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STATUTORY RULES OF NORTHERN IRELAND

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**2000 No. 253**

**Animals and Animal Products (Import and Export) Regulations (Northern Ireland) 2000**

**Part I**

**Introduction**

**Citation and commencement**

1. These Regulations may be cited as the Animals and Animal Products (Import and Export) Regulations (Northern Ireland) 2000 and shall come into operation on 31st August 2000.

**Interpretation**

2.—(1) In these Regulations—

“assembly centre” means holdings, collection centres and markets, at which cattle, pigs, sheep or goats originating from different holdings are grouped together to form consignments of animals intended for intra-Community trade and approved by the Department in accordance with regulation 12;

“border inspection post” means a border inspection post as defined in Commission Decision [97/778/EC](#) drawing up a list of border inspection posts agreed for veterinary checks on products and animals from third countries, laying down detailed rules concerning the checks to be carried out by the experts of the Commission and repealing Decision [96/742/EC](#)(1);

“dealer” means any person who buys and sells animals commercially either directly or indirectly, who has a regular turnover of these animals and who within 30 days of purchasing animals resells or relocates them from the first premises to other premises not within his ownership;

“Department” means the Department of Agriculture and Rural Development 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;

“European international instruments” means the Act of Accession to the European Communities of the Kingdom of Denmark, Ireland, the Kingdom of Norway and the United Kingdom of Great Britain and Northern Ireland(2), the Decision on the conclusion of the Agreement on the European Economic Area between the European Communities, their Member States and the Republic of Austria, the Republic of Finland, the Republic of Iceland, the Principality of Liechtenstein, the Kingdom of Norway, the Kingdom of Sweden and the Swiss Confederation(3) and the Act concerning the conditions of accession of the Kingdom

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(1) O.J. No. L315, 19.11.97, p. 15

(2) O.J. No. L73, Special Edition, 27.3.72

(3) O.J. No. L1, 3.1.94, p. 1

of Norway, the Republic of Austria, the Republic of Finland and the Kingdom of Sweden and the adjustments to the Treaties on which the European Union is founded<sup>(4)</sup>;

“export” means sent out of Northern Ireland by any means whatsoever;

“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;

“inspector” means the person appointed to be an inspector for the purposes of these Regulations by the Department and includes a veterinary inspector;

“member State” means any member State of the European Union other than the United Kingdom and does not include the Isle of Man or any of the Channel Islands;

“official veterinary surgeon” means a veterinary inspector designated to act as such by the Department;

“place of destination” in relation to any animals or animal products means the address or addresses to which the animals or products are consigned by the consignor;

“required consignment documentation” means any certificates or other documents which are required by these Regulations to accompany the consignment; and

“veterinary inspector” means any person appointed as a veterinary inspector by the Department.

(2) Any other expressions used in these Regulations have the meaning they bear in 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 single market<sup>(5)</sup>) and Council Directive [91/496/EEC](#) (laying down the principles governing the organisation of veterinary checks on animals entering the Community from third countries<sup>(6)</sup>) both of which have been amended by the legislation listed in Schedule 1; and, for cattle and pigs, Council Directive [64/432/EEC](#) on health problems affecting intra-Community trade in bovine animals and swine<sup>(7)</sup>.

(3) The Interpretation Act (Northern Ireland) 1954<sup>(8)</sup> shall apply to these Regulations as it applies to an Act of the Northern Ireland Assembly.

(4) Any reference in these Regulations to an instrument of the European Community is to that instrument as amended by the instruments listed in Schedules 1,2 or 4 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.

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(4) O.J. No. C241, 29.8.94, p. 21, as amended by O.J. No. L1, 1.1.95, p. 1

(5) O.J. No. L224, 18.8.90, p. 29 as read with the provisions listed in Schedule 1

(6) O.J. No. L268, 24.9.91, p. 56 as read with the provisions listed in Schedule 1

(7) See Council Decision [97/12/EC](#) (O.J. No. L109, 25.4.97, p. 1) as read with the provisions listed in Schedule 1

(8) [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—
- (a) live animals which originate within the European Communities and which are subject to trade between Northern Ireland and any member State; and
  - (b) all animal products which are subject to trade between Northern Ireland and any member State,

which are the subject of the Directives and other measures referred to in Part I of Schedule 2 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<sup>(9)</sup>.

