1993 No. 305

EUROPEAN COMMUNITIES

ANIMALS

Animals and Animal Products (Import and Export) Regulations (Northern Ireland) 1993

Made	*5th July 1993*
Coming into operation . .	*23rd August 1993*

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) 1993 and shall come into operation on 23rd August 1993.

Interpretation

2.—(1) In these Regulations—

"border inspection post" means one of the inspection posts listed in Commission Decision 92/431/EEC(**c**);

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

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

"Divisional Veterinary Officer" means a Divisional Veterinary Officer of the Department;

(a) S.I. 1972/1811
(b) 1972 c. 68
(c) O.J. No. L237, 20.8.92, p. 23 as amended by Commission Decision 93/83/EEC (O.J. No. L35, 11.2.93, p. 16)

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

(*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 III applies, the certificate referred to in regulation 14(2)(*b*);

"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 11, means a veterinary surgeon appointed by the Department for the purposes of these Regulations;

"veterinary inspector" means any person appointed by the Department for the purposes of these Regulations.

(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.

(**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—

(*a*) the subject of the Directives listed in Schedule 2; or

(*b*) specified in Schedule 3;

and which originate within the European Communities or are in free circulation therein except aquaculture products for human consumption which are subject to Council Directive 91/67/EEC concerning the animal health conditions governing the placing on the market of aquaculture animals and products(**a**).

Exports

5. A person shall not export, or consign for export, to a Member State any animals or animal products unless—

(*a*) in the case of animals or animal products which are subject to one or more of the Directives listed in Schedule 2, they comply 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, and, when required by a Directive listed in Schedule 2 or by the Member State of destination, are accompanied by export health certification signed by a veterinary inspector and any other document required by that Directive or the Member State of destination;

(*b*) in the case of animals or animal products specified in Schedule 3, they fulfil all the animal health requirements of legislation regulating imports into the Member State of destination and, when required by the Member State of destination, are accompanied by export health certification signed by a veterinary inspector and any other document required by the Member State of destination.

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

Imports

6. A person shall not import from a Member State any animals or animal products subject to a Directive listed in Schedule 2 unless they comply 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 animals or animal products which are being exported to a Member State, or which are being imported from a Member State to the address to which they are consigned, unless the animals or animal products are accompanied by export health certification.

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

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) Any 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, of the subsequent destination of the animals or animal products comprising it, and shall keep such records for 12 months from the date of delivery 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 animals or animal products to which that paragraph applies.

Inspection and checking at destination

9.—(1) For the purpose of ensuring that—

(*a*) in the case of animals and animal products subject to one or more of the Directives listed in Schedule 2, the relevant requirements of those Directives (including requirements as to documentation); or

(*b*) in the case of animals and animal products specified in Schedule 3, the animal health requirements of legislation regulating imports into Northern Ireland (including requirements as to documentation),

have been complied with, a veterinary inspector may at all reasonable times inspect at the address to which they have been consigned, all animals and animal products imported from a Member State.

(2) In addition to the powers exercisable by him under paragraph (1), a veterinary inspector may inspect animals and animal products imported from

a Member State and their accompanying documentation anywhere and at any time if he has any information leading him to suspect that:

(*a*) in the case of animals and animal products subject to one or more of the Directives listed in Schedule 2 the relevant requirements of those Directives; or

(*b*) in the case of those animals and animal products specified in Schedule 3, the animal health requirements of legislation regulating imports into Northern Ireland,

have not been complied with.

(3) Any powers conferred by regulation 20 shall only be exercised in accordance with this regulation in relation to animals or animal products imported from a Member State until they reach the address to which they have been consigned and at that place.

Duties on consignees

10.—(1) A person shall not accept delivery of a consignment of animals or animal products (other than the registered horses referred to in the third indent of Article 5(2)(a) of Council Directive 90/425/EEC) unless the Department has been notified, at least 24 hours in advance, of the anticipated date of delivery of that consignment, of its nature and of the address to which it is consigned.

(2) A consignee of animals and animal products imported from a Member State shall retain all documentation required by these Regulations to accompany the consignment for 12 months from the date of delivery 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 animals or animal products to which that paragraph applies.

Duties on consignees relating to animals

11.—(1) Where animals are consigned to a market or assembly point approved by the Department under Part III of the Sales, Markets and Lairs Order (Northern Ireland) 1975(**a**) for the purposes of intra-Community trade, the district council or other person in charge of that market or assembly point shall ensure that no animal is admitted thereto unless it complies with Article 3(1) of Council Directive 90/425/EEC.

(2) Where any animals imported from a Member State are consigned to a slaughterhouse, the official veterinary surgeon for that slaughterhouse shall carry out such inspections as are necessary to discover whether the animals comply with Article 3(1) of Council Directive 90/425/EEC, and if they do not he shall, subject to paragraph (3), ensure that they are not slaughtered.

(a) S.R. 1975 No. 294 to which there is an amendment not relevant to the subject matter of these Regulations