
 STATUTORY INSTRUMENTS

1985 No. 217

ANIMALS

ANIMAL HEALTH

The Diseases of Animals (Export Health Certificates) Order 1985

Made - - - - - 18th February 1985
 Coming into Operation 22nd March 1985

The Minister of Agriculture, Fisheries and Food in exercise of the powers conferred by section 11 of the Animal Health Act 1981(a) and all other powers enabling him in that behalf, hereby orders as follows:—

Title and commencement

1. This order may be cited as the Diseases of Animals (Export Health Certificates) Order 1985 and shall come into operation on 22nd March 1985.

Interpretation

2. In this order, unless the context otherwise requires—

“appropriate health certificate” means—

- (a) in relation to fresh poultry meat, a health certificate which is in the form of the Model in Annex IV to Council Directive 71/118/EEC as amended (b) and which complies with the requirements relating to health certificates contained in Chapter XI of Annex I to that Directive;
- (b) in relation to bovine animals intended for any purpose other than immediate slaughter, a health certificate which is in the form of Model I of Annex F to Council Directive 64/432/EEC as amended (c) (hereinafter referred to as “the said Directive”), and which complies with the requirements relating to health certificates set out in Article 3(2)(i) of the said Directive;
- (c) in relation to bovine animals intended for immediate slaughter, a health certificate which is in the form of Model II of Annex F to the said Directive and which complies with the requirements relating to health certificates set out in Article 3(2)(i) of the said Directive;
- (d) in relation to swine intended for any purpose other than immediate slaughter, a health certificate which is in the form of Model III of Annex F to the said Directive and which complies with the requirements relating to health certificates set out in Article 3(2)(i) of the said Directive; and
- (e) in relation to swine intended for immediate slaughter, a health certificate which is in the form of Model IV of Annex F to the said Directive and which complies with the requirements relating to

(a) 1981 c.22.

(b) OJ No. L55, 8.3.71, p.23, as amended by the Council Directive listed in paragraph 1 of the Schedule to this order.

(c) OJ No. 121, 29.7.64, p. 1977/64, as amended by the Council Directives listed in paragraph 2 of the Schedule to this order.

health certificates set out in Article 3(2)(i) of the said Directive;

“bovine animals” means bulls, cows, oxen, heifers and calves;

“Community provisions” means the Council Directives listed in the Schedule to this order;

“fresh poultry meat” means meat or offal fit for human consumption which has not undergone any preserving process (other than chilling or freezing) and which is derived from any poultry;

“importing Member State” means a Member State to which it is intended to export from Great Britain any fresh poultry meat, bovine animals or swine;

“local certifying authority” means, in relation to England and Wales, the council of a district or a London borough or the Common Council of the City of London, and in relation to Scotland means an island or district council;

“Member State” means a Member State of the Communities other than the United Kingdom;

“the Minister” means the Minister of Agriculture, Fisheries and Food;

“official veterinary surgeon” means a veterinary surgeon designated by the Minister in relation to England, by the Secretary of State for Scotland in relation to Scotland or by the Secretary of State for Wales in relation to Wales;

“poultry” means domestic fowls, turkeys, geese, ducks and guinea-fowls;

“veterinary inspector” means a veterinary inspector appointed by the Minister;

“veterinary surgeon” means a person registered in the register of veterinary surgeons or the supplementary veterinary register.

Export health certificates

3.—(1) Subject to paragraph (2) below, no person shall export from Great Britain to a Member State any fresh poultry meat, bovine animals or swine unless the fresh poultry meat, bovine animals or swine are accompanied by a valid appropriate health certificate, signed, in the case of fresh poultry meat, by an official veterinary surgeon appointed by the local certifying authority, or, in the case of bovine animals or swine, by a veterinary inspector.

(2) The provisions of this article shall not apply to the exportation from Great Britain to a Member State of—

- (a) any fresh meat, bovine animals or swine in respect of which the importing Member State is authorised by Community provisions to impose, and has imposed, conditions (other than those laid down by Community provisions) relating to its importation compliance with which is certified by a veterinary inspector or an official veterinary surgeon in the health certificate required by that Member State if such a certificate is required in place of, and not in addition to, the appropriate health certificate; or
- (b) any fresh poultry meat which can be shown to the satisfaction of an officer of Customs and Excise to have been imported into the United Kingdom from a country which is not a Member State.

