STATUTORY RULES OF NORTHERN IRELAND

2006 No. 105

EUROPEAN COMMUNITIES

ANIMALS

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

Made - - - -	*10th March 2006*
Coming into operation	*1st April 2006*

The Department of Agriculture and Rural Development, being 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, hereby makes the following Regulations.

Citation and commencement

1. These Regulations may be cited as the Animals and Animal Products (Import and Export) (Amendment) Regulations (Northern Ireland) 2006; and shall come into operation on 1st April 2006.

Interpretation

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 of the Animals and Animal Products (Import and Export) Regulations (Northern Ireland) 2005

3.—(1) The Animals and Animal Products (Import and Export) Regulations (Northern Ireland) 2005(**5**) shall be amended in accordance with these Regulations.

(2) In paragraph (1) of Regulation 2 (Interpretation) after "place of destination" there shall be inserted—

(**1**) S.I.2000/2812
(**2**) 1972 c. 68
(**3**) 1973 c. 51
(**4**) 1954 c. 33 (N.I.)
(**5**) S.R. 2005 No. 78 amended by 2005 No. 446

""re-inspection" in relation to the Northern Ireland Poultry Health Assurance Scheme means an additional inspection described in paragraph 8 of Part I of Schedule 6, and re-inspection fee" is the fee provided for in that paragraph;"

4. In Regulation 5 (Exports) after paragraph (6) there shall be inserted—

"(7) A person shall not export to another member State any hatching eggs, day-old chicks or poultry to which Article 6 of Directive 90/539/EEC applies unless they originate from an establishment that—

(a) is a member of the monitoring scheme, known as the Northern Ireland Poultry Health Assurance Scheme, operated by the Department in accordance with Schedule 6 to these Regulations; and

(b) conforms with the requirements of Annex II to Directive 90/539/EEC.

(8) An establishment to which paragraph (7)(a) applies is to be considered an approved establishment for the purposes of Article 6(1)(a) of Council Directive 90/539/EEC."

5. In Regulation 9 (Approval of bodies, institutes, centres and teams for the purpose of Directive 92/65/EEC and laboratories for the purposes of Directive 90/539/EEC) after paragraph (4) there shall be inserted—

"(5) The tests for Mycoplasma infections required under Chapter III of Annex II to Council Directive 90/539/EEC shall be carried out by laboratories approved by the Department in accordance with Schedule 7 to these Regulations for the purposes of the Northern Ireland Poultry Health Assurance Scheme.

(6) The Department may suspend or revoke the approval in accordance with the Schedule.".

6. After Schedule 5 there shall be inserted Schedules 6 and 7 as set out in the Schedule to these Regulations.

Sealed with the Official Seal of the Department of Agriculture and Rural Development on 9th March 2006.

Liam McKibben
A senior officer of the
Department of Agriculture and Rural
Development

Sealed with the Official Seal of the Department of Finance and Personnel on 10th March 2006.

Jack Layberry
A senior officer of the
Department of Finance and Personnel

SCHEDULE

"SCHEDULE 6 Regulations 5(7), 23 and 25(1)

THE NORTHERN IRELAND POULTRY HEALTH ASSURANCE SCHEME

For the purposes of this Schedule "audit inspection" is a supplementary check to verify application of hygiene measures and the operation of the establishment in accordance with the conditions laid down in Chapter II of Directive 1990/539.

PART I

MEMBERSHIP

1. Any reference to "the Directive" in this Part of this Schedule is a reference to Council Directive 90/539/EEC (on animal health conditions governing intra-Community trade in, and imports from third countries, of poultry and hatching eggs)(**6**).

2. An application for an establishment to become a member of the Northern Ireland Poultry Health Assurance Scheme must be accompanied by the registration fee as set out in Part 2 of this Schedule.

3. The Department shall only grant membership of the Northern Ireland Poultry Health Assurance Scheme to an establishment if—

(a) it is satisfied, following an inspection by a veterinary inspector directly employed by the Department, that—

(i) the establishment meets the requirements regarding facilities in Chapter II of Annex II to the Directive; and

(ii) the operator of the establishment will comply, and ensure that the establishment complies, with the requirements of point 1 of Chapter I of Annex II to the Directive; and

(b) the operator of the establishment, having been notified that the Department is satisfied that the requirements in sub-paragraph (a) are met and has paid the registration fee, which includes the first year membership fee, as set out in Part II and Part III of this Schedule.

4. The disease surveillance programme referred to in paragraph (b) of point 1 of Chapter I of Annex II to the Directive shall consist of the disease surveillance measures specified in Chapter III of Annex II to the Directive, together with any additional testing requirements that a veterinary inspector notifies in writing to an establishment as being requirements that he believes are necessary to avoid the spreading of contagious disease through intra-Community trade, taking into account the particular circumstances at that establishment.

5. On acceptance of membership to the Northern Ireland Poultry Health Assurance Scheme the Department shall issue the establishment's membership certificate which shall include the establishment's membership number.

6. The operator of an establishment that is a member of the Northern Ireland Poultry Health Assurance Scheme shall pay the annual membership fee each year and shall pay any re-inspection fee when it becomes due.

7. In order to ensure that operators and their establishments continue to meet the requirements for membership of the Northern Ireland Poultry Health Assurance Scheme, and generally to ensure compliance with the Directive, an Authorised Veterinary Inspector (AVI) shall carry out an annual

(**6**) O.J. No. L303, 30.10.90, P.6 as amended by and as read with the provisions listed in para. 6 of Part I of Schedule