1995 No. 52

EUROPEAN COMMUNITIES

ANIMALS

Animals and Animal Products (Import and Export) Regulations (Northern Ireland) 1995

Made . . . . . *27th February 1995*

Coming into operation . . *10th April 1995*

The Department of Agriculture, being a Department designated(**a**) for the purposes of section 2(2) of the European Communities Act 1972(**b**) 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:

PART I

INTRODUCTION

Citation and commencement

1. These Regulations may be cited as the Animals and Animal Products (Import and Export) Regulations (Northern Ireland) 1995 and shall come into operation on 10th April 1995.

Interpretation

2.—(1) In these Regulations—

"border inspection post" shall be construed in accordance with regulation 16(1);

"dealer" means any person engaging in intra-Community trade to which Part II applies;

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

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

"export health certification" in relation to any animal or animal product means—

(a) S.I. 1972/1811
(b) 1972 c. 68

(*a*) where Part II applies, the documents required to accompany those animals or products by Article 3(1)(*d*) of Council Directive 90/425/EEC concerning veterinary and zootechnical checks applicable in intra-Community trade in certain live animals and products with a view to the completion of the internal market(**a**); and

(*b*) where Part IV applies, the certification referred to in regulation 25;

"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 product;

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

"official veterinary surgeon" except in regulation 12, means a veterinary surgeon appointed by the Department for the purposes of these Regulations;

"ungulate" means any hoofed animal;

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

(2) Any other expressions used in these Regulations have the meaning they bear in Council Directive 90/425/EEC and Council Directive 91/496/EEC laying down the principles governing the organisation of veterinary checks on animals entering the Community from third countries(**b**).

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

(4) Any reference in these Regulations to a Directive listed in Schedule 1 or 2 is a reference to that Directive as amended by the instruments listed in those Schedules as amending it.

(5) All notices served on any person 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.

(**a**) O.J. No. L224, 18.8.90, p. 29
(**b**) O.J. No. L268, 24.9.91, p. 56
(**c**) 1954 c. 33 (N.I.)

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 trade between Northern Ireland and any Member State in live animals and all animal products which are the subject of one or more of the Directives listed in Schedule 2 and which originate within the European Communities or are in free circulation therein except aquaculture products for human consumption which are the subject of Council Directive 91/67/EEC concerning the animal health conditions governing the placing on the market of aquaculture animals and products(**a**).

Exports

5.—(1) A person shall not export, or consign for export, to a Member State any animal or animal product which is the subject of one or more of the Directives listed in Schedule 2 unless—

(*a*) it complies with the relevant provisions of those Directives (including any option permitted by those Directives which has been exercised by the Member State of destination) and any additional animal health requirements of legislation regulating imports into the Member State of destination;

(*b*) when required by a Directive listed in Schedule 2 or by the Member State of destination, it is accompanied by export health certification signed by a veterinary inspector and any other document required by that Directive or the Member State of destination.

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

(*a*) prohibit the 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) In the event of a notice under paragraph (2) not being complied with, the Department 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.

(**a**) O.J. No. L46, 19.2.91, p. 1

(4) The consignor, his representative and the person in charge of any animal or animal product shall be jointly and severally liable for the costs of any action taken in relation to that animal or product under this regulation.

(5) A person shall not export to a Member State, any animal which is subject to the requirements of Articles 7, 9 or 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(I) to Directive 90/425/EEC(**a**) unless the animal originates on a holding which has been registered with the Department and the owner or person in charge of that holding has given undertakings in accordance with Article 4 of Council Directive 92/65/EEC.

Imports

6. A person shall not import from a Member State any animal or animal product which is the subject of one or more of the Directives listed in Schedule 2 unless it complies with the relevant provisions of that Directive, any additional requirements specified in relation thereto in Schedule 2 and any additional animal health requirements of legislation regulating imports into Northern Ireland.

Transport of animals and animal products

7.—(1) A person shall not transport any animal or animal product which is being exported to a Member State, or which is being imported from a Member State, to the address to which it is consigned, unless the animal or product is accompanied by export health certification.

(2) A person shall not deliver any animal or animal product imported from a Member State other than to the address specified in the export health certification which accompanies it unless required to do so by a notice served on him by the Department.

(3) If any animal or animal product imported from a Member State is delivered to an address other than the address specified in the export health certification which accompanies it, the Department may serve a notice on the person appearing to it to be in charge of the animal or product, the consignor or his representative requiring that person to transport the animal or product to the address specified in the export health certification.

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

(5) The consignor, his representative and the person in charge of any animal or animal product shall be jointly and severally liable for the cost of any action taken in relation to that animal or product under this regulation.

(a) O.J. No. L268, 14.9.92, p. 54

Registration of dealers

8.—(1) If required to do so by a notice served on him by the Department, a dealer shall register as such and shall give to the Department such undertakings as to compliance with these Regulations as shall be specified in the notice.

(2) Each dealer on whom a notice has been served under paragraph (1) shall keep a record of all consignments of animals and animal products delivered to him in the course of trade to which this Part applies and, where any such consignment is divided up or subsequently marketed by him, of the subsequent destination of the animals or products comprising it, and shall keep such records for 12 months from the date of delivery to him of the consignment.

(3) The requirements of paragraph (2) are without prejudice to the requirements of any other legislation requiring the keeping, or retention, of records in relation to any animal or animal product to which that paragraph applies.

Approval of bodies, institutes or centres

9.—(1) The Department shall, for the purposes of Articles 5 and 13 of Council Directive 92/65/EEC, approve any body, institute or centre (within the meaning of that Directive) which—

(*a*) complies with the requirements of Annex C to that Directive; and

(*b*) applies for that approval in accordance with paragraph (2).

(2) An application for approval under paragraph (1) shall be made in writing and shall be accompanied by all relevant supporting documents relating to the requirements of Annex C to Directive 92/65/EEC.

(3) The Department shall withdraw, suspend or restore any approval given under paragraph (1) in accordance with point 3 of Annex C to Directive 92/65/EEC.

Inspection and checking at destination

10.—(1) For the purpose of ensuring that where an animal or animal product is the subject of one or more of the Directives listed in Schedule 2, the relevant requirements of those Directives (including requirements as to documentation), any additional requirements specified in Schedule 2 and any additional requirements of legislation applicable to imports of those animals or products into Northern Ireland have been complied with, a veterinary inspector may at all reasonable times inspect at the address to which they have been consigned, any animal or animal product imported from a Member State.

(2) Where any animal or animal product is the subject of one or more of the Directives listed in Schedule 2 and has been imported from a Member State, then, in addition to the powers exercisable by him under paragraph (1), a veterinary inspector may inspect that animal or product and the accompanying documentation anywhere and at any time if he has any information leading him to suspect that the relevant requirements of those Directives, any additional requirements specified in Schedule 2 and any