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STATUTORY RULES OF NORTHERN IRELAND

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**2005 No. 78**

**Animals and Animal Products (Import and Export) Regulations (Northern Ireland) 2005**

**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 an instrument referred to in Part I of Schedule 2, except aquaculture products for human consumption controlled by Council Directive [91/67/EEC](#) (concerning the animal health conditions governing the placing on the market of aquaculture animals and aquaculture products)(1).

**Exports**

5.—(1) A person shall not export, or consign for export, to another member State any animal or animal product which is the subject of one or more of the instruments referred to in Part I of Schedule 2 unless –

- (a) it complies with the relevant provisions of those instruments (including any option which has been exercised by the member State of destination), and any additional requirements specified in that Part;
- (b) when required by such an instrument, it is accompanied by –
  - (i) an export health certificate signed by a veterinary inspector (or, where specified in such an instrument, signed by a veterinary surgeon nominated by the exporter); or
  - (ii) any other document required by the instrument;
- (c) when required by such instrument, any notification of a disease on the holding from which the animal has been consigned has been made within the time and in the manner (if any) specified in the instrument; and
- (d) if the animal is acquired through or transits an assembly centre, that centre has been approved by the Department in accordance with regulation 12 for the purposes of intra-Community trade and complies with the provisions of Article 11 of Council Directive [64/432/EEC](#)(2).

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

(2) O.J. No. L109, 25.4.97, p. 1, as amended by and as read with the provisions listed in paragraph 1 of Part I of Schedule 2

(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 animal product in contravention of this regulation it may by notice served on the consignor, his representative or person appearing to be in charge of the animal or animal product –

- (a) prohibit that 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 animal 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 served under paragraph (2) or (3) not being complied with, an inspector 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(3).

(6) A person shall not export to a member State any animal to which the provisions of Articles 6, 7, 9 and 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 Directives [90/425/EEC](#))(4) apply unless the animal originates from –

- (a) a holding which has been registered with the Department and 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](#); or
- (b) a body, institute or centre which has been approved by the Department in accordance with regulation 9(1) and which conforms with the requirements of Annex C to Council Directive [92/65/EEC](#).

## **Imports**

6.—(1) A person shall not import from a member State (either for entry into the UK or by way of transition to another member State) –

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

subject to an instrument listed in Part I of Schedule 2 unless it complies with the relevant provisions of that instrument(subject to any derogations specified in that part) and with any additional requirements specified in that Part.

(2) Where an animal or animal product subject to an instrument listed in Part I of Schedule 2 is imported from another member State (either for entry into the UK or by way of transition to another member State), the importer, or the person in charge of the animal or animal product, if not the importer, shall comply with the relevant provisions of that instrument until it arrives at its place of destination or leaves Northern Ireland, as the case may be.

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(3) [S.R. 1999 No. 308](#) as amended by [S.R. 2001 No. 210](#) and [S.R. 2002 No. 278](#)

(4) [O.J. No. L268, 14.9.92, p. 54](#), as amended by and as read with the provision listed in paragraph 10 of Part I of Schedule 1

(3) Where an animal is imported for slaughter from another member State, the importer, his representative, or the person appearing to be in charge of the animal shall ensure it is slaughtered within the specified period.

(4) Where an animal imported from another member State for slaughter is consigned to an assembly centre, the importer, or the person in charge of the animal, if not the importer, shall ensure that the animal is removed from the assembly centre directly to a slaughterhouse and that the animal is slaughtered there –

- (a) within 5 days of its arrival at the assembly centre, in the case of sheep and goats; and
- (b) within 3 days of its arrival at the assembly centre, in the case of cattle and pigs.

(5) If any animal referred to in paragraph (4) is not slaughtered within the period required by that paragraph, an inspector may by notice served on the importer, his representative, or the person appearing to him to be in charge of the animal require it to be slaughtered within such time and at such place as may be specified in the notice.

(6) Where an animal is imported from another member State for slaughter, other than an animal taken to an assembly centre, it must be taken directly and without undue delay to a slaughterhouse, and if it is not taken directly and without undue delay to a slaughterhouse, an inspector may, by notice served on the person appearing to him to be in charge of the animal, require the animal to be taken to such slaughterhouse as may be specified in the notice.

(7) In the event of a notice served under paragraph (5) or (6) 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.

(8) In this regulation “animal” shall mean cattle, pigs, sheep and goats.

### **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 or notice as the case may be.

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

## Dealers

8.—(1) A dealer in cattle, pigs, sheep and goats, engaging in intra-Community trade shall comply with the provisions of Part III of Schedule 2.

