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ANIMALS, ENGLAND

AGRICULTURE, ENGLAND

The Trade in Animals and Related Products Regulations 2011

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The Secretary of State is a Minister designated(a) for the purposes of making Regulations under section 2(2) of the European Communities Act 1972(b) in relation to the common agricultural policy of the European Union.

These Regulations make provision for a purpose mentioned in that section and it appears to the Secretary of State that it is expedient for the references to the European instruments in Schedule 1 to these Regulations to be construed as references to those instruments as amended from time to time.

In accordance with section 56(1) of the Finance Act 1973(c), the Treasury consent to the making of these Regulations.

The Secretary of State makes these Regulations in exercise of the powers conferred by section 2(2) of, and paragraph 1A of Schedule 2 to, the European Communities Act 1972.

PART 1

Introduction

Title, application and commencement

1. These Regulations may be cited as the Trade in Animals and Related Products Regulations 2011; they apply in England and come into force on 25th May 2011.

Interpretation

2.—(1) In these Regulations—

“animal” means an animal of any kind, including a bird, fish or invertebrate;
“enforcement authority” has the meaning given in regulation 31;
“genetic material” means hatching eggs and animal semen, ova or embryos;
“product” means a product listed in Annex I to Commission Decision 2007/275/EC (concerning lists of animals and products to be subject to controls at border inspection posts under Council Directives 91/496/EEC and 97/78/EC(d)) and, in addition, hay and straw.

(2) All references in Schedule 1 to European Union instruments are references to those instruments as amended from time to time.

Exceptions for pet animals

3.—(1) These Regulations do not apply in relation to pets accompanied by and under the responsibility of a natural person, where—

- (a) the movement is not the subject of a commercial transaction; and
- (b) (in the case of cats, dogs and ferrets) not more than five animals are travelling with the person.

(2) In this regulation “pet” means any animal of a species listed in Annex I to Regulation (EC) No. 998/2003 (on the animal health requirements applicable to the non-commercial movement of pet animals(e)).

(a) S. I. 1972/1811.

(b) 1972 c. 68. Paragraph 1A was inserted into Schedule 2 by section 28 of the Legislative and Regulatory Reform Act 2006 (c. 51).

(c) 1973 c.51.

(d) OJ No. L 116, 4.5.2007, p. 9.

(e) OJ No. L 146, 13.6.2003, p. 1 as last amended by Regulation (EU) No 438/2010 (OJ No. L 132, 29.5.2010, p. 3).

International agreements

4. Trade with Iceland, Liechtenstein, Norway and Switzerland under any agreement between those countries and the European Union is treated as trade between member States for the purposes of these Regulations.

PART 2

Movement between member States

Movement of animals and genetic material between member States

5.—(1) No animal or genetic material may be consigned to another member State, or brought into England from another member State, unless it is accompanied by the completed, signed health certificate required for that animal or genetic material in the relevant instrument in Schedule 1.

(2) The consignee of an incoming consignment must keep the certificate for at least three years.

Preparation of a health certificate

6.—(1) In order to prepare a health certificate for the consignment of an animal or genetic material to another member State, the person intending to despatch the consignment must apply to the Secretary of State for a uniquely numbered certificate.

(2) The certificate must then be completed by a person authorised to do so by the Secretary of State, in accordance with the instructions sent by the Secretary of State with the certificate.

(3) The person completing the certificate must ensure that the conditions specified in the certificate are fulfilled and that all necessary examinations have been carried out.

(4) If everything is in order the person must sign the certificate.

(5) No person may sign a certificate unless authorised by the Secretary of State.

(6) No person may sign a certificate knowing it to be false, or not believing it to be true.

Notification of movement of animals and genetic material between member States

7.—(1) No animal or genetic material may be consigned to another member State unless the consignor has notified the competent authority of the member State of destination, at least 24 hours in advance of the intended arrival of the consignment and using the Traces system established under Commission Decision 2004/292/EC (on the introduction of the Traces system(a)).

