STATUTORY RULES OF NORTHERN IRELAND

2007 No. 327

ANIMALS

ANIMAL HEALTH

The Animals and Animal Products (Import and Export) (Circuses and Avian Quarantine) Regulations (Northern Ireland) 2007

Made - - - -	*9th July 2007*
Coming into operation	*31st July 2007*

The Department of Agriculture and Rural Development being 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 in exercise of the powers conferred on it by the said section 2(2) and in exercise of the powers conferred on it by section 56(1), (2) and (5) of the Finance Act 1973(**3**) and with the consent of the Department of Finance and Personnel, makes the following Regulations.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Animals and Animal Products (Import and Export) (Circuses and Avian Quarantine) Regulations (Northern Ireland) 2007 and shall come into operation on 31st July 2007.

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

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

2. The Animals and Animal Products (Import and Export) Regulations (Northern Ireland) 2006(**5**) are amended as provided in these Regulations.

3.—(1) Regulation 2 is amended as follows.

(**1**) S.I. 2000/2812
(**2**) 1972 c 68
(**3**) 1973 c 51
(**4**) 1954 c. 33 (N.I.)
(**5**) S.R. 2006 No. 401 amended by S. R. 2007 No 224

(2) In paragraph (1)—

(a) in the definition of "border inspection post" for Commission Decision 97/778/EEC substitute—

""Commission Decision 2001/881/EC(**6**)"".

(b) for the definition of "captive bird", substitute—

""captive birds" means birds as defined in Article 3(a) of Commission Regulation (EC) No. 318/2007(**7**)

(c) for the definitions of "quarantine centre" and "quarantine facility", substitute—

""quarantine centre" in relation to captive birds and "quarantine facility" mean a centre or facility, as the case may be, for which approval is required for purposes of Article 11 of Commission Regulation (EC) No. 318/2007;"

(d) in the definition of "quarantine manager" for "regulation 17(11)" substitute "regulation 17(12)".

(3) In paragraph (3)—

(a) omit the definition of "Commission Decision 2000/666/EC"; and

(b) after the definition of "Commission Regulation (EC) No. 282/2004", insert—

""Commission Regulation (EC) No. 318/2007" means Commission Regulation (EC) No. 318/2007 laying down animal health conditions for imports of certain birds into the Community and the quarantine conditions thereof;".

(4) In paragraph (4), for "Commission Decision 2000/666/EC", substitute "Commission Regulation (EC) No. 318/2007.".

4. After regulation 5(7) insert—

"(8) For the purposes of Commission Regulation (EC) No. 1739/2005 laying down animal health requirements for the movement of circus animals between member States(**8**) the Department is the competent authority, and may charge such fee as it considers will enable it to meet the expenses incurred by it when registering a circus or animal act under Article 4 of that Regulation.

(9) Such fee shall be paid by the applicant for registration and shall be due after submission of the application upon the written demand of the Department.

(10) A demand under paragraph (9) may be addressed to the applicant concerned at his last known address, whether or not it is his address for business.

(11) An operator may not contravene Article 8(3) of Commission Regulation (EC) No. 1739/2005 (obliging operators of circuses, and animal acts to which the Regulation applies, to retain for at least five years the information in their registers of animals and of venues).

(12) In paragraph (11), "operator" means a circus operator within the meaning of Commission Regulation (EC) No. 1739/2005, or the operator of an animal act in so far as that Regulation applies to him.".

5.—(1) In regulation 13—

(2) in paragraph (1) for "Schedule 3" substitute—

""Schedule 5"".

(**6**) O.J. No. L326, 11.12.2001, p. 44 as last amended by Commission Decision 2007/276/EC (O.J. No L116, 4.5.2007, p.34)
(**7**) O.J. No. L84, 24.3.2007, p. 7
(**8**) O.J. No. L279, 22.10.2005, p. 47

6. In regulation 15, for paragraph (6) substitute—

"(6) A person may not import a captive bird unless it is from an approved breeding establishment as defined in Article 3(b) of Commission Regulation (EC) No. 318/2007.".

7. In regulation 16—

(a) at paragraph (1), for sub-paragraph (c), substitute—

"(c) it is accompanied by the original animal health certificate issued in accordance with Article 5(e) of the Commission Regulation (EC) No. 318/2007.".

