STATUTORY RULES OF NORTHERN IRELAND

2004 No. 464

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

PART III

PROVISIONS APPLICABLE TO PRODUCTS IN GENERAL

Products which fail veterinary checks

21.—(1) This regulation applies, subject to regulation 22 –

(a) where, following a veterinary check at a border inspection post, the official veterinary surgeon there decides that a product (other than a transit product which fulfils the requirements of Part VII or a product whose destination establishment is referred to in Regulation 15(1)(b)) is a non-conforming product, or that there is some other irregularity in relation to the product; or

(b) where, following a veterinary check on a product located away from a border inspection post (other than a transit product which fulfils the requirements of Part VII or a product whose destination establishment is referred to in Regulation 15(1)(b)) an authorised officer decides that the product is a non-conforming product.

(2) If paragraph (1)(a) applies, the official veterinary surgeon shall serve a notice in writing on the person responsible for the product in question, and if paragraph (1)(b) applies, an authorised officer shall serve a notice in writing on the person appearing to him to have charge of the product in question, requiring him either –

(a) to redispatch the product from the border inspection post, or, if paragraph (1)(b) applies, from the nearest border inspection post, by the mode of transport by which it was introduced into Northern Ireland, to a destination, agreed with the official veterinary surgeon or the authorised officer, located in a third country within a period of 60 days commencing with the day following the service of the notice; or

(b) to dispose of the product without undue delay in accordance with Regulation (EC) No. 1774/2002 in the facilities provided for that purpose nearest to the border inspection post or, if paragraph (1)(b) applies, nearest to the location of the product.

(3) The product must be disposed of in accordance with paragraph (2)(b) where –

(a) its redispatch is precluded on animal or public health grounds by the results of a veterinary check, or by any animal or public health requirement laid down in a Community instrument in force on the date on which these Regulations are made, or is otherwise impossible; or

(b) the 60 day period referred to in paragraph (2)(a) has elapsed; or

(c) the person responsible for the product or, if paragraph (1)(b) applies, the owner of the product, agrees immediately to its disposal.

(4) The person responsible for, or, if paragraph (1)(b) applies, the owner of, a product in respect of which a notice has been served pursuant to paragraph (2) shall ensure that it is stored until redispatch

or disposal under the supervision of the official veterinary surgeon or the authorised officer at such place and under such conditions as he may in the notice direct.

(5) In paragraph (1)(a) "other irregularity" in relation to a product means –

(a) its introduction into Northern Ireland from a third country, or its presentation to a border inspection post of destination in Northern Ireland, without notice given pursuant to regulation 17;

(b) any false or misleading information contained in a notice given pursuant to regulation 17;

(c) any false or misleading information given pursuant to regulation 45 or 49;

(d) any error, omission or false or misleading information in a required document, and any discrepancy between a required document and –

(i) the notice of the product's introduction or presentation given pursuant to regulation 17; or

(ii) the product itself; or

(iii) the seals, stamps, marks or labels on the product, on the consignment which includes the product or on the container holding the product or the consignment;

(e) any defect in the product rendering it unfit for the purpose for which, according to the required documents, it is intended;

(f) any defect in the seals, stamps, marks or labels referred to in paragraph (5)(d)(iii), including, in the case of a packaged product, any contravention of the labelling requirements laid down for that product in any directive, decision or regulation listed in Schedule 1;

(g) in the case of a product intended for import, any indication in the required documents that the product does not comply with the import conditions; and

(h) in the case of a non-conforming product which is a transit product, or a product whose destination establishment is referred to in Regulation 15(1)(b), any contravention of the requirements laid down for that non-conforming product in any Directive, Decision or Regulation listed in Schedule 1.

(6) Any person who is aggrieved by a decision referred to in paragraph (1)(a) or (1)(b) may appeal to a court of summary jurisdiction at any time before the expiration of one month beginning with the date on which he is notified of the decision, and Part VII of the Magistrates' Courts (Northern Ireland) Order 1981(**1**) shall apply accordingly.

(7) Pending the determination of an appeal pursuant to paragraph (6), paragraph (4) shall apply to the storage of the product concerned.

(**1**) S.I.1981/1675 (N.I. 26)