.J. No. L 300, 14.11.2009, p. 1