
STATUTORY RULES OF NORTHERN IRELAND

2004 No. 464

Products of Animal Origin (Third Country Imports) Regulations (Northern Ireland) 2004

PART II

ENFORCEMENT

Enforcement authorities and exchange of information

- 4.—(1) These Regulations shall be executed and enforced –
- (a) by each district council within its district other than at premises mentioned in paragraph(c);
 - (b) by the Department other than at premises mentioned in paragraphs (c) and (d);
 - (c) by the Agency at premises required to be licensed under the Fresh Meat (Hygiene and Inspection) Regulations (Northern Ireland) 1997(1), the Poultry Meat, Farmed Game Bird Meat and Rabbit Meat (Hygiene and Inspection) Regulations (Northern Ireland) 1995(2), or the Wild Game Meat (Hygiene and Inspection) Regulations (Northern Ireland) 1997(3); and
 - (d) by the Agency or each district council within its district at premises approved under the Meat Products (Hygiene) Regulations (Northern Ireland) 1997(4), or the Minced Meat and Meat Preparations (Hygiene) Regulations (Northern Ireland) 1997(5).

(2) For the purposes of the execution or enforcement of these Regulations, the Department, the Agency and any district council may exchange amongst themselves any information received by them in the execution or enforcement of these Regulations.

(3) The Department, the Agency and any district council may share information received by them in the execution or enforcement of these Regulations with the enforcement agencies in England, Scotland and Wales for the purposes of the enforcement of the legislation on the introduction of products of animal origin from third countries in England, Scotland and Wales respectively.

(4) Paragraphs (2) and (3) are without prejudice to any other power of the Department, the Agency or any district council to disclose information.

Powers to give directions

5.—(1) The Department may give directions in writing to a district council concerning the execution and enforcement by the council of any provisions of these regulations for which that council is responsible.

(1) S.R. 1997 No. 493 as amended by S.R. 1998 No. 237, S.R. 2000 No. 78, S.R. 2000 No. 191, S.R. 2000 No. 287 and S.R. 2002 No. 217

(2) S.R. 1995 No. 396 as amended by S.R. 1997 No. 496, S.R. 1998 No. 237, S.R. 2000 No. 78, S.R. 2000 No. 191 and S.R. 2002 No. 217

(3) S.R. 1997 No. 496 as amended by S.R. 2000 No. 78

(4) S.R. 1997 No. 494 as amended by S.R. 1999 No. 193, S.R. 2000 No.78, S.R. 2000 No.191 and S.R. 2000 No. 287

(5) S.R. 1997 No. 495 as amended by S.R. 2000 No. 191 and S.R. 2000 No. 287

(2) In the exercise of the functions conferred on it by these Regulations, a district council shall comply with all relevant provisions of a direction given to it under paragraph (1).

Appointment of official veterinary surgeons and authorised officers

6.—(1) The Department shall appoint –

- (a) an official veterinary surgeon to carry out the regulatory functions at any border inspection post designated and approved for veterinary checks on products arriving from third countries; and
- (b) such appropriately trained assistants for each official veterinary surgeon appointed pursuant to sub-paragraph (a) as may be necessary for the proper and expeditious performance of the regulatory functions.

(2) A district council shall appoint –

- (a) an authorised officer to carry out the regulatory functions in relation to fishery products at each border inspection post in its district; and
- (b) such appropriately trained assistants for each authorised officer appointed pursuant to paragraph (2)(a), as may be necessary for the proper and expeditious performance of the regulatory functions.

Exercise of enforcement powers

7.—(1) An official veterinary surgeon, or an authorised officer may, at all reasonable hours and on producing, if so required, some duly authenticated document showing his authority, exercise the powers conferred by regulations 8 and 9 for the purpose of –

- (a) executing or enforcing these Regulations;
- (b) executing or enforcing any prohibitions or requirements imposed by a declaration made by the Department or the Agency pursuant to regulation 58;
- (c) ascertaining whether these Regulations are being or have been complied with; or
- (d) verifying the identity, origin or destination of any product.

(2) In the case of an authorised officer appointed or authorised by a district council, the powers conferred by regulations 8 and 9 shall be exercised –

- (a) within the district of that district council; and
- (b) outside the district of that district council for the purpose of ascertaining whether these Regulations are being or have been complied with within that district.

Powers of entry and inspection

8.—(1) An official veterinary surgeon, or authorised officer may –

- (a) enter any border inspection post or other land or premises (except premises used only as a dwelling house) and inspect the same and anything therein or thereon;
- (b) open any bundle, package, packing case, or item of personal luggage, or require any person in possession of or accompanying the same to open it;
- (c) inspect the contents of any bundle, package, packing case or item of personal luggage opened pursuant to paragraph (b);
- (d) inspect any product, including its packaging, seals, marking, labelling and presentation, and any plant or equipment used for or in connection with any product; and
- (e) take samples of any product.

