STATUTORY RULES OF NORTHERN IRELAND

# 2004 No. 325

# EUROPEAN COMMUNITIES
# ANIMALS

## Animals and Animal Products (Import and Export) Regulations (Northern Ireland) 2004

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| *Made - - - -* | *5th August 2004* |
| *Coming into operation* | *6th September 2004* |

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 of every other power enabling it in that behalf, hereby makes the following Regulations –

## PART I

## INTRODUCTION

### Citation and commencement

**1.** These Regulations may be cited as the Animals and Animal Products (Import and Export) Regulations (Northern Ireland) 2004; and shall come into operation on 6th September 2004.

### Interpretation

**2.**—(1) In these Regulations –

"assembly centre" means holdings, collection centres and markets, at which cattle, pigs, sheep or goats originating from different holdings are grouped together to form consignments of animals intended for intra-Community trade or which are used in the course of intra-Community trade, and which are approved by the Department in accordance with regulation 12;

(**1**) S.I.2000/2812
(**2**) 1972 c. 68

"border inspection post" means a border inspection post as defined in Commission Decision 97/778/EEC drawing up a list of border inspection posts agreed for veterinary checks on animals and animal products from third countries, laying down detailed rules concerning the checks to be carried out by the experts of the commission;

"dealer" means any person who buys and sells animals commercially either directly or indirectly, who has a regular turnover of these animals and who within 30 days of purchasing animals resells or relocates them from the first premises to other premises not within his ownership;

"equidae" means wild or domesticated animals of the equine (including zebras) or asinine species or the offspring or crossings of those species;

"European international instruments" means –

(a) the Act of Accession to the European Communities of the Kingdom of Denmark, Ireland, the Kingdom of Norway and the United Kingdom of Great Britain and Northern Ireland(**3**);

(b) the Decision on the conclusion of the Agreement on the European Economic Area between the European Communities, their Member States and the Republic of Austria, the Republic of Finland, the Republic of Iceland, the Principality of Liechtenstein, the Kingdom of Norway, the Kingdom of Sweden, and the Swiss Confederation(**4**); and

(c) the Act concerning the conditions of accession of the Kingdom of Norway, the Republic of Austria, the Republic of Finland and the Kingdom of Sweden and the adjustments to the Treaties on which the European Union is founded(**5**);

(d) the Act concerning the conditions of accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic and the adjustments to the Treaties on which the European Union is founded(**6**);

"export" means sent out of Northern Ireland by any means whatsoever;

"herd" or "flock" means a group of animals kept as an epidemiological unit;

"import" means brought into Northern Ireland by any means whatsoever;

"importer" in relation to any imported animal or animal product means any person who, whether as owner, consignor, consignee, agent or broker, is in possession of or in any way entitled to the custody or control of that animal or animal product;

"inspector" means a person appointed to be an inspector for the purposes of these Regulations by the Department and includes a veterinary inspector;

"keeper" means any natural or legal person responsible for animals, whether on a permanent or on a temporary basis, including during transportation or at a market;

"member State" means any member State of the European Union other than the United Kingdom and does not include the Isle of Man or any of the Channel Islands;

"official veterinary surgeon" means a veterinary inspector designated to act as such by the Department;

"place of destination" in relation to any animals or animal products means the address or addresses to which the animals or animal products are consigned by the consignor;

(**3**) O.J. No. L73, Special Edition, 27.3.1972
(**4**) O.J. No. L1, 3.1.94, p. 1
(**5**) O.J. No. C241, 29.8.94, p. 21as amended by O.J. No. L 12, 1.1.95, p. 1
(**6**) O.J. No. L236, 23.9.03, p. 33

"required consignment documentation" in relation to any consignment means any certificates or other documents which are required by these Regulations to accompany the consignment;

"veterinary inspector" means a person appointed as a veterinary inspector by the Department.

(2) Any expressions used in these Regulations have the meaning they bear in –

(a) Council Directive 90/425/EEC (concerning veterinary and zootechnical checks applicable in intra-Community trade in certain live animals and animal products with a view to the completion of the single market)(**7**); and

(b) Council Directive 91/496/EEC (laying down the principles governing the organisation of veterinary checks on animals entering the Community from third countries)(**8**),

both of which have been amended by the legislation listed in Schedule 1.

(3) The Interpretation Act (Northern Ireland) 1954(**9**) shall apply to these Regulations as it applies to an Act of the Northern Ireland Assembly.

(4) Any reference in these Regulations to an instrument of the European Community is to that instrument as amended by the instruments listed in Schedules 1, 2 and 4.

(5) Any notices, approvals or declarations under these Regulations –

(a) shall be in writing;

(b) may be made subject to such conditions as are specified therein; and

(c) may be amended, suspended or revoked by a further notice in writing served on the same person at any time.

(6) Any person on whom a notice is served under these Regulations shall comply with the requirements thereof.

### Exception

**3.** These Regulations shall not apply in relation to veterinary checks on movements of pets (other than equidae) accompanied by and under the responsibility of a natural person, where such movements are not the subject of a commercial transaction.

## PART II

## INTRA-COMMUNITY TRADE

### Application of Part II

**4.** This Part shall apply in relation to –

(a) live animals which originate within the European Communities and which are subject to trade between Northern Ireland and any member State; and

(b) all animal products which are subject to trade between Northern Ireland and any member State,

which are the subject of an instrument referred to in Part I of Schedule 2, except aquaculture products for human consumption controlled by Council Directive 91/67/EEC (concerning the animal health conditions governing the placing on the market of aquaculture animals and aquaculture products)(**10**).

