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STATUTORY RULES OF NORTHERN IRELAND

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**2011 No. 438**

The Trade in Animals and Related Products  
Regulations (Northern Ireland) 2011

PART 5

ADMINISTRATION

**Notices, authorisations and declarations**

- 30.**—(1) A notice served, authorisation granted, or declaration made under these Regulations—
- (a) shall be in writing;
  - (b) may be made subject to conditions; and
  - (c) may be amended, suspended or revoked by a further notice in writing at any time.
- (2) Any notice, authorisation or declaration under these Regulations shall be complied with.

**Enforcement authorities**

**31.** The enforcement authorities are the Department, the Agency or a district council within its district.

**Enforcement**

- 32.**—(1) At a border inspection post these Regulations are enforced—
- (a) in relation to animals and genetic material by the Department; and
  - (b) in relation to products by the Department or the district council as the case may be.
- (2) Outside a border inspection post, in relation to animals they are enforced by—
- (a) the Department;
  - (b) otherwise by the district council in its district.
- (3) Outside a border inspection post, in relation to genetic material they are enforced by the Department.
- (4) Outside a border inspection post, in relation to products they are enforced by—
- (a) the district council (except in relation to animal feed, where it is the Department); or
  - (b) by the Agency at—
    - (i) any cutting plant, game-handling establishment or slaughterhouse, or
    - (ii) premises at which the Agency enforces the Food Hygiene Regulations (Northern Ireland) 2006(1).

(5) In addition, in relation to products they are enforced by a general customs official in any place where goods are subject to customs supervision by that official under Articles 37 and 38 of [Council Regulation \(EEC\) No. 2913/92](#) establishing the Community Customs Code.

(6) The Department may direct, in relation to cases of a particular description or a particular case, that the Department of Agriculture and Rural Development may discharge any duty imposed on a district council under this regulation.

(7) Where an officer of the Department or a district council, when exercising any statutory function, discovers at a point of entry a consignment or product that the officer considers may have been brought in breach of regulation 13, the officer shall seize the consignment or product, or cause the consignment or product to be seized, pending investigation, and any costs incurred shall be at the expense of the person responsible for the consignment or product.

(8) In cases where an officer of a district council who is not an authorised officer for the purposes of these Regulations, when exercising any statutory function, discovers at any place other than a point of entry or a border inspection post, a consignment or product—

- (a) in relation to which the officer considers these Regulations may not have been complied with; or
- (b) that the officer considers is from a third country and may present a risk to animal or public health,

the officer shall notify an authorised officer and detain the consignment or product until an authorised officer takes charge of it.

### **Powers of entry**

**33.**—(1) An authorised officer may, on producing a duly authenticated authorisation if required, enter any premises at any reasonable hour for the purpose of enforcing these Regulations.

(2) The authorised officer may be accompanied by such other persons as the officer considers necessary, including any representative of the European Commission.

(3) Admission to any premises used only as a private dwelling house may not be demanded as of right unless the entry is in accordance with a warrant granted under this regulation.

(4) If a lay magistrate, on sworn complaint in writing, is satisfied that there are reasonable grounds for entry into any premises for any purpose in paragraph (1) and that either—

- (a) admission to the premises has been refused, or a refusal is anticipated, and that notice of the intention to apply for a warrant has been given to the occupier; or
- (b) an application for admission, or the giving of such notice, would defeat the object of the entry, or that the case is one of urgency, or that the premises are unoccupied or the occupier temporarily absent,

the lay magistrate may by signed warrant authorise an authorised officer to enter the premises, if need be by reasonable force.

(5) A warrant granted under this regulation continues in force for one month.

(6) An authorised officer who enters any unoccupied premises shall leave them as effectively secured against unauthorised entry as they were before entry.

