
STATUTORY RULES OF NORTHERN IRELAND

2004 No. 325

Animals and Animal Products (Import and Export) Regulations (Northern Ireland) 2004

**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 circumstances described in paragraph (1), the Department may, for the purpose of preventing the introduction or spreading of disease into or within Northern Ireland, by declaration suspend, or impose conditions upon, the entry into Northern Ireland of any animal or animal product from the whole or any part of that state.

(3) Such a declaration shall be published in such manner as the Department thinks fit.

(4) Where a declaration is in force suspending the entry of any animal or animal product, no person shall bring that animal or animal product into Northern Ireland if it is dispatched from, or originates from, the state or part thereof specified in the declaration.

(5) 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.

(6) 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 representative, or the importer or his representative, so requests, notice of any decision in pursuance of these Regulations refusing entry or varying the conditions of entry for any animal or animal product shall be forwarded to him in writing 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 instruments 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;
 - (iv) animals at a border inspection post in the case of third country imports; or
 - (v) 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 animals 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.

Revocations

27. The following instruments, that is to say;

(a) Animals and Animal Products (Import and Export) (Northern Ireland) Regulations 2000⁽¹⁾;

(b) Animals and Animal Products (Import and Export) (Northern Ireland) (Amendment) Regulations 2001⁽²⁾;

(c) Animals and Animal Products (Import and Export) (Northern Ireland) (Amendment) Regulations 2002⁽³⁾.

⁽¹⁾ S.R. 2000 No. 253

⁽²⁾ S.R. 2001 No. 312

⁽³⁾ S.R. 2002 No. 296