STATUTORY RULES OF NORTHERN IRELAND

1997 No. 272

ANIMALS

Animals (Third Country Imports) (Charges) Regulations (Northern Ireland) 1997

Made - - - -	*4th June 1997*
Coming into operation	*21st July 1997*

The Department of Agriculture, 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:

Citation and commencement

1. These Regulations may be cited as the Animals (Third Country Imports) (Charges) Regulations (Northern Ireland) 1997 and shall come into operation on 21st July 1997.

Interpretation

2.—(1) The Interpretation Act (Northern Ireland) 1954(**3**) shall apply to these Regulations as it applies to a Measure of the Northern Ireland Assembly.

(2) In these Regulations—

"the Department" means the Department of Agriculture for Northern Ireland;

"importer" in relation to any imported animal 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;

"veterinary and health inspection" means an inspection or supervisory function carried out by the Department pursuant to any provision of the Animals and Animal Products (Import and Export) Regulations (Northern Ireland) 1995(**4**); and

"veterinary inspector" means any person appointed by the Department.

(**1**) S.I.1972/1811
(**2**) 1972 c. 68
(**3**) 1954 c. 33 (N.I.)
(**4**) S.R. 1995 No. 52 as amended by S.R. 1997 No. 87

Inspection of animals

3. A person who imports an animal into Northern Ireland in accordance with the provisions of Part III of the Animals and Animal Products (Import and Export) Regulations (Northern Ireland) 1995 (Third Country Trade) shall pay to the Department a charge for the veterinary and health inspection carried out on the animal, in accordance with Council Directive 96/43/EC(**5**) (amending and consolidating Directive 85/73/EEC(**6**) in order to ensure financing of veterinary inspections and controls on live animals and certain animal products and amending Directives 90/675/EEC(**7**) and 91/496/EEC(**8**)).

Payment of charges

4.—(1) Subject to paragraphs (2) and (3), the charge payable to the Department for an inspection of an animal at Belfast International Airport shall be ascertained in accordance with the Schedule.

(2) Where an inspection begins after 5.00 pm and before 8.30 am on any day other than a Saturday, a Sunday or a public holiday, the charge referred to in paragraph (1) shall be increased by 50%.

(3) Where an inspection takes place on a Saturday, a Sunday or a public holiday, the charge referred to in paragraph (1) shall be increased by 100% and an additional sum of £75·00 shall be payable to the Department.

(4) For the purposes of these Regulations payment of the charge shall be made in sterling by means of cash, a cheque drawn on a United Kingdom clearing bank, a bank guarantee or a bank deposit.

Detention of animals at Belfast International Airport

5.—(1) Subject to regulation 6, an animal in respect of which a charge is due in accordance with regulation 4 shall be detained at Belfast International Airport until such time as the importer has paid that charge in full.

(2) The importer of an animal detained in accordance with paragraph (1) shall be liable for the cost of detaining it until the charge is paid.

(3) Where the charge remains unpaid, the Department may, at any time, serve a notice on the importer of the animal requiring him to pay the charge within a specified period.

Detention of animals at premises other than Belfast International Airport

6. The Department may, at any time, serve a notice on the importer of an animal into Northern Ireland in respect of which a charge under regulation 4 is due, requiring him to—

(a) pay the charge within a specified period; and

(b) detain the animal, at his own expense at such premises, other than Belfast International Airport, as a veterinary inspector may deem appropriate.

Power of seizure

7.—(1) Where a notice has been served in accordance with regulation 5 or 6 and the person on whom it was served has failed to comply with it, the Department may seize, and sell or otherwise dispose of the animal to which the notice relates.

(**5**) O.J. No. L162, 1.7.96, p. 1
(**6**) O.J. No. L32, 5.2.85, p. 14
(**7**) O.J. No. L373, 31.12.90, p. 1
(**8**) O.J. No. L268, 24.9.91, p. 56