(2) No animal or genetic material may be brought into England from another member State unless the person bringing in the consignment has notified the Secretary of State, at least 24 hours in advance of the intended arrival of consignment.

Additional requirements in specific cases

8. Part 1 of Schedule 2 makes additional requirements for specific cases.

(a) OJ No. L 94, 31.3.2004, p. 63 as last amended by Commission Decision 2005/515/EC (OJ No. L 187, 19.7.2005, p. 29).

PART 3

Importation from a third country

Scope of this Part

9. This Part applies in relation to the importation into England from a country outside the European Union of any animal or product specified in Commission Decision 2007/275/EC, including a situation where the ultimate destination is outside England.

Meaning of “CVED”

10. “CVED” means the Common Veterinary Entry Document specified in—

- (a) Commission Regulation (EC) No. 136/2004 laying down procedures for veterinary checks at Community border inspection posts on products imported from third countries(a); and
- (b) Commission Regulation (EC) No. 282/2004 introducing a document for the declaration of, and veterinary checks on, animals from third countries entering the Community(b).

Border inspection post

11.—(1) A border inspection post is a port or airport approved as such by the European Commission(c).

(2) If at any time the Secretary of State or the district council where the border inspection post is situated is of the opinion that any part of the inspection facilities at the border inspection post no longer complies with the requirements for approval, the Secretary of State or the council may serve a notice on the operator—

- (a) specifying the breach;
- (b) providing a time limit within which the conditions must be complied with; and
- (c) prohibiting the use of that part of the facilities until the conditions of the approval are complied with.

(3) If the notice is not complied with the Secretary of State may suspend the approval in relation to that part of the inspection facilities.

(4) If the operator of a border inspection post is in serious breach of the requirements for a border inspection post set out in Annex II to Council Directive 97/78/EC (laying down the principles governing the organisation of veterinary checks on products entering the Community from third countries(d)) or the conditions of the approval, and in particular if the operation of the border inspection post creates a risk to human or animal health, the Secretary of State must suspend its approval and must inform the Commission and the other member States of the suspension and the reason.

Appointment of official veterinary surgeons and official fish inspectors

12.—(1) The Secretary of State must appoint suitably trained veterinary surgeons to be official veterinary surgeons for any border inspection post authorised to import animals.

(2) The district council for an area with a border inspection post authorised to import products must appoint suitably trained veterinary surgeons to be official veterinary surgeons for that post.

(a) OJ No. L 21, 28.1.2004, p. 11 as last amended by Commission Regulation (EC) No 206/2009 (OJ No. L 77, 24.3.2009, p. 1).

(b) OJ No. L 49, 19.2.2004, p. 11 as last amended by Commission Regulation (EC) No 585/2004 (OJ No. L 91, 30.3.2004, p. 17).

(c) The Commission periodically publishes lists of border inspection posts.

(d) OJ No. L 24, 30.1.1998, p. 9 as last amended by Council Directive 2006/104/EC (OJ No. L 363, 20.12.2006, p. 352).

(3) The appointment under paragraph (2) may be made by the Secretary of State rather than the district council if the approval for the border inspection post only permits the importation of animal by-products.

(4) If the approval for the border inspection post permits the importation of any product (other than snails) for human consumption listed in Chapter 3 of Annex I to Commission Decision 2007/275/EC the district council may appoint suitably trained environmental health officers to be official fish inspectors for that post in relation to fish and fishery products, and that inspector has all the powers of an official veterinary surgeon in relation to those products.

Place of importation

13. No animal or product may be brought into England other than at a border inspection post designated for that animal or product.

Notification of importation

14.—(1) In the case of animals the person responsible for a consignment must notify its arrival to the border inspection post at least one working day before it is due to arrive.

(2) In the case of products the person responsible for a consignment must notify its arrival to the border inspection post before the consignment is unloaded from the means of transport that brought it to England.

(3) The notification must be made by submitting the CVED with Part I completed.