(2) Where an official veterinary surgeon or authorised officer takes a sample of a product otherwise than in the course of a physical check carried out pursuant to regulation 19(1), he may serve a notice in writing on the person appearing to him to have charge of the consignment which includes the product.

(3) A notice under paragraph (2) may require the person on whom it was served to ensure that the consignment or part thereof to which the notice relates be stored until service of a further notice in writing under that paragraph requiring that the same be removed, under the supervision of an official veterinary surgeon or authorised officer, as the case may be, to such place and under such conditions as the notice may direct.

(4) The costs of storage required under paragraph (3) shall be paid by the person responsible for the consignment.

(5) An official veterinary surgeon or authorised officer entering any land or premises pursuant to paragraph (1)(a) may take with him –

- (a) other persons acting under his instructions;
- (b) one or more representatives of the European Commission; and
- (c) one or more representatives of the authorities of a third country, appointed and acting in accordance with the provisions of one of the equivalence decisions listed in Schedule 2.

Powers in relation to documents

9. An official veterinary surgeon or authorised officer may –

- (a) require any person appearing to him to have charge of a product, any person responsible for a product and any corporate officer, employee, servant or agent of any such persons, to produce any relevant document in his possession or under his control relating to the product, and to supply such additional information in his possession or under his control relating to the product as the official veterinary surgeon or authorised officer may reasonably request;
- (b) examine any relevant document relating to a product and, where it is kept by means of a computer, have access to and inspect and check the operation of any computer and associated apparatus or material which is or has been used in connection with that relevant document;
- (c) make and retain such copies as he may think fit of any relevant document relating to a product; and
- (d) seize and retain any relevant document relating to a product which the official veterinary surgeon or authorised officer has reason to believe may be required as evidence in proceedings under these Regulations, and, where any such relevant document is kept by means of a computer, require it to be produced in a form in which it may be taken away.

Protection of officials acting in good faith

10.—(1) An officer of the Department, the Agency or a district council is not personally liable in respect of any act done by him in the performance or purported performance of the regulatory functions within the scope of his employment, if he did that act in the honest belief that his duty under these Regulations required or entitled him to do so.

(2) Nothing in paragraph (1) shall be construed as relieving the Department, the Agency or any district council from any liability in respect of acts of their officers.

Entry warrants

11. If a justice of the peace, on sworn complaint in writing, is satisfied that there is reasonable ground for entry into any land or premises by an official veterinary surgeon or authorised officer pursuant to regulation 8 for any of the purposes specified in regulation 7 and either –

- (a) that entry has been refused, or a refusal is reasonably expected, and that the official veterinary surgeon or authorised officer has given notice of his intention to apply for an entry warrant to the occupier; or
- (b) that a request for entry, or the giving of such a notice, would defeat the object of entry, or that entry is urgently required, or that the land or premises are unoccupied, or the occupier is temporarily absent, and it would defeat the object of entry to await his return,

the justice of the peace may by warrant signed by him, and valid for one month, authorise the official veterinary surgeon or authorised officer to enter the land or premises, if need be by reasonable force.

District council returns

12.—(1) Each district council shall send to the Department in accordance with any determination made under paragraph (2) a return comprising the following information –

- (a) the total number of consignments checked, categorised by groups of products and by country of origin;
- (b) a list of consignments of which samples were taken and the results of any test or analysis of each sample; and
- (c) a list of consignments required to be redispached or disposed of pursuant to regulation 21 by an authorised officer, together with, in each case, their country of origin, establishment of origin (if known), a description of the product concerned and the reason for refusal.

(2) The Department shall determine how frequently the returns referred to in paragraph (1) are to be submitted and what period of time they are to cover.

Suspension of border inspection posts

13.—(1) If the Department is satisfied that –

- (a) the continued operation of a border inspection post presents a serious risk to public or animal health; or
- (b) there has been at a border inspection post a serious breach of the requirements for the approval of border inspection posts laid down in Annex II to Directive 97/78/EC or in the Annex to Commission Decision [2001/812/EC](#) laying down requirements for the approval of border inspection posts responsible for veterinary checks on products introduced into the Community from third countries⁽⁶⁾,

it shall serve on the operator of the border inspection post concerned a written notice stating that the approval of the premises as a border inspection post in accordance with Article 6(2) or 6(4) of Directive 97/78/EC is suspended.

(2) Upon service of a notice pursuant to paragraph (1) the premises shall cease to be a border inspection post, notwithstanding that it may still appear on the list of border inspection posts contained in the Annex to Commission Decision [2001/881/EC](#), until they are again approved as a border inspection post in accordance with Article 6(2)(a) of Directive 97/78/EC.

(6) O.J. No. L306, 23.11.2001, p. 28

Regulatory functions of authorised officers

14. In Parts III to IX and Part XIII, where a fishery product is concerned, any reference to an “official veterinary surgeon” or to an assistant appointed under regulation 6(1)(b) shall be construed as indicating respectively an authorised officer or an assistant appointed by a district council under regulation 6(2).