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STATUTORY RULES OF NORTHERN IRELAND

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**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.

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(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.

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(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

(2) Where the Department sells an animal in accordance with paragraph (1), the proceeds of the sale shall be used to discharge any sum due to it by virtue of these Regulations and any balance shall be paid to the importer.

**Power of recovery**

8. The Department may recover any sum due to it by virtue of these Regulations.

Sealed with the Official Seal of the Department of Agriculture on

L.S.

4th June 1997.

*R. S. Johnston*  
Assistant Secretary

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

## SCHEDULE

Regulation 4(1)

| Category of animals  | Charge  |
|--|---|
| <b>• Poultry, rabbits and small game birds</b>   |   |
| Basic fee per large consignment (5 or more boxes)  | £37·00  |
| Basic fee per small consignment (less than 5 boxes)  | £25·00  |
| <b>• Captive birds, and rodents (excluding rabbits)</b>  |   |
| Basic fee per large consignment (5 or more boxes)  | £37·00  |
| Basic fee per small consignment (less than 5 boxes) per box  | £8·00   |
| <b>• Ratites</b>   |   |
| Basic fee per animal   | £5·80   |
| <b>• Live fish, other aquatic animals and reptiles</b>   |   |
| 1-12 boxes   | £5·00   |
| For each additional box  | £0·40   |
| <b>• Bees and other insects</b>  |   |
| Basic fee per consignment  | £21·20  |
| <b>• Ferrets, minks and foxes; and cats and dogs which are commercially traded under Council Directive 92/65/EEC(8) 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(8)</b> | The greater of £25·00 or the actual cost of inspecting the animal |

(8) O.J. No. L268, 24.9.91, p. 56

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## EXPLANATORY NOTE

*(This note is not part of the Regulations.)*

These Regulations implement in Northern Ireland, Council Directive [96/43/EC](#) (O.J. No. L162, 1.7.96, p. 1) which amends and consolidates Directive [85/73/EEC](#) in order to ensure financing of veterinary inspections and controls on live animals and certain animal products and amends Directives [90/675/EEC](#) and [91/496/EEC](#).

A person importing animals into Northern Ireland from a country outside the European Union shall pay to the Department of Agriculture for Northern Ireland (“the Department”) a charge for the veterinary and health inspection carried out on that animal (regulation 3). The charges vary according to the species of animal inspected and are set out in the Schedule. The charge is increased by 50% where the inspection takes place between 5.00 pm and 8.30 am on a week day and by 100% where the inspection takes place on a Saturday, a Sunday or a public holiday. In this latter situation an additional charge of £75 is made (regulation 4(2) and 4(3)).

The charge must be paid at the time the inspection is carried out. If the charge is not paid at that time the Department is empowered to detain the animal at Belfast International Airport until such time as the charge is paid. The importer of the animal is liable for the full cost of detaining it until the charge is paid. Where a person has imported an animal in respect of which a charge remains unpaid, the Department may serve a notice requiring him to pay the charge within a specified period (regulation 5).

The Department is also empowered to serve a notice on the importer of an animal requiring him to pay the veterinary and health inspection charge within a specified period and to detain the animal at his own expense at a place other than Belfast International Airport (regulation 6).

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