STATUTORY RULES OF NORTHERN IRELAND

2011 No. 438

ANIMALS
AGRICULTURE

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

Made - - - - 21st December 2011

Coming into operation 1st January 2012

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 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;

(**1**) S. I. 2000/2812

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

"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(**3**);

"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(**4**); 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(**5**).

"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;

"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(**6**)) 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(**7**) 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(**8**)).

(**3**) The Commission periodically publishes lists of border inspection posts
(**4**) 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)
(**5**) 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, 30.3.3004, p. 17)
(**6**) O.J. No. L 116, 4.5.2007, p. 9
(**7**) 1954 c.33 (N.I.)
(**8**) 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)

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.

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(**9**)).

(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.

(**9**) 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)

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(**10**)at a place permitted under that Order.

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(**11**)) 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.

(**10**) 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
(**11**) 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) 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 it's 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.

(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 transhipment 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(**12**),

(**12**) 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)