### **Powers of authorised officers**

**34.** An authorised officer may—

- (a) inspect and examine any animal;
- (b) inspect any product, or genetic material, including its packaging, seals, marking, labelling and presentation, and any plant or equipment used for or in connection with it;

- (c) have access to, and inspect and copy any documents or records (in whatever form they are held), and remove them to enable them to be copied;
- (d) have access to, inspect and check the operation of any computer and any associated apparatus used in connection with the records; and may require any computer records to be produced in a form in which they may be taken away;
- (e) seize and retain anything required as evidence in proceedings under these Regulations;
- (f) 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 and inspect the contents;
- (g) take samples of any animal or product for laboratory tests, for checking against any relevant document relating to the animal or product or otherwise for checking compliance with these Regulations or any condition of import enforced by these Regulations.

### **Consignments from another member State constituting a risk to health**

**35.**—(1) If an animal, product or genetic material brought in from another member State constitutes a serious risk to human or animal health or comes from a region contaminated by an epizootic disease, an authorised officer of the Department may serve a notice on the person appearing to be in charge of the animal, product or genetic material requiring that person—

- (a) to detain and isolate—
  - (i) the animals;
  - (ii) any animals with which they have been in contact;
  - (iii) the product;
  - (iv) the genetic material;and take such further action as may be specified in the notice for the purpose of preventing the introduction or spreading of disease; or
- (b) without delay, to slaughter an animal, or, in the case of an product or genetic material, destroy it, in accordance with such conditions as may be specified in the notice.

(2) An authorised officer of the Department who knows or suspects that animals, products or genetic material do not comply with the provisions of Article 3 of Council Directive [90/425/EEC](#), may, if animal health and welfare considerations so permit, give the consignor or his representative or the person appearing to him to be in charge of those animals, products or genetic material by way of notice the choice of—

- (a) where the cause of non-compliance is the presence in animals of residues in excess of that permitted under regulation 9 of the Animals and Animal Products (Examination for Residues and Maximum Residue Limits) Regulations (Northern Ireland) 1998(2), maintaining the animals under supervision until the residue levels fall to the levels permitted by the legislation or Schedule 2 to these Regulations;
- (b) slaughtering the animals or destroying the products or genetic material in accordance with such conditions as may be specified in the notice; or
- (c) returning the animals, products or genetic material to the member State of despatch, with the authorisation of the competent authority of the member State of despatch and with prior notification to any member State of transit.

(3) If the consignment fails to comply only by reason of an irregularity in respect of the required consignment documentation, the authorised officer shall serve a notice—

- (a) requiring the consignor, the consignor's representative or the person in charge of the consignment to produce the required documentation within 7 days; and
- (b) to detain the consignment in accordance with the terms of the notice.

(4) If a notice served under this regulation is not complied with an authorised officer may seize any animal, product or genetic material to which the notice relates, and arrange for the requirements of the notice to be complied with at the expense of the person on whom the notice was served.

### **Obstruction**

**36.**—(1) A person shall not—

- (a) intentionally obstruct any person acting in the execution of these Regulations;
- (b) without reasonable cause, fail to give any person acting in execution of these Regulations any assistance or information that that person may reasonably require for the purpose of carrying out functions under these Regulations; or
- (c) furnish to any person acting in the execution of these Regulations any information knowing it to be false or misleading.

(2) Nothing in paragraph 1(b) shall be construed as requiring any person to answer any question or give any information if to do so might incriminate them.

### **Exchange of information**

**37.**—(1) The enforcement authority may exchange information for the purposes of these Regulations, and may divulge information to the enforcement authorities in England, Scotland and Wales for the purposes of this Part or the equivalent legislation in those jurisdictions.

(2) Paragraph (1) is without prejudice to any other power of the enforcement authority, to disclose information.

(3) No person shall disclose any information received from the enforcement authority under paragraph (1) if—

- (a) the information relates to a person whose identity—
  - (i) is specified in the disclosure; or
  - (ii) can be deduced from the disclosure;

(b) the disclosure is for a purpose other than the purposes specified in paragraph (1); and this shall include a servant of the Crown.

