
STATUTORY RULES OF NORTHERN IRELAND

2000 No. 253

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

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⁽¹⁾.

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.

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

(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
- (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(2).

(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](#)(3)) 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) S.R. 1999 No. 308

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

(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.

(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(4) 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⁽⁵⁾)) 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) O.J. No. L224, 18.8.90, p. 55

(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⁽⁶⁾ or regulation 8 of the Poultry Meat, Farmed Game Bird Meat and Rabbit Meat (Hygiene and Inspection) Regulations (Northern Ireland) 1995⁽⁷⁾, 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 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.

(6) S.R. 1997 No. 493

(7) S.R. 1995 No. 396

(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⁽⁸⁾, maintaining the animal under supervision until the residue levels fall to the 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.

(8) S.R. 1998 No. 45