(4) In the case of transhipment of products to another member State the person responsible for the consignment must notify the official veterinary surgeon at the border inspection post of arrival at the time of arrival, of—

- (a) the estimated time of unloading of the consignment;
- (b) the border inspection post at which it will be checked;
- (c) the location of the consignment; and
- (d) the estimated time of departure.

Procedure on importation

15.—(1) When the consignment has been unloaded, the person responsible for the consignment must without reasonable delay arrange for it, together with the documentation specified for that consignment in the relevant legislation in Schedule 1, to be presented at the border inspection post inspection facilities to enable—

- (a) the checks required by Article 4 of Council Directive 97/78/EC laying down the principles governing the organisation of veterinary checks on products entering the Community from third countries(a),
- (b) the checks required by Article 4 of Council Directive 91/496/EEC laying down the principles governing the organization of veterinary checks on animals entering the Community from third countries(b), or
- (c) the official controls referred to in Article 14(1) of 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(c),

to be carried out.

(a) OJ No. L 24, 30.1.1998, p. 9 as last amended by Council Directive 2006/104/EC (OJ No. L 363, 20.12.2006, p. 352).

(b) OJ No. L 268, 24.9.1991, p. 56 as last amended by Council Directive 2008/73/EC (OJ No. L 219, 14.8.2008, p. 40).

(c) OJ No. L 165, 30.4.2004, p. 1 as last amended by Commission Regulation (EU) No 208/2011 (OJ No. L 58, 3.3.2011, p. 29).

(2) The official veterinary surgeon may serve on the person responsible for the consignment a notice specifying a reasonable time at which the consignment must be presented for inspection, and that person must comply with such a notice.

(3) The official veterinary surgeon must carry out all necessary checks and controls specified in paragraph (1) and must only issue a CVED permitting entry if—

- (a) the consignment complies with the requirements relating to it in the relevant instrument in Schedule 1;
- (b) the importation is not prohibited under paragraph (4); and
- (c) the correct fee for the checks has been or will be paid.

(4) In particular, in the case of live animals the official veterinary surgeon must not issue a CVED permitting entry if—

- (a) animals are from a territory or part of a territory of a third country not included in the lists drawn up in accordance with legislation of the European Union for the species concerned or from which imports are prohibited under that legislation;
- (b) animals are suffering from or are suspected to be suffering from or infected by a contagious disease or a disease presenting a risk to human or animal health, or any other reason provided for in legislation of the European Union;
- (c) the exporting third country has not complied with the requirements provided for in legislation of the European Union;
- (d) the animals are not in a fit state to continue their journey;
- (e) the veterinary certificate or document accompanying animals does not meet the requirements of legislation of the European Union relating to importation

(5) If there are no legislative requirements relating to the consignment, the official veterinary surgeon must not issue a CVED unless importation has been authorised in writing under this paragraph by the Secretary of State, who may only grant an authorisation if satisfied that the consignment does not pose a risk to human or animal health, or to the animal health status of the United Kingdom.

(6) The official veterinary surgeon must keep the original certificate accompanying the consignment for three years (except that, if the consignment is refused the official veterinary surgeon must stamp it accordingly, return the original to the importer and keep a copy of it for three years).

Removal from the border inspection post

16.—(1) No person may remove a consignment from the border inspection post unless it is accompanied by a CVED issued by the official veterinary surgeon and the movement is in accordance with the CVED.

(2) The person transporting it from the border inspection post must ensure that it is transported to the destination specified in the CVED accompanied by its CVED.

(3) This does not apply if the consignment is removed from the border inspection post under the authority of the official veterinary surgeon.

Channelling

17. In the case of a product, if box 30, 31, 33 or 34 of the CVED requires a consignment to be taken to a specific destination in the European Union—

- (a) the movement must be under customs supervision if this is specified in the CVED; and
- (b) on arrival, the occupier of the premises of consignment must immediately notify the Secretary of State of its arrival.

