
SCOTTISH STATUTORY INSTRUMENTS

2007 No. 194

**The Animals and Animal Products (Import
and Export) (Scotland) Regulations 2007**

PART III

THIRD COUNTRIES

Application of Part III

- 15.** This Part shall apply in respect of animals imported into Scotland—
- (a) from anywhere except from another part of the United Kingdom or from another member State, and
 - (b) from another member State if the animal originated in a country which is not a member State and all the checks provided for in Council Directive [91/496/EEC](#) have not been carried out.

Official veterinarians

16. The Scottish Ministers shall from time to time designate such veterinary inspectors to act as official veterinarians as shall be necessary for the purposes of this Part and may revoke such designation at any time.

Importation

- 17.—(1)** No person shall import any animal—
- (a) either for entry into the United Kingdom or for export to another member State unless the conditions in Article 4 of Council Directive [91/496/EEC](#) are complied with; or
 - (b) for immediate re export, either directly or indirectly, outside the European Community unless such transit has been previously authorised in writing by the Scottish Ministers and the conditions in Article 9 of Council Directive [91/496/EEC](#) have been complied with.
- (2) No person shall import any animal except from a country or territory specified under the Instruments in Part I of Schedule 7.
- (3) No person shall import any animal to which an instrument in Part II of Schedule 7 applies unless it complies with the relevant provisions of that instrument and any additional requirements specified in that Part.
- (4) In relation to the import of captive birds, this regulation as read with paragraph 3 of Part I and paragraph 6 of Part II Schedule 7 shall not apply to permit the import of captive birds.
- (5) Where an animal is imported for slaughter, 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.

(6) In the event of a notice served under paragraph (4) not being complied with an inspector may seize any animal to which it relates and arrange for the requirements of the notice to be complied with.

(7) The person in charge of an animal that has been imported for immediate re export, either directly or indirectly, outside the European Community shall comply with Article 4, second indent, of Commission Regulation (EC) No. 282/2004.

Places of import

18.—(1) No person shall import any animal except at a border inspection post specified in Schedule 2 for that species of animal, except that animals specified in Schedule 1 to the Rabies (Importation of Dogs, Cats and Other Mammals) Order 1974(1) may also be imported at places permitted under that Order.

(2) If animals are imported at any place other than a place permitted under paragraph (1), an inspector may by notice require the person appearing to the inspector to be in charge of the consignment to detain and isolate the animals in accordance with the notice and the following provisions of this regulation shall have effect.

(3) Following examination of the animals by a veterinary inspector, the veterinary inspector may serve a further notice on the person appearing to the veterinary inspector to be in charge of the consignment either releasing the animals from restriction or requiring the animals to be slaughtered or slaughtered and destroyed or re exported outside the European Community.

(4) In the event of a notice served under paragraph (2) or (3) not being complied with, an inspector may seize the animal and arrange for the requirements of the notice to be complied with.

Import procedure

19.—(1) No person shall import any animal unless he has given notice of his intention to do so in accordance with Article 1 of Commission Regulation (EC) No. 282/2004.

(2) On importation, the importer or his agent shall convey the animal, under the supervision of the enforcement authority, directly to the examination area of the border inspection post or, where the instruments in Schedule 7 or the animal health conditions applicable to imports so require, to a quarantine centre as provided for in the second indent of the first sub paragraph of Article 10(1) of Council Directive 91/496/EEC.

(3) In relation to a captive bird, the importer or their agent shall at the expense of the importer ensure that—

(a) the bird is conveyed from the border inspection post referred to in paragraph (2) to an approved quarantine centre or approved quarantine facility as provided for in Articles 2(4) and 3(1) and (2) of Commission Decision 2000/666/EC; and

(b) the bird is placed and remains in quarantine at that approved quarantine centre or approved quarantine facility in accordance with Articles 3(3) and (5), 4, 5 and 6 of Commission Decision 2000/666/EC and regulation 20.

(4) Without prejudice to regulation 20, and paragraph 6 of Part I of Schedule 8, no person shall remove any animal from a border inspection post or a quarantine centre unless the common veterinary entry document has been completed in accordance with Article 3(1) of Commission Regulation (EC) No. 282/2004 indicating that all necessary veterinary checks have been carried out to the satisfaction of the official veterinarian.

(5) No person shall remove any animal from Customs temporary storage arrangements—

(1) S.I.1974/2211, as amended by S.I. 1977/361, 1984/1182, 1986/2062, 1994/17916 and 2003/229.

- (a) unless the common veterinary entry document has been produced in accordance with Article 3(3) of Commission Regulation (EC) No. 282/2004 to an officer of Revenue and Customs and the removal has been authorised by that officer;
- (b) to any place other than the place of destination specified in the common veterinary entry document, unless they have been required to remove it to another place by means of a notice served on them by an inspector.