#### 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 or other measures referred to in Part I of Schedule 2 unless—

- (a) it complies with the relevant provisions of those Directives or measures (including any option permitted by those Directives or measures which has been exercised by the member State of destination);
- (b) when required by such a Directive or other measure, it is accompanied by an export certificate signed by a veterinary inspector (or, where specified in such a Directive or other measure, signed by a veterinary surgeon nominated by the exporter) or any other document required by a Directive or other measure.

(2) If the Department has reasonable cause to suspect that a person in charge of an 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 animal 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) If an animal or animal product has been exported to a member State in contravention of this regulation and returned to Northern Ireland (whether with the authorisation of the Department or not), the Department 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 re-export of that animal or animal product, whether to the same or another member State; and

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(9) O.J. No. L46, 19.2.91, p.1 as amended and read with the provisions listed in paragraph 8 of Schedule 2

(b) require that person immediately to detain it at such place as may be specified in the notice and take such further action in relation to it as may be so specified.

(4) In the event of a notice under paragraphs (2) or (3) 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.

(5) This regulation shall apply without prejudice to the requirements of the Bovines and Bovine Products (Trade) Regulations (Northern Ireland) 1999<sup>(10)</sup>.

(6) A person shall not export to a member State any animal to which the provisions 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(1) to Council Directive 90/425/EEC<sup>(11)</sup>) apply unless—

- (a) the animal originates from a holding which has been registered with the Department; and
- (b) the owner or person in charge of that holding has given to the Department undertakings in accordance with Article 4 of Council Directive 92/65/EEC.

## Imports

6.—(1) A person shall not import from a member State—

- (a) any animal; or
- (b) any animal product

subject to a Directive or other measure listed in Part I of Schedule 2 and in free circulation in a member State unless it complies with the relevant provisions of that Directive or measure and any additional requirements specified in relation thereto in that Part of that Schedule.

(2) If an animal is imported for slaughter, the importer shall ensure that it is slaughtered without undue delay.

(3) If any animal referred to in paragraph (2) is not slaughtered without undue delay, an inspector may by notice served on the importer, his representative or person in charge of the animal require it to be slaughtered within such time and at such place as may be specified in the notice.

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

## Transport of animals and animal products

7.—(1) A person shall not transport any animal or animal product in intra-Community trade unless it is accompanied by the documents required by Article 3.1.d of Council Directive 90/425/EEC.

(2) A person shall not deliver any animal or animal product imported from a member State other than to the address specified in the required consignment documentation unless required to do so by a notice served on him by the Department under these Regulations.

(3) If an animal or animal product is delivered to an address other than that specified in the required consignment documentation and not in compliance with a notice served by the Department, the Department may serve a notice on the person appearing to it to be in charge of the animal or animal product requiring that person to transport it, at that person's expense, to the address specified in the required consignment documentation.

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(10) S.R. 1999 No. 308

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

(4) In the event of a notice under paragraphs (2) and (3) 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.

(5) In the case of the transport of cattle or pigs, the provisions of Part II of Schedule 2 shall have effect, and any failure to comply with these provisions may lead to a withdrawal of a licence to transport those animals granted under Article 12 of the Welfare of Animals (Transport) Order (Northern Ireland) 1997(12) in accordance with Schedule 9 to that Order.

### **Dealers**

8.—(1) For the purposes of paragraph (2) the Department shall keep a register of dealers engaging in intra-Community trade who have applied for registration in accordance with that paragraph.

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

(3) Any person who has registered under paragraph (2) shall keep a record of all consignments of animals and animal products delivered to him and, where such a 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 the delivery to him of the consignment.