Destination outside the United Kingdom

18.—(1) This regulation relates to a consignment brought into England but intended for an ultimate destination outside the United Kingdom.

(2) In the case of an animal consigned to a destination outside the European Union, the person notifying its arrival must provide documentary evidence that the country of destination will accept the animal, and the official veterinary surgeon at the border inspection post may refuse to accept the animal if this is not provided.

(3) In the case of products a consignment intended for a destination outside the United Kingdom brought into a border inspection post may be taken directly from the border inspection post (in the case of an airport this must be by air, and in the case of a sea port this must be by sea) to a destination outside the United Kingdom without a CVED, if it does not remain at the border inspection post more than 12 hours (in the case of an airport) or seven days (in the case of a sea port)

(4) But if the consignment is intended to be sent to a destination in the European Union, and the importation of the product into the European Union is not permitted, the official veterinary surgeon must reject the consignment.

Unchecked consignments

19. The enforcement authority must seize any consignment—

- (a) brought into England other than through a border inspection post approved for that animal or product;
- (b) removed from a border inspection post without a CVED or the authority of the official veterinary surgeon at the border inspection post; or
- (c) transported from the border inspection post to a destination other than that specified in the CVED.

Action following failure of checks or seizure – products

20.—(1) In the case of a product, if the checks at a border inspection post show that the consignment does not satisfy the conditions in the instrument in Schedule 1 relating to that product, or where such checks reveal an irregularity, the official veterinary surgeon, after consultation with the person responsible for the consignment, must—

- (a) permit the use of the consignment as animal by-products in accordance with Regulation (EC) No. 1069/2009 of the European Parliament and of the Council laying down health rules as regards animal by-products and derived products not intended for human consumption (a) provided there is no risk to human or animal health;
- (b) where health conditions permit, require the person in charge of the consignment to redispach the product outside the European Union from the same border inspection post to a destination agreed with the person responsible for the consignment, using the same means of transport, within a maximum time limit of 60 days; or
- (c) if the person responsible for the consignment gives immediate agreement, redispach is impossible or the 60-day time limit has elapsed, destroy the products.

(2) Pending redispach or confirmation of the reasons for rejection, the person responsible for the consignment must store the consignment under the supervision of the enforcement authority at the expense of the person responsible for the consignment.

(3) If a consignment of products is seized outside a border inspection post under regulation 19 the enforcement authority must—

- (a) dispose of the consignment as Category 1 material in accordance with Regulation (EC) No. 1069/2009 of the European Parliament and of the Council; or

(a) OJ No. L 300, 14.11.2009, p. 1 as last amended by Council Directive 2010/63/EU (OJ No. L 276, 20.10.2010, p.4).

(b) act in accordance with sub-paragraph (b) or (c) of paragraph (1) of this regulation.

Consignments of products likely to constitute a risk to animal or human health

21. If veterinary checks at a border inspection post indicate that a consignment of products is likely to constitute a danger to animal or human health, the official veterinary surgeon must immediately seize and destroy it at the expense of the person responsible for it.

Serious or repeated infringements and breach of maximum residue limits

22.—(1) If veterinary checks in any member State reveal that products entering the European Union from a particular third country, part of a third country or establishment in a third country are implicated in serious or repeated infringements of any import requirement, or where those checks reveal that maximum residue levels have been exceeded, this regulation applies to the next ten consignments brought into England from that third country, part of a third country or establishment.

(2) The official veterinary surgeon must carry out a physical check on the product, and take samples and have them analysed.

(3) The person responsible for the consignment must lodge with the official veterinary surgeon a deposit or guarantee sufficient to assure payment of all charges, including the taking of samples, and tests or analysis.

Action following failure of checks or seizure – animals

23.—(1) If the checks at a border inspection post show that an animal does not satisfy the conditions in the legislation in Schedule 1 relating to that animal, or where such checks reveal an irregularity, the official veterinary surgeon, after consultation with the importer or the importer's representative, must—

- (a) shelter, feed and water and, if necessary, treat the animal;
- (b) if necessary, place it in quarantine or isolate it for so long as is necessary to ensure that there is no risk to human or animal health; or
- (c) where animal health or welfare requirements so allow redispach it, within a time limit to be set by the official veterinary surgeon, outside the European Union.