(6) Subject to paragraphs (2) to (5), the person in charge of an animal imported from a third country shall ensure that it is conveyed to its place of destination without delay and that the original of the common veterinary entry document accompanies it to its place of destination in accordance with Article 3(4) of Commission Regulation (EC) No. 282/2004.

(7) Where a check at a border inspection post involves the taking of a sample for testing and the test result is not immediately available, the official veterinarian may, by notice served on the owner or the person appearing to the official veterinarian to be in charge of an animal, permit the owner or person so served to move the animal from the border inspection post, and require that owner or person to keep the animal in accordance with such conditions as may be specified in the notice until the test results are available; and if the test reveals that the animal does not comply with the provisions of Article 5 of Council Directive 91/496/EEC then the provisions of regulation 23 shall apply as they apply at a border inspection post.

(8) In the event of a notice served under paragraph (5)(b) or (7) not being complied with a veterinary inspector may seize any animal to which it relates, and arrange for the requirements of the notice to be complied with.

Quarantine for captive birds

20.—(1) The provisions of Part I of Schedule 8 have effect in relation to approvals for quarantine centres and quarantine facilities pursuant to Commission Decision 2000/666/EC and to fees which may be charged to a quarantine manager in respect of those approvals, including whether an approval should be granted.

(2) The quarantine manager shall ensure that the specific requirements for the quarantine of captive birds described in Part II of Schedule 8 are met.

(3) Part III of Schedule 8 has effect in relation to charges to be paid by an importer of captive birds in respect of any consignment of captive birds.

(4) Using such criteria as they consider appropriate in all the circumstances to avoid an over recovery of costs, the Scottish Ministers may make a reduced charge under paragraph (3) in relation to any consignment of captive birds, if during a veterinary inspector's attendance at a quarantine centre or quarantine facility they undertake sampling or official veterinary supervision in relation to any other consignment of captive birds, or carry out inspections for which a charge may be made under Part I of Schedule 8.

(5) For the purposes of this regulation and Schedule 8—

- (a) the Veterinary Laboratories Agency is designated the official laboratory for the purposes of testing and analysis of samples pursuant to Commission Decision 2000/666/EC; and
- (b) the charges of the Scottish Ministers under paragraphs (1) and (3) shall be payable upon written demand, which demand may be addressed to the quarantine manager or importer (as the case may be) concerned, at their last known address, whether or not it is their address for business.

(6) No person may enter a quarantine centre or a quarantine facility unless—

- (a) they wear protective clothing and footwear; and
- (b) they meet at least one of the following criteria—

- (i) they are a member of staff at that quarantine centre or quarantine facility;
- (ii) they have been authorised to enter by the Scottish Ministers or by a veterinary inspector; or
- (iii) they otherwise do so in fulfilment of a statutory function relating to animal health, animal welfare or species conservation which they are appointed by the Scottish Ministers or by the local authority to perform.

(7) No person shall remove a live captive bird from a quarantine centre or quarantine facility without the approval of a veterinary inspector.

(8) No person shall dispose of a carcase of a captive bird which dies in quarantine unless a veterinary inspector has authorised the removal or disposal.

(9) An inspector shall have powers in relation to the quarantine of captive birds to—

- (a) enter a quarantine centre or quarantine facility to check compliance with these Regulations or with an approval granted or sought under this regulation and Schedule 8;
- (b) inspect and arrange for copies of any documents or records (in whatever form they are held) which the inspector reasonably considers relevant for checking compliance with the requirements of this Part and Schedule 8;
- (c) take such samples and carry out such inspections of a quarantine centre or quarantine facility and its equipment, and such clinical veterinary examinations, as are required under Commission Decision [2000/666/EC](#).

(10) An inspector exercising powers under paragraph (9) shall produce, if required to do so, some duly authenticated document showing his authority to exercise those powers.

(11) In this regulation, “quarantine manager” means the person in charge of a quarantine centre or quarantine facility for which approval is required under Commission Decision [2000/666/EC](#).

Payment of fees

21. The official veterinarian shall not authorise the release of animals from a quarantine centre or border inspection post unless they are satisfied that all veterinary checks for which a charge is made have been paid for, and that, where relevant, a deposit covering any cost provided for in Article 9(1) (a), 9(2), the second and third indents of Article 10(1), Article 10(6) and Article 12(2) of Council Directive [91/496/EEC](#) has been lodged.

Consignments constituting a danger to health

22.—(1) Subject to paragraph (2), where checks at a quarantine centre, quarantine facility or border inspection post or the test results referred to in regulation 19(7) reveal that an animal or a consignment of animals is likely to constitute a danger to animal or human health, the official veterinarian shall immediately seize and destroy the animal or consignment (as the case may be) and the costs of such action shall be payable by the importer or their representative.