### **Fees**

**38.**—(1) The Department, the district council or the Agency (whichever is responsible under regulation 32) may charge a reasonable fee in relation to any activity relating to trade between member States in animals or genetic material under these Regulations.

(2) The consignor, the consignor's representative and the person in charge of any animal or genetic material are jointly and severally liable for that fee(3).

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(3) Fees relating to imports from third countries are established under Regulation (EC) No 882/2004 of the European Parliament and of the Council on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules (O.J. No L 165, 30.4.2004, p. 1)

## Offences

**39.** A person contravening any of the provisions of these Regulations specified in Schedule 1 shall be guilty of an offence.

## Penalties

**40.—**(1) A person guilty of an offence of disclosure in breach of regulation 37(3) (disclosure of information) is liable—

- (a) on summary conviction, to a fine not exceeding the statutory maximum, to imprisonment not exceeding 3 months, or to both;
- (b) on conviction on indictment, to imprisonment for a term not exceeding 2 years, to a fine or to both.

(2) A person guilty of any other offence under these Regulations is liable on summary conviction to a fine not exceeding the statutory maximum or, on conviction on indictment, to a fine.

## Disapplication of existing provisions

**41.—**(1) The Landing of Carcases and Animal Products Order (Northern Ireland) 1985(4) and The Diseases of Animals (Importation of Bird Products) Order (Northern Ireland) 1996(5) shall not apply to products to which these Regulations apply, except the products referred to in paragraphs 2 and 4 of Schedule 4.

(2) The Artificial Reproduction of Animals (Northern Ireland) Order 1975(6) shall not apply to products to which these Regulations apply, except embryos, ova and semen of the ovine, caprine and bovine species.

## Revocations

**42.—**(1) The following are revoked—

- (a) the Products of Animal Origin (Import and Export) Regulations (Northern Ireland) 1998(7);
- (b) the Products of Animal Origin (Import and Export) (Amendment) Regulations (Northern Ireland) 2001(8);
- (c) the Animals and Animal Products (Import and Export) Regulations (Northern Ireland) 2006(9);
- (d) the Products of Animal Origin (Third Country Imports) Regulations (Northern Ireland) 2007(10);
- (e) the Products of Animal Origin (Third Country Imports) (Amendment) Regulations (Northern Ireland) 2007(11);
- (f) the Animals and Animal Products (Import and Export) (Circuses and Avian Quarantine) Regulations (Northern Ireland) 2007(12);

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(4) [S.R. 1985 No. 161](#) as amended by [S.R. 1995 No. 315](#)

(5) [S.R. 1996 No. 81](#)

(6) [S.I. 1975 No. 1834 \(N.I. 17\)](#)

(7) [S.R. 1998 No. 45](#)

(8) [S.R. 2001 No. 242](#)

(9) [S.R. 2006 No. 401](#)

(10) [S.R. 2007 No. 199](#)

(11) [S.R. 2007 No. 314](#)

(12) [S.R. 2007 No. 327](#)

- (g) the Animals and Animal Products (Import and Export) (Amendment) Regulations (Northern Ireland) 2008**(13)**;
  - (h) the Animals and Animal Products (Import and Export) (Amendment) Regulations (Northern Ireland) 2009**(14)**;
  - (i) the Animals and Animal Products (Import and Export) (Amendment) Regulations (Northern Ireland) 2010**(15)**;
  - (j) the Products of Animal Origin (Third Country Imports) (Amendment) Regulations (Northern Ireland) 2010**(16)**;
  - (k) the Animals and Animal Products (Import and Export) (Amendment) Regulations (Northern Ireland) 2011**(17)**.
- (2) Schedule 5 makes amendments consequential to these Regulations.

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**(13)** [S.R. 2008 No. 53](#)  
**(14)** [S.R. 2009 No. 86](#)  
**(15)** [S.R. 2010 No. 380](#)  
**(16)** [S.R. 2010 No. 417](#)  
**(17)** [S.R. 2011 No. 27](#)