(2) If redispach is impossible, in particular for welfare reasons, the official veterinary surgeon may arrange for the slaughter of the animal.

(3) If an animal is seized under regulation 19 the enforcement authority must isolate it and, following examination of the animal, either—

- (a) release the animal from restriction or
- (b) require the animal to be slaughtered or re-exported outside the European Union.

(4) The importer or the importer's representative is liable for the costs incurred in these measures but is entitled to the slaughter value of the animal after deduction of these costs.

Appeals

24. Any person who is aggrieved by a decision referred to in regulation 20 or 23 may appeal within one month of the decision to a Magistrates' court by way of complaint for an order and the Magistrates' Courts Act 1980(a) applies to the proceedings.

Additional requirements in specific cases

25. Part 2 of Schedule 2 makes additional requirements for specific cases.

(a) 1980 c. 43.

Exclusions

26. The provisions of this Part do not apply in the cases specified in Schedule 3.

Re-importation of products

27.—(1) An official veterinary surgeon at a border inspection post must authorise the re-importation of a consignment of products that originated in the European Union and was refused by a third country, if the consignment is accompanied—

- (a) by the original certificate or a copy authenticated by the competent authority which issued the certificate accompanying the consignment, together with details of the reasons for refusal and a guarantee that the conditions governing the storage and transport of the consignment have been observed, stating that the products in the consignment have not undergone any handling; or
 - (b) in the case of sealed containers, by a certificate from the carrier stating that the content has not been handled or unloaded.
- (2) The official veterinary surgeon must carry out a documentary and identity check and if necessary a physical check.
- (3) The importer must either—
- (a) transport the consignment directly to the establishment of origin in the member State where the certificate was issued, in leak-proof means of transport, identified and sealed by the official veterinary surgeon at the border inspection post so that the seals will be broken whenever the container is opened, or
 - (b) destroy the consignment as animal by-products.

Admission of products into warehouses

28. No person may bring a consignment of products that does not comply with the import requirements of these Regulations into a warehouse in a free zone, a free warehouse (as defined in Title IV chapter 3 section 1 of Council Regulation (EEC) No. 2913/92 establishing the Community Customs Code(a)) or a customs warehouse.

PART 4

Safeguard measures

Safeguard measures

29.—(1) This regulation applies where the Secretary of State or the Food Standards Agency has reasonable grounds for suspecting the existence of a disease, zoonosis, phenomenon or circumstance outside the United Kingdom liable to present a serious threat to human or animal health.

(2) The Secretary of State or the Food Standard Agency may by written declaration suspend, or impose conditions upon, the entry into England of any animal, product or genetic material from the whole or any part of the country concerned.

(3) The declaration must be published in such manner as the Secretary of State or the Food Standards Agency thinks fit.

(4) No person may bring anything into England in breach of such declaration.

(a) OJ No. L 302, 19.10.92, p. 1.

PART 5

Administration

Notifications and authorisations

30. Any notification or authorisation must be in writing, may be subject to conditions and may be amended, suspended or revoked by further notice in writing at any time.

Enforcement authorities

31.—(1) In these Regulations the enforcement authorities are county councils, district councils, Port Health Authorities, London boroughs (or, in the City of London, the Common Council of the City of London), metropolitan districts and unitary authorities.

(2) Where there is a Port Health Authority, London borough (or, in the City of London, the Common Council of the City of London), metropolitan district or unitary authority, any duty placed on a county or district council is performed by that authority.

Enforcement

32.—(1) At a border inspection post these Regulations are enforced—

- (a) in relation to animals by the Secretary of State; and
- (b) in relation to products by the district council.

(2) Outside a border inspection post, in relation to animals they are enforced by—

- (a) in all London boroughs, the Common Council of the City of London;
- (b) otherwise by the county council.