(4) In the case of dealers in cattle and pigs the provisions of Part III of Schedule 2 shall have effect instead of paragraphs (1) to (3).

### **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 has applied for approval in accordance with Article 13 of that Directive and which conforms with the requirements of Annex C to that Directive.

(2) 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](#).

(3) For the purposes of Article 11 of Council Directive [92/65/EEC](#), the Department shall approve any semen collection centre or embryo collection team which has applied to the Department for approval in accordance with Article 11 of that Directive and which meets the conditions applicable to it in respect of approval and the performance of its duties as required by Article 11 and Annex D to that Directive.

### **Inspection and checking at destination**

10.—(1) A veterinary inspector may inspect at all reasonable times, at their place of destination, all animals and animal products imported into Northern Ireland from a member State, so as to ensure that the requirements (including requirements on documentation) of—

- (a) the relevant provisions of the Directives or other measures listed in Part I of Schedule 2;
- (b) any additional requirements specified in Part I of Schedule 2; and
- (c) any additional animal health legislation applicable to the import of those animals and animal products into Northern Ireland

have been complied with.

(2) Where an inspector has information leading him to suspect that, in relation to any animals or animal products imported from a member State, there has been an infringement of any of the

Directives or other measures listed in Part I of Schedule 2, any additional requirements specified in that Part of that Schedule and any additional animal health legislation applicable to the import of those animals or animal products into Northern Ireland, he may inspect anywhere and at any time, those animals or animal products as well as any accompanying documentation.

### **Duties on consignees**

**11.—**(1) A person shall not accept a consignment of animals or animal products (other than registered horses accompanied by identification documentation provided for by Council Directive [90/427/EEC](#) (on zootechnical and genealogical conditions governing intra-Community trade in equidae<sup>(13))</sup>) unless the importer or consignee has given to the local Divisional Veterinary Office of the Department for the place of destination of the consignment at least 24 hours written notice in advance of the nature of the consignment, its anticipated date of arrival and the address of the place of destination.

(2) A consignee shall retain all documentation sent to him with any consignment in accordance with these Regulations for 12 months from the date of delivery to him of the consignment.

### **Assembly centres and slaughter houses**

**12.—**(1) Any person operating an assembly centre for the purposes of intra-Community trade in bovine animals, swine, sheep or goats shall do so in accordance with this regulation.

(2) The assembly centre shall be approved by the Department and given a number, and approval shall only be given if the Department is satisfied that the centre complies with the requirements of paragraphs (a) to (d) of Article 11.1 of Council Directive [64/432/EEC](#).

(3) In the case of cattle or pigs, the operator of the assembly centre shall admit to those premises only animals that are identified and come from herds that are eligible for intra-Community trade.

(4) Where animals are consigned to an approved assembly centre, the operator of the assembly centre shall—

- (a) ensure that no animal is admitted unless it complies with Article 3.1 of Council Directive [90/425/EEC](#); and
- (b) record on a register—
  - (i) in the case of cattle, the name of the owner, the origin, date of entry and exit, number and identification number and the proposed destination;
  - (ii) in the case of pigs, the registration number of the holding of origin or of the herd of origin and the proposed destination;
  - (iii) in the case of both cattle and pigs, the registration number of the transporter and the licence number of the lorry delivering or collecting animals from the centre.

and shall preserve the register for a minimum of three years.

(5) Where an animal is consigned to a slaughterhouse under the supervision of an official veterinary surgeon appointed under the provisions of regulation 7 of the Fresh Meat (Hygiene and Inspection) Regulations (Northern Ireland) 1997<sup>(14)</sup> or regulation 8 of the Poultry Meat, Farmed Game Bird Meat and Rabbit Meat (Hygiene and Inspection) Regulations (Northern Ireland) 1995<sup>(15)</sup>, the official veterinary surgeon shall ensure that it is not slaughtered unless it complies with Article 3.1 of Council Directive [90/425/EEC](#).