(2) Where the presence of Avian Influenza or Newcastle disease is found at a quarantine centre or quarantine facility in accordance with Article 4(4) of Commission Decision [2000/666/EC](#), a veterinary inspector shall either—

- (a) (i) slaughter and destroy all birds within the quarantine facility or at the unit at the quarantine centre where disease has been found, as required under Article 4(4)(a) of Commission Decision [2000/666/EC](#); and
- (ii) by notice impose the other measures provided for in Article 4(4) of that Decision; or
- (b) serve notice specifying the terms on which the derogation in Article 4(5) of Commission Decision [2000/666/EC](#) is to be exercised.

(3) Where during quarantine required under Commission Decision [2000/666/EC](#) psittaciformes are suspected or found to be suffering Chlamydia psittaci, the veterinary inspector shall by notice—

- (a) require the treatment of all birds in the consignment by means specified in that notice; and
- (b) extend the period of quarantine as required under Article 5 of Commission Decision [2000/666/EC](#).

(4) A notice served under paragraphs (2) and (3) shall be served upon the quarantine manager or other person appearing to the veterinary inspector to be in charge of the centre or facility at the time of service.

(5) A copy of that notice shall be sent to the importer of the birds concerned.

Illegal consignments

23.—(1) Where checks at the quarantine centre, quarantine facility or border inspection post reveal that the animals do not comply with the provisions of Article 5 of Council Directive [91/496/EEC](#) or Commission Regulation (EC) No. [1/2005](#), in particular the requirements listed in Article 21.1 of that Regulation, a veterinary inspector shall, by notice served on the person appearing to the veterinary inspector to be in charge of those animals, require that person to—

- (a) shelter, feed and water and, if necessary, treat the animals;
- (b) place them in quarantine or isolate the consignment at such place as may be specified in the notice, and to take such other action in relation to the animals as may be necessary for the purpose of preventing the introduction or spreading of disease into or within Scotland; or
- (c) re despatch them outside the territory of the European Community, where animal health or welfare considerations so permit, within such period as may be specified in the notice.

(2) Before exercising any of the powers in paragraph (1) the veterinary inspector shall consult the importer or their representative.

(3) If the animals are re despatched in accordance with sub paragraph (1)(c), the official veterinarian shall cancel the veterinary certificate accompanying the rejected consignment and complete the box “details of re consignment” in part 3 of the common veterinary entry document in accordance with the second indent of Article 3(1) of Commission Regulation (EC) No. [282/2004](#) as soon as the relevant information is known.

(4) If in the opinion of the veterinary inspector re despatch is not possible, in particular for reasons of the welfare of animals, they shall serve a notice on the person appearing to them to be in charge of the animals in accordance with the following paragraph.

(5) A notice served under the preceding paragraph may authorise slaughter of the animals for human consumption if the animals comply with all legislative requirements which must be complied with before slaughter for human consumption is permitted but, if this is not possible, shall either—

- (a) order the slaughter of the animals for purposes other than human consumption, or
- (b) order the slaughter of the animals and destruction of the carcasses, specifying in each case the conditions regarding control of the use of the products obtained.

(6) In the event of a notice served under paragraph (1) or (4) not being complied with a veterinary inspector may seize any animal to which it relates, and arrange for the requirements of the notice to be complied with.

(7) The importer or their representative shall be liable for the costs incurred in measures under this regulation, but shall be entitled, after deduction of costs, to the proceeds of any sale.

Arrival at the place of destination

24.—(1) On arrival at their place of destination, elephants and animals of the order Artiodactyla (and their crossbreeds) that are for breeding, production or fattening, or that are intended for zoos, amusement parks or hunting or wildlife reserves, shall be detained at the premises by the person having control of those premises for at least 30 days and that person shall not release them until authorised in writing by an authorised officer of the Scottish Ministers.

(2) Paragraph (1) does not apply in the case of animals being dispatched directly to a slaughterhouse.

(3) Animals of species to which paragraph (1) does not apply that are for breeding or production shall be detained at the place of destination by the person having control of those premises, and that person shall not release them unless authorised in writing by an authorised officer of the Scottish Ministers.

Post-import controls

25.—(1) Where a veterinary inspector knows or suspects that import conditions (including requirements for the quarantine of imported animals) have not been complied with or there is doubt as to the identity of an animal, they may carry out any veterinary checks on that animal that they deem appropriate.

(2) If the checks confirm that import conditions were not complied with, then the provisions of regulation 22 shall apply as they apply at a border inspection post and, in the case of the exercise of a power to place the animals in quarantine or to isolate them, a veterinary inspector may additionally require the placing in quarantine or isolation of other animals which have been in contact with the imported animals.