(3) 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 county council); or
- (b) by the Food Standards Agency at any cutting plant, game-handling establishment or slaughterhouse, or premises at which the Agency enforces the Food Hygiene (England) Regulations 2006(a).

(4) In addition, in relation to products they are enforced by a general customs official in any place (other than the inspection facilities in a border inspection post) 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.

(5) The Secretary of State may direct, in relation to cases of a particular description or a particular case, that the Secretary of State may discharge any duty imposed on a local authority under this regulation.

(6) An officer of an enforcement authority who, when exercising any statutory function, discovers at any place under customs supervision a product that may have been brought in in breach of these Regulations must notify a general customs official and detain the consignment or product until such officer takes charge of it.

Powers of entry

33.—(1) An authorised officer of the Secretary of State or an enforcement authority may, on producing a duly authenticated authorisation if required, enter any premises at any reasonable hour for the purpose of enforcing these Regulations; and in these Regulations “premises” includes any place, vehicle, trailer, container, stall, moveable structure, ship or aircraft.

(a) S. I. 2006/14.

(2) The 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 dwellinghouse may not be demanded as of right unless the entry is in accordance with a warrant granted under this regulation.

(4) If a justice of the peace, on sworn information 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 justice 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 officer who enters any unoccupied premises must leave them as effectively secured against unauthorised entry as they were before entry.

Powers of authorised officers

34. An authorised officer of the Secretary of State or an enforcement authority 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 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 officer of the Secretary of State may serve a notice on the person appearing to be in charge of the animal or genetic material requiring that person—

- (a) to detain and isolate—
 - (i) the animals;
 - (ii) any animals with which they have been in contact; and
 - (iii) 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 genetic material, destroy it, in accordance with such conditions as may be specified in the notice.

(2) An officer of the Secretary of State who knows or suspects that animals 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 person in charge of the consignment or the person appearing to be in charge of those animals 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 1997(a), maintaining the animals under supervision until the residue levels fall to the levels permitted by the legislation;
- (b) slaughtering the animals or destroying the genetic material in accordance with such conditions as may be specified in the notice; or
- (c) returning the animals 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 officer may not serve such a notice unless—

- (a) the officer has given the person in charge of the consignment a notice requiring the production of the required documentation within seven days and to detain the consignment in accordance with the terms of the notice; and
- (b) the required documentation has not been produced within that time.

(4) If a notice served under this regulation is not complied with an inspector may seize any animal or genetic material to which it 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. No person may—

- (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.

Exchange of information

37.—(1) The Commissioners of Her Majesty's Revenue and Customs, a general customs official and any enforcement authority may exchange information for the purposes of these Regulations, and may divulge information to the enforcement authorities in Wales, Scotland and Northern Ireland 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 Commissioners, any general customs official or any enforcement authority to disclose information.

(3) No person, including a servant of the Crown, may disclose any information received from the Commissioners or a general customs official 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
- (c) the Commissioners have not given their prior consent to the disclosure.

(a) S. I. 1997/1729.

Fees

38. The Secretary of State may charge a reasonable fee in relation to any activity relating to trade between member States in animals or genetic material under these Regulations, and the consignor's representative and the person in charge of the animal or genetic material are jointly and severally liable for that fee(a).