(6) An official veterinary surgeon may carry out an inspection for the purposes of paragraph (5), and, if in so doing, he establishes that an animal imported from a member State is accompanied

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<sup>(13)</sup> O.J. No. L224, 18.8.90, p. 55

<sup>(14)</sup> S.R. 1997 No. 493

<sup>(15)</sup> S.R. 1995 No. 396

by incorrect documentation or cannot readily be identified, he shall examine the animal and shall either—

- (a) certify that it is fit to be slaughtered and used for its intended purpose; or
- (b) by notice in writing require the animal to be slaughtered and destroyed or to be re-exported, in each case at the expense of the importer.

(7) Where any person markets any animal consigned to him from a member State, or divides up batches of such animals for distribution or marketing, and paragraphs (4) and (5) do not apply in relation to such animals, that person—

- (a) shall check, before any animal is marketed or any batch is divided up that all the animals comply with the relevant provisions of the Directives or other measures listed in Part I of Schedule 2, with respect to identification marks and required consignment documentation;
- (b) shall immediately notify any irregularity or anomaly in any such identification mark or required consignment documentation to the Department; and
- (c) if there is a breach of Article 3.1.d of Council Directive [90/425/EEC](#) in relation to any such animal, shall isolate the animal in question until the Department has either—
  - (i) authorised its release in writing; or
  - (ii) served a notice under regulation 13(2) in relation to it.

### **Illegal consignments**

**13.**—(1) If the Department knows of or suspects the presence of agents responsible for a disease referred to in Schedule 3 or of a zoonosis, any other disease or any cause likely to constitute a serious hazard to public or animal health in an animal or animal product imported from a member State, or that an animal or animal product has come from a region contaminated by an epizootic disease, it may by notice served on the person appearing to it to have charge of that animal or product, require that person—

- (a) immediately to detain the imported animal product, imported animal or any animal which has been in contact with such imported animal (and, in the case of detained animals, whether imported or animals which have been in contact with imported animals, keep them isolated from other animals), at such a place as may be specified in the notice, and to take such further action in relation to such animals or products as may be so specified for the purpose of preventing the introduction or spreading of a disease or any phenomenon liable to present a serious threat to public or animal health into or within Northern Ireland;
- (b) in the case of an animal, without delay, to slaughter it, or slaughter and destroy it, or cause it to be slaughtered and destroyed in accordance with such conditions as may be specified in the notice; or
- (c) in the case of an animal product, destroy it or cause it to be destroyed, in accordance with such conditions as may be specified in the notice.

(2) Subject to paragraph (3), if the Department knows or suspects that an animal or animal product does not comply with the provisions of Article 3 of Council Directive [90/425/EEC](#), it may, if animal health and welfare considerations so permit, by notice in writing give the consignor or his representative or the person appearing to him to have charge of that animal or product the choice of—

- (a) where the cause of non-compliance is the presence in an animal of residues in excess of that permitted under Regulation 9 and Schedule 2 of the Animals and Animal Products (Examination for Residues and Maximum Residue Limits) Regulations (Northern Ireland) 1998<sup>(16)</sup>, maintaining the animal under supervision until the residue levels fall to the

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(16) [S.R. 1998 No. 45](#)



- levels permitted by the legislation and, in the event of the residue levels not falling to the permitted levels, requiring him to take whatever action is specified in that legislation; or
- (b) slaughtering the animal or destroying the product in accordance with such conditions as may be specified in the notice; or
  - (c) returning the animal or product to the member State of despatch, with the authorisation of the competent authority of that member State and with prior notification to any member State of transit.

(3) If a consignment fails to comply with the relevant provisions of Council Directive [90/425/EEC](#), any Directive listed in Schedule 2 or of any other legislation regulating imports of animals or animal products into Northern Ireland only by reason of absence of or irregularity in required consignment documentation, the Department shall not cause the animals or animal products to be returned to the country of despatch without first giving the consignor, his representative or the person appearing to it to have charge of those animals or products a notice requiring him to produce the required consignment documentation within 7 days and to detain the animal or animal product in accordance with such conditions as may be specified in the notice.