(2) A dealer in other animals engaging in intra-Community trade, if required to do so by a notice served on him by the Department, 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) For the purposes of paragraph (2) the Department shall keep a register of dealers engaging in intra-Community trade who have registered in accordance with that paragraph.

(4) Any person who has registered under paragraph (2) shall keep a record of –

- (a) all consignments of animals and animal products delivered to him; and
- (b) where 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 delivery to him of the consignment.

## Approval of bodies, institutes, centres and teams for the purposes of Directive 92/65/EEC and laboratories for the purposes of Directive 90/539/EEC

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 of and Annex D to that Directive.

(4) The tests for Salmonella infections required under Chapter III of Annex II to Council Directive 90/539/EEC shall be carried out by laboratories authorised pursuant to the Poultry Breeding Flocks and Hatcheries Scheme Order (Northern Ireland) 1994(6).

## 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 instruments 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 instruments listed in Part I of Schedule 2, any additional requirements specified in that Part of that

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(6) S.R. 1994 No. 118, as amended by S.R. 2000 No. 110

Schedule and any additional animal health legislation applicable to the import of those animals or animal products into Northern Ireland, he shall have the power to 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 the zootechnical and genealogical conditions governing intra-Community trade in equidae)(7)) 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 slaughterhouses**

**12.—(1)** Any person operating an assembly centre 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 –

- (a) the centre complies with the requirements of paragraphs (a) to (d) of Article 11(1) of Council Directive [64/432/EEC](#);
- (b) in the case of an assembly centre used for sheep or goats, the centre complies with the requirements of paragraphs (a) to (d) of Article 8a(1) of Directive [91/68/EEC](#); and
- (c) the operator of the assembly centre has agreed to comply with the requirements for the operation of the centre which the Department has specified in an operational agreement as being the requirements the inspector believes are necessary to ensure the centre is capable of being operated in accordance with the second indent of Article 3(2) of Council Directive [90/425/EEC](#).

(3) The operator of an assembly centre shall admit to those premises only animals that are identified and come from herds or flocks 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) the name of the owner, the origin, date of entry and exit, number of the animals, and their proposed destination;
  - (ii) the registration number of the transporter and the licence number of the vehicle delivering or collecting animals from the centre;
  - (iii) in the case of cattle, the identification of the animals or the registration number of the holding of origin as well as the information in paragraphs (i) and (ii);
  - (iv) in the case of pigs, the registration number of the holding of origin or of the herd of origin as well as the information in paragraphs (i) and (ii); and
  - (v) in the case of sheep or goats, the identification of the animals, or the registration number of the holding of origin of the animals, and, where applicable, the approval or

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(7) O.J. No. L224, 1.8.90, p. 55, as amended by and as read with the provisions listed in paragraph 15 of Part I of Schedule 2

registration number of any assembly centre through which the animals have passed prior to entering the centre as well as the information in paragraphs (i) and (ii),

and shall preserve the register for a minimum of three years from the date of arrival at the centre of any animal to which it relates.

(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>(8)</sup> or regulation 7 of the Poultry Meat, Farmed Game Bird Meat and Rabbit Meat (Hygiene and Inspection) Regulations (Northern Ireland) 1995<sup>(9)</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 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 an instrument 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<sup>(10)</sup>, shall isolate the animals in question until the Department has either –
  - (i) authorised their 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 animal 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 place as may be specified in the notice, and to take such further action in relation to such animals or animal products as may be so specified in the notice, and to take such further action in relation to them as may be so specified for the purpose of preventing the introduction or spreading of disease or any phenomenon liable to present a serious threat to public or animal health into or within Northern Ireland;

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<sup>(8)</sup> S.R. 1997 No. 493, to which there are amendments not relevant to these Regulations

<sup>(9)</sup> S.R. 1995 No. 396, to which there are amendments not relevant to these Regulations

<sup>(10)</sup> O.J. No. L224, 18.8.90, p. 29 as amended by and as read with the provisions listed in Schedule 1

- (b) in the case of an animal, without delay, to slaughter it, or slaughter and destroy it, in accordance with such conditions as may be specified in the notice; or
- (c) in the case of an animal product, destroy it in accordance with such conditions as may be specified in the notice.

(2) Subject to the provisions of 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 it 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 to the Animals and Animal Products (Examination for Residues and Maximum Residue Limits) Regulations (Northern Ireland) 1998<sup>(11)</sup>, 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 animal product in accordance with such conditions as may be specified in the notice; or
- (c) returning the animal or animal 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 the 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 an 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 animal 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.

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(11) S.R. 1998 No. 237