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STATUTORY RULES OF NORTHERN IRELAND

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**2009 No. 427**

**The Official Feed and Food Controls  
Regulations (Northern Ireland) 2009**

**PART 3**

**OFFICIAL CONTROLS ON FEED AND FOOD OF  
NON-ANIMAL ORIGIN FROM THIRD COUNTRIES**

**Deferred execution and enforcement**

**26.—(1)** Subject to paragraph (6), where —

- (a) a product from a third country has entered Northern Ireland;
- (b) customs examination of that product has been completed or has been deferred until it reaches its place of destination elsewhere in the United Kingdom;
- (c) an authorised officer of the enforcement authority for the place of entry has on reasonable grounds issued an authorisation confirming that —
  - (i) examination of the product for the purposes of the Import Provisions should be deferred until the product arrives at its destination elsewhere in Northern Ireland, or
  - (ii) such examination should take place when the product arrives at its destination elsewhere in the United Kingdom under legislation with respect to imported products in force there; and
- (d) a person importing the product gives that authorised officer an undertaking in writing as to the matters specified in paragraph (2),

the enforcement authority for the place in which the destination is located, if in Northern Ireland, shall become responsible for enforcing and executing the Import Provisions with respect to that product once it arrives there.

(2) The undertaking shall —

- (a) state the destination of the product; and
- (b) confirm that —
  - (i) the container containing the product has been sealed and will not be opened until it has reached that destination,
  - (ii) the opening of the container has been authorised by the enforcement authority for the place in which the destination is located, if it is in Northern Ireland or the outside Northern Ireland enforcement authority if the destination is not in Northern Ireland, and
  - (iii) the container will be available at that destination for examination under the Import Provisions or, as the case may be, legislation with respect to imported products in force elsewhere in the United Kingdom.

- (3) Where an authorised officer of an enforcement authority issues an authorisation pursuant to paragraph (1)(c), the authorised officer shall —
- (a) (if the product’s place of destination is within Northern Ireland) notify the enforcement authority for that place or (if the product’s place of destination is in any other part of the United Kingdom) notify the outside Northern Ireland enforcement authority —
    - (i) that the product (so described as to enable it to be identified) has not been examined under the Import Provisions, and
    - (ii) if customs examination of the product has been deferred, of that fact; and
  - (b) send the relevant authority a copy of any undertaking given pursuant to paragraph (1)(d).
- (4) Where a product has been sent to a destination in Northern Ireland from another part of the United Kingdom, the Channel Islands or the Isle of Man and examination of that product has been deferred under legislation with respect to imported products in force there, the enforcement authority for the place of destination shall become responsible for enforcing and executing the Import Provisions with respect to that product once it arrives in Northern Ireland.
- (5) A person shall not breach an undertaking given under paragraph (1)(d).
- (6) The deferred execution and enforcement provisions set out in this regulation are subject to any official controls that take place pursuant to Article 15(5) of Regulation 882/2004.