(4) In the event of a notice under this regulation not being complied with, an inspector may seize or cause to be seized any animal or animal product to which that notice relates, and arrange for the requirements of the notice to be complied with.

## Part III

### Trade in Third Country Animals

#### Application of Part III

14. This Part shall apply in relation to—

- (a) any animals imported into Northern Ireland from any place outside the European Communities; and
- (b) any animals originating outside the European Communities and imported into Northern Ireland from any place inside those Communities.

#### Importation

15.—(1) Subject to paragraph (2), a person shall not import any animal directly from a place outside the European Communities.

(2) Nothing in paragraph (1) shall prevent the import of any animals specified in Schedule 1 to the Rabies (Importation of Dogs, Cats and Other Mammals) Order (Northern Ireland) 1977(17) at a place permitted under that Order.

(3) A person shall not import any animal which originated outside the European Communities from a member State, Great Britain, any of the Channel Islands or the Isle of Man either for transport to a place in the United Kingdom or for re-export to another member State unless—

- (a) all the checks required under Council Directive [91/496/EEC](#) have been carried out in relation to those animals at a border inspection post and they are accompanied by the certificate of examination and the authenticated copy of the original health certificate issued at the border inspection post under Article 7(1) of that Directive; or



- (b) in the case of animals specified in Schedule 1 to the Rabies (Importation of Dogs, Cats and Other Mammals) Order (Northern Ireland) 1977, the conditions of that Order have been complied with.
- (4) A person shall not import from a member State, Great Britain, any of the Channel Islands or the Isle of Man any animal to which—
  - (a) a Decision listed in Schedule 4 applies from the country referred to in that Decision except in accordance with the provisions of that Decision, including any options exercised by the Department under that Decision; or
  - (b) a Directive listed in Schedule 4 applies, except in accordance with the provisions of the Directive, and any decision adopted under that Directive; and
  - (c) in accordance with the provisions of any additional animal health requirements of legislation regulating imports into Northern Ireland.
- (5) If an animal is imported for slaughter, the importer shall ensure that it is slaughtered without delay and if it is not so slaughtered, an inspector may by notice served on the importer, his representative or person in charge of the animals require the animals to be slaughtered within such period and at such place as may be specified in the notice.
- (6) In the event of a notice under paragraph (5) not being complied with an inspector may seize or may cause to be seized any animal to which it relates and arrange for the requirements of the notice to be complied with.

### **Illegal imports**

**16.—**(1) If any animal is imported from outside the European Communities in contravention of regulation 15(1), the Department may, by notice in writing, require the person appearing to it to be in charge of the animal to detain and isolate that animal in accordance with the notice and in that case the following provisions of this regulation shall have effect.

(2) The Department shall cause to be carried out an examination by a veterinary inspector of the animal to which a notice under paragraph (1) relates and, following that examination, shall by means of a further notice served on the person appearing to it to be in charge of the animal, the consignor or his representative—

- (a) require the animal to be brought to the place specified in the notice;
- (b) require the animal to be slaughtered or slaughtered and destroyed;
- (c) require the animal to be re-despatched outside the territory of the European Communities, where animal health or welfare considerations so permit, within such period as may be specified in the notice; or
- (d) revoke the notice given under paragraph (1).

(3) In the event of a notice under paragraphs (1) and (2) not being complied with, an inspector may seize the animal to which it relates or cause it to be seized and arrange for the requirements of the notice to be complied with.

### **Application of regulations 7 to 13**

**17.** Regulations 7 to 13 shall apply in relation to animals imported into Northern Ireland from any place inside the European Communities, which originated outside those Communities and in respect of which all the checks provided for in Council Directive [91/496/EEC](#) have been carried out in accordance with that Directive as those regulations apply to animals to which Part II applies.