(b) at paragraph (2), substitute—

"(2) The importer or his agent shall at the expense of the importer ensure that—

(a) the captive bird is conveyed from the border inspection post referred to in paragraph (1) to an approved quarantine centre or approved quarantine facility in accordance with Article 7 of Commission Regulation (EC) No. 318/2007(which provides for the direct transport of birds to approved quarantine facilities or centres); and

(b) the captive bird is placed and remains in quarantine at that approved quarantine centre or approved quarantine facility in accordance with Article 11(1) of Commission Regulation (EC) No. 318/2007 (which requires birds to be quarantined for at least 30 days).".

8. For regulation 17 substitute—

"**Quarantine of captive birds**

17.—(1) A person may not operate a quarantine centre or quarantine facility for the quarantine of captive birds pursuant to Article 11(1) of Commission Regulation (EC) No. 318/2007 unless the quarantine centre or quarantine facility has been approved by the Department.

(2) Schedule 7 (quarantine of captive birds) has effect.

(3) A quarantine manager shall—

(a) ensure that the quarantine centre or quarantine facility is maintained and operated in accordance with—

(i) the minimum conditions in Chapter 1 of Annex IV to Commission Regulation (EC) No. 318/2007 (requirements as to construction and equipment);

(ii) paragraph (1)(a) and (c) of Chapter 2 of that Annex (management requirements); and

(iii) any other conditions attached to an approval granted under this regulation;

(b) provide such information to the Department as the latter may request to enable it to comply with Article 17(2) of Commission Regulation (EC) No. 318/2007 (requiring annual reports from member States to the European Commission as to the number of imported birds, mortality rates and confirmed cases of disease);

(c) provide such assistance to any veterinary inspector carrying out the functions of the official veterinary surgeon under Commission Regulation (EC) No. 318/2007 as that veterinary inspector may reasonably require.

(4) In relation to any consignment of captive birds placed in quarantine pursuant to Article 11(1) of Commission Regulation (EC) No. 318/2007, the quarantine manager shall —

(a) ensure compliance with the following Articles of that Commission Regulation—

(i) 10(1)(b) (requiring notification of the arrival of a consignment at the quarantine centre or quarantine facility);

(ii) 11(1) (period of quarantine);

(iii) 12(2) and (3) (imposing requirements in relation to the use of sentinel birds); and

(iv) 15 (requiring action where *Chlamydophyla psittaci* is suspected);

(b) ensure there is surveillance of the captive birds during their quarantine which is adequate for the purposes of that Commission Regulation, and consult with and seek the supervision of a veterinary inspector in respect of any analyses or treatments required under that Commission Regulation;

(c) ensure compliance with the management requirements in paragraphs 2 to 10, and 12 to 15 of Chapter 2 of Annex IV to that Commission Regulation;

(d) where any captive bird or sentinel bird dies during quarantine, make its carcase available to the veterinary inspector for examination in the official laboratory.

(5) A person may not—

(a) contravene any requirement in paragraphs 4 to 6 of Chapter 2 of Annex IV to Commission Regulation (EC) No. 318/2007 (management requirements for the operation of approved quarantine centres and quarantine facilities);

(b) in relation to a captive bird or a sentinel bird which dies during quarantine, remove or dispose of its carcase during the quarantine of captive birds, unless he is authorised to do so by an inspector;

(c) release captive birds in breach of Article 16 of Commission Regulation (EC) No. 318/2007 (requiring written authorisation by the official veterinary surgeon for the release of birds from quarantine).

(6) A person is unauthorised for the purpose of paragraph 4 of Chapter 2 of Annex IV to Commission Regulation (EC) No 318/2007 (which prohibits unauthorised persons from entering quarantine centres and quarantine facilities), unless, in relation to a quarantine centre or quarantine facility—

(a) he is the quarantine manager;

(b) he is a member of staff who enters with the authority of the quarantine manager;

(c) he has been authorised to enter by the Department or by a veterinary inspector; or

(d) he otherwise enters in fulfilment of a statutory function in relation to animal health, animal welfare or species conservation which he is appointed by the Department to perform.

(7) In so far as not provided for under regulation 29, an inspector in the case of sub-paragraphs (a) and (b), and a veterinary inspector in the case of sub-paragraph (c) may in relation to the quarantine of captive birds—

(a) enter a quarantine centre or quarantine facility to check compliance with these Regulations or with an approval granted under this regulation, or to assess whether it is appropriate to grant such an approval;

(b) inspect and arrange for copies to be taken of any documents or records (including those in electronic form) which he reasonably considers relevant for checking compliance as described in sub-paragraph (a); and

(c) take samples and carry out official veterinary supervision.