Production of certificates etc

4.—(1) Where any goods to which this order applies are brought to any place in Great Britain for the purpose of being exported to a Member State, the person for the time being in charge of those goods shall, on demand made

under this order by an officer of Customs and Excise, a veterinary inspector, an officer of the Minister, an inspector of a local authority or a constable, either—

- (a) produce an appropriate health certificate or such a certificate as is referred to in sub-paragraph (a) of Article 3(2) of this order relating to the goods and shall allow a copy of such certificate or an extract therefrom to be taken; or
- (b) in the case of any fresh poultry meat, if no such certificate as is referred to in sub-paragraph (a) above is produced, show to the satisfaction of an officer of Customs and Excise that that fresh poultry meat was imported into the United Kingdom from a country which is not a Member State,

and shall also, if required, furnish his name and address.

(2) Where a demand is made under paragraph (1) above, and a certificate referred to in sub-paragraph (a) of that paragraph is not produced, or, in the case of fresh poultry meat, an officer of Customs and Excise is not satisfied as to the matter referred to in sub-paragraph (b) of that paragraph, the exportation of those goods shall be prohibited.

Application for certificates

5. An application for an appropriate health certificate for the purposes of compliance with any requirement of Article 3 of this order shall be made—

- (a) in the case of a certificate relating to fresh poultry meat, in writing to the local certifying authority for the area in which the poultry from which the poultry meat derives is to be or was slaughtered or to the local certifying authority for the area in which the poultry meat is located in such form as the authority may require not less than 24 hours before the day on which the certificate is required by the applicant or with in such lesser period as the authority may, at its discretion, allow;

and

- (b) in the case of a certificate relating to bovine animals or swine, in writing to the Minister in such form and within such time as the Minister may require.

Enforcement

6. This order shall, except where otherwise expressly provided, be executed and enforced by the local authority.

Revocation

7. The Diseases of Animals (Export Health Certificates) Order 1978 (a) is hereby revoked.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 18th February 1985.



Michael Jopling,
Minister of Agriculture, Fisheries
and Food.

Article 2

SCHEDULE

Meaning of "Community provisions"
Council Directives

1. 71/118/EEC of 15 February 1971 on health problems affecting trade in fresh poultry meat (a) as amended by 75/431/EEC (b).
2. 64/432/EEC of 26 June 1964 on animal health problems affecting intra-Community trade in bovine animals and swine (c) as amended by 66/600/EEC (d), 71/285/EEC (e), 72/445/EEC (f), 77/98/EEC (g), 79/109/EEC (h), 79/111/EEC (i), 80/219/EEC (j) and 80/1098/EEC (k).

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- (a) OJ No. L55, 8.3.71, p.23.
(b) OJ No. L192, 24.7.75, p.6.
(c) OJ No. 121, 29.7.64, p.1977/64.
(d) OJ No. 192, 27.10.66, p.3294/66 (OJ/SE 1965-1966, p.234).
(e) OJ No. L179, 9.8.71, p.1. (OJ/SE 1971 (II) p.649).
(f) OJ No. L298, 31.12.72, p.49. (OJ/SE 1972 (30-31 Dec) p.76).
(g) OJ No. L26, 31.1.77, p.81.
(h) OJ No. L29, 3.2.79, p.20.
(i) OJ No. L29, 3.2.79, p.26.
(j) OJ No. L47, 21.2.80, p.25.
(k) OJ No. L325, 1.12.80, p.11.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This order re-enacts, with amendments, the Diseases of Animals (Export Health Certificates) Order 1978, thereby continuing to implement the Council Directives mentioned below.

The order continues to prohibit the exportation of fresh poultry meat, bovine animals and swine from Great Britain to other Member States of the European Communities (subject to the exceptions referred to below) unless the consignment is accompanied by an appropriate health certificate (Article 3(1)).

An appropriate health certificate means a certificate in a form set out in the Annexes to certain Council Directives which lay down the conditions governing intra-Community trade in fresh poultry meat, bovine animals and swine (Article 2). These Directives are—

- (1) Council Directive 71/118/EEC on health problems affecting intra-Community trade in fresh poultry meat, as amended by the Directive listed at paragraph 1 of the Schedule to the order; and
- (2) Council Directive 64/432/EEC on animal health problems affecting intra-Community trade in bovine animals and swine, as amended by the Directives listed at paragraph 2 of the Schedule to the order.

In certain cases Member States are authorised by the Directives referred to above to impose upon the importation of fresh poultry meat, bovine animals and swine conditions other than those laid down in the Directives. If such conditions involve a certification procedure in place of that specified in the Directives, an appropriate health certificate will not be required in respect of the goods concerned (Article 3(2)(a)). In addition, an appropriate health certificate will not be required in respect of fresh poultry meat which has been previously imported into the United Kingdom from a country which is not a Member State (Article 3(2)(b)).

The only change of substance is that the order no longer applies to fresh meat; provisions relating to the exportation of fresh meat from Great Britain to other Member States are contained in the Fresh Meat Export (Hygiene and Inspection) Regulations 1981 (S.I. 1981/454 as amended by S.I. 1983/173 and 1985/216).

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