### **Arrival at the place of destination**

18. On its arrival at the place of destination, an animal for breeding and production shall be detained at the premises by the person having control of those premises, and he shall not release it from those premises unless authorised in writing by an authorised officer of the Department.

### **Post-import controls**

19.—(1) Where a veterinary inspector knows or suspects that—

- (a) in the case of any animal, the import conditions of a Directive listed in Schedule 4, any additional requirements specified in relation thereto in that Schedule or any additional animal health legislation regulating the import of such animals into Northern Ireland have not been complied with; or
- (b) in the case of any animal there is doubt as to its identity,

he may carry out any veterinary checks on that animal which he deems appropriate.

(2) If the checks carried out under paragraph (1) confirm that import conditions referred to in that paragraph were not complied with in the case of any animal then the provisions of regulation 16 shall apply and, in the case of the exercise of a power to isolate the animal, a veterinary inspector may additionally require the placing in isolation of other animals which have been in contact with the imported animal.

## **Part IV**

### **General**

### **Outbreaks of disease in other States**

20.—(1) This regulation shall apply where the Department learns of, or has reasonable grounds to suspect, either under the procedures set out in Article 10 of Council Directive [90/425/EEC](#) or Article 18 of Council Directive [91/496/EEC](#), or through any other means, the presence in any state outside the United Kingdom of a disease referred to in Schedule 3, a zoonosis or any other disease or phenomenon liable to present a serious threat to public or animal health.

(2) In the circumstance described in paragraph (1), the Department may, for the purpose of preventing the introduction or spreading of any such disease or serious threat to animal or public health into or within Northern Ireland, by a declaration to be published in such manner as the Department thinks fit, give notice of the existence in another state of any disease or zoonosis or other cause likely to constitute a serious threat to animal or public health, the area subject to the outbreak, and the types of animal or animal product affected.

(3) A declaration made under this regulation may specify conditions under which the animal or animal product which is the subject of the declaration may be imported.

(4) Upon a declaration being made under this regulation, the entry into Northern Ireland of any animal or animal product which is the subject of the declaration shall be in breach of the conditions of import in these Regulations unless it complies with the conditions (if any) specified in the declaration.

### **Notification of decisions**

21.—(1) If the consignor or his representatives, or the importer or his representative, so requests, written notice of any decision taken in pursuance of these Regulations refusing entry or varying the

conditions of entry for any animal or animal product shall be forwarded to him by the person taking the decision.

(2) A notice forwarded under paragraph (1) shall give the reasons for the decision to which it relates and the details of any right to challenge the decision, including the relevant time limits.

### **Powers of inspectors**

**22.**—(1) Subject to regulation 10, an inspector may, on producing, if required to do so, some duly authenticated document showing his authority, at all reasonable hours 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 may carry out all checks and examinations necessary for the enforcement of Council Directive [90/425/EEC](#) and Council Directive [91/496/EEC](#), and in particular may—

- (a) carry out inspections of any processes used for the marking and identification of animals, any premises and any installation;
- (b) carry out checks on whether staff are complying with the requirements of the Directives or other measures listed in Part I of Schedule 2 relating to animal products;
- (c) take samples (and, if necessary, send the samples for laboratory testing) from—
  - (i) animals held with a view to being sold, put on the market or transported;
  - (ii) animal products held with a view to being stored or sold, put on the market or transported;
  - (iii) animals or animal products being transported in the course of intra-Community trade; or
  - (iv) animals or animal products at the place of destination;
- (d) examine documentary or data processing material relevant to the checks carried out under these Regulations; and
- (e) take with him a representative of the European Commission acting for the purposes of Council Directives [90/425/EEC](#) or [91/496/EEC](#).

(3) In this regulation “premises” includes any place, installation, road or rail vehicle, ship, vessel, boat, craft, hovercraft or aircraft.

