STATUTORY RULES OF NORTHERN IRELAND

2010 No. 380

EUROPEAN COMMUNITIES

ANIMALS

The Animals and Animal Products (Import and Export) (Amendment) Regulations (Northern Ireland) 2010

Made - - - -	*19th November 2010*
Coming into operation	*17th December 2010*

The Department of Agriculture and Rural Development is a Department designated(**1**) for the purposes of section 2(2) of the European Communities Act 1972(**2**) in relation to the common agricultural policy of the European Community.

The Department makes these Regulations in exercise of the powers conferred by section 2(2) of the European Communities Act 1972 and by section 56(1), (2) and (5) of the Finance Act 1973(**3**) and with the consent of the Department of Finance and Personnel(**4**) in respect of the powers conferred by section 56.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Animals and Animal Products (Import and Export) (Amendment) Regulations (Northern Ireland) 2010 and shall come into operation on 17th December 2010.

(2) The Interpretation Act (Northern Ireland) 1954(**5**) shall apply to these Regulations as it applies to an Act of the Assembly.

Amendment to the Animals and Animal Products (Import and Export) Regulations (Northern Ireland) 2006

2.—(1) The Animals and Animal Products (Import and Export) Regulations (Northern Ireland) 2006(**6**) are amended in accordance with this regulation.

(**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)
(**3**) 1973 c. 51
(**4**) Formerly the Department of Finance for Northern Ireland; see S.I. 1982/338 (N.I.6)
(**5**) 1954 c. 33 (N.I.)
(**6**) S.R. 2006 No. 401 as amended by S.R. 2007 No. 224, S.R. 2007 No. 327 and S.R. 2008 No. 53

(2) In regulation 2(3) for the definition of "Council Directive 90/539/EEC" substitute the following definition—

""Council Directive 2009/158/EC" means Council Directive 2009/158/EC on animal health conditions governing intra-Community trade in, and imports from third countries of, poultry and hatching eggs;"(**7**).

(3) For "Council Directive 90/539/EEC" substitute "Council Directive 2009/158/EC"—

(a) in both places that it occurs in regulation 5(6); and

(b) in paragraph 1 (Membership) of Schedule 3 (The Northern Ireland Poultry Health Assurance Scheme).

(4) For paragraph (7) of regulation 5 (Exports) substitute—

"(7) An establishment to which paragraph (6)(a) applies is to be considered an approved establishment for the purposes of Article 6(a)(i) of Council Directive 2009/158/EC.".

(5) For regulation 9 (Approval of bodies) substitute—

"**Approval of bodies, institutes, centres and teams for the purposes of Council Directive 92/65/EEC and of laboratories for the purposes of Council Directive 2009/158/EC**

9.—(1) For the purposes of Articles 5 and 13 of Council Directive 92/65/EEC, the Department shall approve any body, institute or centre which has applied for approval in accordance with Article 13 of that Directive and which conforms with the requirements of Annex C to that Directive.

(2) The Department shall suspend, withdraw or restore the approval referred to in paragraph (1) in accordance with point 6 of Annex C to that Directive.

(3) For the purposes of Article 11 of Council Directive 92/65/EEC, the Department shall approve any semen collection centre or embryo collection team which has applied to the Department for approval in accordance with Article 11 of that Directive and which 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.

(4) The Department shall approve laboratories in accordance with Schedule 4 for the purposes of carrying out the tests for Mycoplasma and Salmonella infections required under Chapter III of Annex II to Council Directive 2009/158/EC.".

(6) Schedule 3 (The Northern Ireland Poultry Health Assurance Scheme) is amended as follows—

(a) in paragraph 2 of Part I (Membership) for the words Part 2 substitute—

""Part II"

(b) in paragraph 3(b) of Part I for the words Part II and Part III substitute—

"Parts II, III and VI"

(c) for paragraph 1 of Part II (Registration Fee) substitute—

"**1.** The Department shall charge a registration fee based on the cost of re-inspection by a Departmental veterinary inspector and the associated administrative costs.".

(d) for paragraph 3 of Part III (Annual Membership Fee) substitute—

"**3.** For inspections carried out by an AVI not directly employed by the Department of Agriculture and Rural Development the cost of the inspection is payable directly to the inspector by the operator.".

(e) for Part IV (Re-inspection Fee) substitute—

(**7**) O.J. No. L 343, 22.12.2009, p.74