STATUTORY RULES OF NORTHERN IRELAND

2006 No. 538

The Welfare of Animals (Transport) Regulations (Northern Ireland) 2006

PART IV

APPROVALS, AUTHORISATIONS, CERTIFICATES AND NOTICES

The competent authority

20. The Department is the competent authority for the purposes of granting or issuing—

(a) authorisations to transporters in accordance with Articles 10, 11 and 13 of Council Regulation 1/2005;

(b) certificates of competence in accordance with Article 17(2) of that Regulation;

(c) certificates of approval of means of transport by road in accordance with Article 18(1) of that Regulation;

(d) certificates of approval of livestock vessels in accordance with Article 19(1) of that Regulation.

(2) For the purposes of Council Regulation 1/2005 the Department is the competent authority for—

(a) receiving notification of changes relating to authorisations in accordance with Article 6(2);

(b) receiving documents in accordance with Article 6(5), (8) and (9) and point 3(b) of Annex II;

(c) checking and inspecting journey logs in accordance with Article 14(1) and the second paragraph of point 5 of Annex II;

(d) carrying out checks relating to long journeys in accordance with Article 15;

(e) recording information relating to livestock vessels in accordance with Article 19(3) and (4);

(f) inspecting livestock vessels in accordance with Article 20;

(g) requiring action in the event of non-compliance by transporters in accordance with Article 23;

(h) receiving notification from other competent authorities of non-compliance in accordance with Article 26(2) and (3);

(i) taking action in the event of infringements in accordance with Article 26;

(j) inspecting animals, means of transport and accompanying documentation in accordance with Article 27(1);

(k) approving classification societies in accordance with point 1 of Chapter IV of Annex I.

(3) The Department is the competent authority for the purposes of—

(a) granting or issuing approvals in accordance with Articles 3 and 4(2) of Council Regulation 1255/97;

(b) receiving information on animals passing through a control post in accordance with Article 5(h) and (i) of that Regulation.

(4) The Department is responsible for exercising the functions of a member State for the purposes of—

(a) Council Regulation 1/2005;

(b) Council Regulation 1255/97,

and for designating bodies in accordance with Articles 17(2), 18(1) and 19(1) of Council Regulation 1/2005.

Approvals, authorisations, certificates and notices

21. Any approval, authorisation, certificate or notice issued under these Regulations or the Council Regulations as the case may be—

(a) shall be in writing;

(b) may be made subject to conditions; and

(c) may be amended, suspended or revoked at any time.

Suspension, amendment or revocation of approvals etc

22.—(1) The Department, may, by notice, suspend or amend an approval, authorisation, certificate of approval or certificate of competence if it is satisfied that any of the conditions under which it was granted or of any provision of these Regulations or the Council Regulations have been breached.

(2) A suspension under paragraph (1) has immediate effect where the Department considers it necessary to protect the welfare of animals, otherwise it shall not have effect for at least 21 days following service of the notice.

(3) The notice shall—

(a) give the reasons;

(b) state when it comes into effect and, in the case of a suspension, state on what date or event it is to cease to have effect; and

(c) explain the right of the recipient of the notice to make written representations to a person appointed by the Department.

(4) Where the notice does not have immediate effect, and representations are made under regulation 23, an amendment or suspension will not have effect until the final determination by the Department in accordance with regulation 23 unless the Department decides that it is necessary for the protection of animal welfare for the amendment or suspension to have immediate effect and serves a notice on the holder of the approval, authorisation or certificate to that effect.

(5) Where a suspension is upheld the Department may, by notice, revoke an approval, authorisation, certificate of approval or a certificate of competence if it is satisfied that these Regulations or the Council Regulations will not be complied with.

(6) A notice shall not be issued under paragraph (5) until the process in regulation 23 (if any) has been completed.

(7) A person who fails to comply with the conditions of an approval, authorisation, certificate of approval, certificate of competence or notice is guilty of an offence.

Representations to an appointed person

23.—(1) A person may make written representations against a refusal, condition, suspension, amendment or revocation of an approval, authorisation or certificate to a person appointed for the purpose by the Department.

(2) Any representations shall be made within 21 days of receiving notification of the Department's decision.

(3) The appointed person shall consider the representations and report in writing to the Department.

(4) The Department shall give the person who made the representations written notification of its final determination and the reasons for it.

(5) For the purposes of this regulation an appointed person means a person appointed by the Department to consider representations under these regulations.