### **Recovery of expenses**

**23.** The consignor, his representative or the person in charge of any animal or animal product shall be liable for the reasonably incurred expenses of the Department or an inspector arising from any action taken by it or him under these Regulations in relation to that animal or animal product, but shall be entitled, after the deduction of expenses, to the proceeds of any sale of that animal or animal product.

### **Obstruction**

**24.**—(1) A person shall not—

- (a) intentionally obstruct any person acting in the execution of these Regulations;
- (b) without reasonable cause, fail to give to any person acting in the execution of these Regulations any assistance or information which that person may reasonably require of him for the purposes of his functions under these Regulations, or
- (c) furnish to any person acting in the execution of these Regulations any information which he knows to be false or misleading.

(2) Nothing in paragraph (1)(b) shall be construed as requiring any person to answer any question or give any information if to do so might incriminate him.

### **Penalties**

**25.—**(1) A person contravening any provision of these Regulations or any notice served under them shall be guilty of an offence.

(2) A person guilty of an offence under regulation 24(1)(a) or (b) shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale or to imprisonment for a term not exceeding 3 months or to both.

(3) A person guilty of any other offence under these Regulations shall be liable—

- (a) on summary conviction, to a fine not exceeding the statutory maximum or to imprisonment not exceeding 3 months or to both;
- (b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding 2 years or to both.

### **Disapplication of provisions**

**26.** The provisions of any instrument listed in column 2 of Schedule 5 shall not apply to imports from a member State of animals and animal products to which a Directive or other measure referred to in Part I of Schedule 2 applies, or to imports of an animal to which a Directive or other measure referred to in Schedule 4 applies from the country subject to that Directive or other measure, to the extent specified in column 3 of the table given in Schedule 5.

### **Amendment of the Sales, Markets and Lairs Order (Northern Ireland) 1975**

**27.—**(1) The Sales, Markets and Lairs Order (Northern Ireland) 1975(**18**) shall be amended as follows.

(2) In Article 3 the definitions of the following expressions shall be omitted, that is to say—

- (a) “assembly point operator”;
- (b) “community instrument”;
- (c) “EEC approved assembly point”; and
- (d) “EEC approved market”.

(3) For Part III there shall be substituted—

## **“Part III**

### **Assembly Centres — Intra-Community Trade**

#### **Prohibition on sales of cattle, pigs, sheep or goats**

**16.—**(1) A person shall not hold, or cause or permit to be held, a public sale of cattle, pigs, sheep or goats intended for intra-Community trade other than in an assembly centre.

(2) In this Article and in Article 17 “assembly centre” means an assembly centre approved in accordance with regulation 12 of the Animals and Animal Products (Import and Export) Regulations (Northern Ireland) 2000.

### **Collection of cattle, pigs, sheep or goats at assembly centres**

17. A person shall not collect, or cause or permit to be collected, cattle, pigs, sheep or goats intended for intra-Community trade other than in an assembly centre.”.

### **Revocations**

28. The following instruments, that is to say—

- (a) the Conveyance of Live Poultry (Northern Ireland) (Amendment) Order 1927<sup>(19)</sup>;
  - (b) the Animals and Animal Products (Import and Export) Regulations (Northern Ireland) 1995<sup>(20)</sup>;
  - (c) the Animals and Animal Products (Import and Export) (Amendment) Regulations (Northern Ireland) 1997<sup>(21)</sup>; and
  - (d) the Animals (Third Country Imports) (Charges) Regulations (Northern Ireland) 1997<sup>(22)</sup>,
- are hereby revoked.

Sealed with the Official Seal of the Department of Agriculture and Rural Development on

L.S.

*R. S. Johnston*  
A senior Officer of the  
Department of Agriculture and Rural  
Development

3rd August 2000.

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<sup>(19)</sup> S.R. & O. (N.I.) 1927 No. 97

<sup>(20)</sup> S.R. 1995 No. 52

<sup>(21)</sup> S.R. 1997 No. 87

<sup>(22)</sup> S.R. 1997 No. 272