STATUTORY RULES OF NORTHERN IRELAND

1996 No. 563

AGRICULTURE

The Bovine Products (Despatch to Other Member States) Regulations (Northern Ireland) 1996

Made - - - -	*3rd December 1996*
Coming into operation	*1st January 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 Economic 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 Bovine Products (Despatch to Other Member States) Regulations (Northern Ireland) 1996 and shall come into operation on 1st January 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—

"bovine animal" means a bull, cow, steer, heifer or calf;

"the Department" means the Department of Agriculture;

"establishment" means any place used for the production of relevant goods;

"inspector" means a person appointed as such by the Department and any veterinary surgeon appointed under Regulation 3(1)(*b*) or any veterinary inspector;

"member State" means any member State of the European Communities other than the United Kingdom;

"relevant goods" means—

(a) meat for human consumption;

(**1**) S.I.1972/1811
(**2**) 1972 c. 68: section 2 is subject to Schedule 2 to that Act and is to be read with S.I. 1984/703 (N.I. 3) and S.R. 1984 No. 253
(**3**) 1954 c. 33 (N.I.)

(b) any meat product for human consumption;

(c) any meat preparation for human consumption; or

(d) food for domestic carnivores,

obtained from a bovine animal which was not slaughtered in the United Kingdom;

"third country" means any state which is not a member of the European Communities;

"vertebral column" means the whole or any part thereof; and

"veterinary inspector" has the same meaning as in the Diseases of Animals (Northern Ireland) Order 1981(**4**).

(3) In these Regulations, "approved" in relation to an establishment means—

(a) approved by the Department under and in accordance with regulation 3(2); or

(b) approved by any Minister of the Crown under and in accordance with regulation 3(2) of the Bovine Products (Despatch to Other Member States) Regulations 1996(**5**).

(4) In regulation 3(1)(*b*), the reference to a veterinary surgeon appointed by the Department includes, in relation to the production of relevant goods in Great Britain, a reference to any veterinary surgeon appointed by a Minister of the Crown under regulation 3(1)(*b*) of the Bovine Products (Despatch to Other Member States) Regulations 1996.

(5) Any reference in these Regulations to an instrument of the European Communities is a reference to that instrument as amended at the date of coming into operation of these Regulations.

Meat and other products from bovine animals slaughtered outside the United Kingdom

3.—(1) A person shall not despatch to a member State any relevant goods unless—

(a) each stage of the production of those goods which took place in the United Kingdom took place in an approved establishment;

(b) each stage of the production of those goods which took place in the United Kingdom was under the control of a veterinary surgeon appointed by the Department;

(c) the goods are accompanied by a health certificate, issued by the veterinary surgeon who exercised control of the steps of their production, stating that they were produced in an approved establishment; and

(d) the goods are despatched in accordance with any relevant provisions of the Animals and Animal Products (Import and Export) Regulations (Northern Ireland) 1995(**6**) and the Products of Animal Origin (Import and Export) Regulations (Northern Ireland) 1993(**7**).

(2) The Department shall approve an establishment for the purposes of this regulation where, following an inspection of that establishment by a veterinary inspector, it is satisfied that the establishment has in place a system for tracing raw materials through all stages of the processes used for the production of any relevant goods which is sufficient to ensure that it is possible to identify the origin of any raw materials contained in any such goods despatched from that establishment.

(3) The Department may withdraw the approval of any establishment granted by it pursuant to paragraph (2) where, in relation to that establishment, the requirements of that paragraph are no longer satisfied.

(4) For the purposes of paragraphs (1) and (2), the storage of any relevant goods shall not be treated as a stage of production where—

(**4**) S.I. 1981/1115 (N.I. 22) as amended by S.I. 1984/702 (N.I. 2)Art. 17 and S.I. 1994/1891 (N.I. 6) Arts. 19, 22, 23(1), (2) and (3), 24(1) and Schedule
(**5**) S.I. 1996/2265
(**6**) S.R. 1995 No. 52
(**7**) S.R. 1993 No. 304

(a) the goods are accompanied by the required documents;

(b) all of the goods listed in those documents are present; and

(c) the goods have been packaged and all packaging has been sealed and has not been opened since the completion of the documents.

(5) For the purposes of paragraph (4), "the required documents" means—

(a) in respect of goods originating in another member State, the documents required for the import of those goods by the relevant directive listed in the Animals and Animal Products (Import and Export) Regulations (Northern Ireland) 1995 and the Products of Animal Origin (Import and Export) Regulations (Northern Ireland) 1993; and

(b) in respect of goods originating in a third country, the certificate referred to in the Products of Animal Origin (Import and Export) Regulations (Northern Ireland) 1993.

Fees

4. The Department may charge such reasonable fees as it may determine in respect of any costs reasonably incurred in connection with—

(a) the approval by it of an establishment pursuant to regulation 3(2);

(b) the control exercised under regulation 3(1)(*b*) by a veterinary surgeon appointed by it; and

(c) the issue of a health certificate by a veterinary surgeon under regulation 3(1)(*c*).

Powers of inspectors

5.—(1) An inspector shall, on producing, if required to do so, some duly authenticated document showing his authority, have the right at all reasonable hours to enter any land or premises for the purposes of ascertaining whether there is or has been on the premises any contravention of these Regulations.

(2) An inspector shall, on producing, if required to do so, some duly authenticated document showing his authority, have the right at all reasonable hours to enter any establishment approved for the purposes of regulation 3 in order to ascertain whether the requirements of that regulation are being satisfied in that establishment.

(3) An inspector shall have powers to carry out all checks and examinations necessary for the enforcement of these regulations and in particular may—

(a) carry out inspections of any place from which material derived from bovine animals is consigned to an approved establishment;

(b) carry out inspections of anything used for the marking and identification of any products or other materials;

(c) take samples (and, if necessary, send the samples for laboratory testing) from any product or other material;

(d) examine documentary or data processing material relevant to the checks carried out under these Regulations;

(e) take with him any person he deems necessary to carry out the necessary checks and examinations; and

(f) take with him a representative of the European Commission acting for the purposes of Council Decision 96/239/EC(**8**).

(**8**) O.J. No. L78, 28.3.96, p. 47. Council Decision 96/239/EEC was amended by Council Decision 96/362/EEC. O.J. No. L139, 12.6.96, p. 17