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STATUTORY INSTRUMENTS

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**2003 No. 812**

**AGRICULTURE, ENGLAND**

**The Products of Animal Origin (Third Country Imports) (England) (Amendment) Regulations 2003**

<i>Made</i>	- - - -	<i>20th March 2003</i>
<i>Laid before Parliament</i>		<i>21st March 2003</i>
<i>Coming into force</i>	- -	<i>11th April 2003</i>

The Secretary of State for Environment, Food and Rural Affairs, being a Minister designated<sup>(1)</sup> for the purposes of section 2(2) of the European Communities Act 1972<sup>(2)</sup> in relation to the common agricultural policy of the European Community, in exercise of the powers conferred on her by that section, makes the following Regulations:

**Title, commencement and extent**

1. These Regulations may be cited as the Products of Animal Origin (Third Country Imports) (England) (Amendment) Regulations 2003; they extend to England and come into force on 11th April 2003.

**Amendments to the Products of Animal Origin (Third Country Imports) (England) Regulations 2002**

2. The Products of Animal Origin (Third Country Imports) (England) Regulations 2002<sup>(3)</sup> shall be amended in accordance with these Regulations.

**Amendments to regulation 2**

3.—(1) Regulation 2(1) shall be amended in accordance with this regulation.

(2) After the definition of “the Customs Code” there shall be inserted—

““customs officer” means an officer as defined in section 1(1) of the Customs and Excise Management Act 1979<sup>(4)</sup> (a person commissioned by the Commissioners);”.

(3) After the definition of “physical check” there shall be inserted—

““point of entry” means any place where goods are subject to customs supervision under Articles 37 and 38 of the Customs Code, other than a border inspection post;”.

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(1) S.I. 1972/1811.

(2) 1972 c. 68.

(3) S.I. 2002/1227, as amended by S.I. 2002/3206.

(4) 1979 c. 2.

#### **Amendment to regulation 4**

4. The words “subject to regulation 16,” shall be inserted at the beginning of regulation 4(c).

#### **Insertion of regulation 12A**

5. After regulation 12, the following regulation shall be inserted—

##### **“Exchange of Information**

**12A.**—(1) For the purposes of the execution or enforcement of these Regulations, the Secretary of State, the Commissioners, any local authority and the Agency may exchange amongst themselves any information received by them in the execution or enforcement of these Regulations.

(2) The Secretary of State, the Commissioners, any local authority and the Agency may share information received by them in the execution or enforcement of these Regulations with the enforcement agencies in Wales, Northern Ireland and Scotland for the purposes of the enforcement of the legislation on the introduction of products of animal origin from third countries in Wales, Northern Ireland and Scotland respectively.

(3) Paragraphs (1) and (2) are without prejudice to any other power of the Secretary of State, the Commissioners, any local authority and the Agency to disclose information.”.

#### **Amendment to regulation 13**

6. In regulation 13(1)(b) for the words “or the Annex to Commission Decision [2001/812/EC](#)”, there shall be substituted “or in Commission Decision [2001/812/EC](#)”.

#### **Substitution of regulation 16**

7. For regulation 16 there shall be substituted the following regulation—

##### **“Prohibition of introduction of products except at border inspection posts**

**16.**—(1) No product shall be introduced into England from a third country except at a border inspection post designated and approved for veterinary checks on that product.

(2) No Article 9 product, the border inspection post of introduction of which is outside the United Kingdom, and the border inspection post of destination of which is in England, shall be introduced into England except at a border inspection post designated and approved for veterinary checks on that product.

(3) This regulation shall be enforced—

- (a) at points of entry by the Commissioners;
- (b) at premises referred to in regulation 4(b) by the Agency; and
- (c) at any other place by the local authority.

(4) In cases where an officer of a local authority, when exercising any statutory function, discovers at a point of entry a consignment or product which he considers may have been introduced in breach of this regulation, he shall notify a customs officer and detain the consignment or product until a customs officer takes charge of it.

(5) For the purposes of the application of the Customs and Excise Management Act 1979 to products introduced in contravention of this regulation, the time of introduction shall be the time of importation in accordance with section 5 of that Act.”.

### **Amendments to regulation 28**

8.—(1) For paragraph (1) of regulation 28, there shall be substituted the following paragraph—

“(1) The person responsible for the product or consignment concerned or, where a notice has been served on the person appearing to have charge of the product or consignment, the owner of the product or consignment, or the person on whom a notification of seizure pursuant to the Customs and Excise Management Act 1979 has been served, shall pay on demand the costs of storing, transporting, redispaching, disposing of and destroying any product or consignment redispached or destroyed pursuant to regulation 21, 24, 25 or 26, or any powers exercised under the Customs and Excise Management Act 1979 in the enforcement of regulation 16.”.

(2) In regulation 28(2) for the words “an official veterinary surgeon, an authorised officer, the Secretary of State, a local authority or the Agency”, there shall be substituted “an official veterinary surgeon, an authorised officer, the Secretary of State, a local authority, the Agency or the Commissioners”.

### **Amendment to Part I of Schedule 6**

9. In Part I of Schedule 6 for the words “16 (Introduction of products at border inspection posts)” there shall be substituted “16 (Prohibition of introduction of products except at border inspection posts)”.

20th March 2003

*Whitty*  
Parliamentary Under Secretary of  
State  
Department for Environment Food and  
Rural Affairs

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the Products of Animal Origin (Third Country Imports) (England) Regulations 2002 (S.I.2002/1227, as amended by S.I. 2002/3206) (“the principal Regulations”) which implement Council Directive 97/78/EC laying down the principles governing the organisation of veterinary checks on products entering the Community from third countries (OJNo. L24, 30.1.98, p.9).

Regulation 5 inserts a new regulation 12A into the principal Regulations which provides that the Secretary of State, the Commissioners of Customs and Excise (“the Commissioners”), any local authority and the Food Standards Agency may exchange information amongst themselves and share information with the enforcement authorities in Wales, Scotland and Northern Ireland.

Regulation 6 makes a minor drafting change to regulation 13 of the principal Regulations.

Regulation 7 substitutes a new regulation for regulation 16 of the principal Regulations. The new regulation 16 provides that the prohibition on the introduction into England of products of animal origin (except at border inspection posts) is enforced at points of entry by the Commissioners instead of the local authority.

Regulation 8 amends regulation 28 of the principal Regulations to provide that the Commissioners may charge the costs of redispaching or destroying a product or consignment to the person on whom a notification of seizure has been served.

A regulatory impact assessment has been prepared and placed in the Library of each House of Parliament. Copies may be obtained from the International Animal Health Division of the Department for Environment, Food and Rural Affairs, 1A Page Street, London SW1P 4PQ.