(**7**) O.J. No. L224, 18.8.90, p. 29 as amended by and as read with the provisions listed in Schedule 1
(**8**) O.J. No. L268, 24.9.91, p. 56 as amended by and as read with the provisions listed in Schedule 1
(**9**) 1954 c. 33 (N.I.)
(**10**) O.J. No. L46, 19.2.91, p. 1, as amended by and as read with the provisions listed in paragraph 8 of Part I of Schedule 2

**Exports**

**5.**—(1) A person shall not export, or consign for export, to another member State any animal or animal product which is the subject of one or more of the instruments referred to in Part I of Schedule 2 unless –

(a) it complies with the relevant provisions of those instruments (including any option which has been exercised by the member State of destination);

(b) when required by such an instrument, it is accompanied by –

(i) an export health certificate signed by a veterinary inspector (or, where specified in such an instrument, signed by a veterinary surgeon nominated by the exporter); or

(ii) any other document required by the instrument.

(2) If the Department has reasonable cause to suspect that a person in charge of an animal or animal product intends to export that animal or animal product in contravention of this regulation it may by notice served on the consignor, his representative or person appearing to be in charge of the animal or animal product –

(a) prohibit that exportation of that animal or animal product; and

(b) require that person immediately to detain it at such place as may be specified in the notice and to take such other action in relation to it as may be so specified.

(3) If an animal or animal product has been exported to a member State in contravention of this regulation and returned to Northern Ireland (whether with the authorisation of the Department or not), the Department may by notice served on the person appearing to it to be in charge of the animal or animal product, the consignor or his representative –

(a) prohibit the re-export of that animal or animal product, whether to the same or another member State; and

(b) require that person immediately to detain it at such place as may be specified in the notice and take such further action in relation to it as may be so specified.

(4) In the event of a notice served under paragraph (2) or (3) not being complied with, an inspector may seize or cause to be seized any animal or animal product to which it relates and arrange for the requirements of the notice to be complied with.

(5) This regulation shall apply without prejudice to the requirements of the Bovines and Bovine Products (Trade) Regulations (Northern Ireland) 1999(**11**).

(6) A person shall not export to a member State any animal to which the provisions of Articles 6, 7, 9 and 10 of Council Directive 92/65/EEC (laying down animal health requirements governing trade in and imports into the Community of animals, semen, ova and embryos not subject to animal health requirements laid down in specific Community rules referred to in Annex A(1) to Council Directives 90/425/EEC)(**12**) apply unless the animal originates from –

(a) a holding which has been registered with the Department and the owner or person in charge of that holding has given to the Department undertakings in accordance with Article 4 of Council Directive 92/65/EEC; or

(b) a body, institute or centre which has been approved by the Department in accordance with regulation 9(1) and which conforms with the requirements of Annex C to Council Directive 92/65/EEC.

(**11**) S.R. 1999 No. 308 as amended by S.R. 2001 No. 210 and S.R. 2002 No. 278
(**12**) O.J. No. L268, 14.9.92, p.54, as amended by and as read with the provision listed in paragraph 10 of Part I of Schedule 2

### Imports

**6.**—(1) A person shall not import from a member State (either for entry into the UK or by way of transition to another member State) –

(a) any animal; or

(b) any animal product,

subject to an instrument listed in Part I of Schedule 2 unless it complies with the relevant provisions of that instrument.

(2) Where an animal or animal product subject to an instrument listed in Part I of Schedule 2 is imported from another member State (either for entry into the UK or by way of transition to another member State), the importer, or the person in charge of the animal or animal product, if not the importer, shall comply with the relevant provisions of that instrument until it arrives at its place of destination or leaves Northern Ireland, as the case may be.

(3) Where an animal is imported for slaughter from another member State, the importer, his representative, or the person appearing to be in charge of the animal shall ensure it is slaughtered within the specified period.

(4) Where an animal imported from another member State for slaughter is consigned to an assembly centre, the importer, or the person in charge of the animal, if not the importer, shall ensure that the animal is removed from the assembly centre directly to a slaughterhouse and that the animal is slaughtered there –

(a) within 5 days of its arrival at the assembly centre, in the case of sheep and goats; and

(b) within 3 days of its arrival at the assembly centre, in the case of cattle and pigs.

(5) If any animal referred to in paragraph (4) is not slaughtered within the period required by that paragraph, an inspector may by notice served on the importer, his representative, or the person appearing to him to be in charge of the animal require it to be slaughtered within such time and at such place as may be specified in the notice.

(6) Where an animal is imported from another member State for slaughter, other than an animal taken to an assembly centre, it must be taken directly and without undue delay to a slaughterhouse, and if it is not taken directly and without undue delay to a slaughterhouse, an inspector may, by notice served on the person appearing to him to be in charge of the animal, require the animal to be taken to such slaughterhouse as may be specified in the notice.

(7) In the event of a notice served under paragraph (5) or (6) not being complied with an inspector may seize or cause to be seized any animal to which that notice relates and arrange for the requirements of the notice to be complied with.

(8) In this regulation "animal" shall mean cattle, pigs, sheep and goats.

### Transport of animals and animal products

**7.**—(1) A person shall not transport any animal or animal product in intra-Community trade unless it is accompanied by the documents required by Article 3(1)(d) of Council Directive 90/425/EEC.

(2) A person shall not deliver any animal or animal product imported from a member State other than to the address specified in the required consignment documentation unless required to do so by a notice served on him by the Department under these Regulations.

(3) If an animal or animal product is delivered to an address other than that specified in the required consignment documentation and not in compliance with a notice served by the Department, the Department may serve a notice on the person appearing to it to be in charge of the animal or animal product requiring that person to transport it, at that person's expense, to the address specified in the required consignment documentation or notice as the case may be.