Offences

39. Breach of the following provisions is an offence—

<i>Provision</i>	<i>Description of the offence</i>
regulation 5(1)	Consigning an animal or genetic material without a health certificate
regulation 5(2)	Failing to keep a certificate for at least three years
regulation 6(5)	Signing a certificate without being authorised by the Secretary of State
regulation 6(6)	Signing a certificate knowing it to be false, or not believing it to be true
regulation 7	Notification
regulation 13	Importation other than at a border inspection post
regulation 14	Notification
regulation 15(1)	Failing to present a consignment for inspection
regulation 15(2)	Failing to comply with a notice
regulation 16(1)	Removal from a border inspection post without a CVED
regulation 16(2)	Failing to transport a consignment to the place specified in the CVED
regulation 17	Movement other than under Customs supervision and failure to notify the Secretary of State
regulation 28	Bringing a non-compliant product into a warehouse etc.
regulation 29(2)	Bringing in an animal or product in breach of a declaration
regulation 36	Obstruction
regulation 37(3)	Disclosure of information
Schedule 2:	
paragraph 5(1)	Trading in apes
paragraph 6(2)	Keeping records
paragraph 6(3)	Notification of movement
paragraph 7	Movement of animal by-products
paragraph 8(2)	Slaughter of animals
paragraph 8(3)	Keeping animals at their place of destination
paragraph 9(2)	Transport of birds to approved quarantine facilities or centres
paragraph 9(3)	Release of birds from quarantine

(a) 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 (OJ No L 165, 30.4.2004, p. 1. Fees are published on the Defra website at www.Defra.gov.uk.

<i>Provision</i>	<i>Description of the offence</i>
paragraph 11	Use of a certificate relating to ships' stores
Schedule 3 paragraph 4(3)	Destruction or redispach in accordance with the authorisation

Offences by bodies corporate

40.—(1) Where a body corporate is guilty of an offence under these Regulations, and that offence is proved to have been committed with the consent or connivance of, or to have been attributable to any neglect on the part of—

- (a) any director, manager, secretary or other similar officer of the body corporate, or
- (b) any person who was purporting to act in any such capacity,

that person as well as the body corporate is guilty of the offence and liable to be proceeded against and punished accordingly.

(2) For the purposes of this regulation “director”, in relation to a body corporate whose affairs are managed by its members, means a member of the body corporate.

Offences by partnerships and unincorporated associations

41.—(1) Proceedings for an offence under these Regulations alleged to have been committed by a partnership or an unincorporated association may be brought in the name of the partnership or association.

(2) For the purposes of such proceedings—

- (a) rules of court relating to the service of documents are to have effect as if the partnership or association were a body corporate;
- (b) section 33 of the Criminal Justice Act 1925(a) and Schedule 3 to the Magistrates’ Courts Act 1980(b) apply in relation to the partnership or association as they apply in relation to a body corporate.

(3) A fine imposed on a partnership or association on its conviction for an offence under these Regulations is to be paid out of the funds of the partnership or association.

(4) Where an offence under these Regulations committed by a partnership is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, a partner, that partner (as well as the partnership) is guilty of the offence and is liable to be proceeded against and punished accordingly.

For these purposes, “partner” includes a person purporting to act as a partner.

(5) Where an offence under these Regulations committed by an unincorporated association is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, an officer of the association, that officer (as well as the association) is guilty of the offence and is liable to be proceeded against and punished accordingly.

(a) 1925 c. 86. Subsections (1) and (2) of section 33 were repealed by the Magistrates’ Courts Act 1952 (c. 55), section 132 and Schedule 6; subsection (3) was amended by the Courts Act 1971 (c. 23), section 56(1) and Schedule 8, part II, paragraph 19; subsection (4) was amended by the Courts Act 2003 (c. 39), section 109(1) and (3), Schedule 8, paragraph 71 and Schedule 10, and by the Magistrates’ Courts Act 1980 (c. 43), section 154 and Schedule 7, paragraph 5; subsection (5) was repealed by the Magistrates’ Court Act 1952, section 132, Schedule 6.

(b) 1980 c. 43. Sub-paragraph 2(a) was amended by the Criminal Procedure and Investigations Act 1996 (c. 25), section 47, Schedule 1, paragraph 13, and was repealed by the Criminal Justice Act 2003 (c. 44), sections 41 and 332, Schedule 3, part 2, paragraph 51, sub-paragraphs (1), (13)(a), and Schedule 37, part 4 (with effect from a date to be appointed); paragraph 5 was repealed by the Criminal Justice Act 1991 (c. 53), sections 25(2) and 101(2) and Schedule 13; paragraph 6 was amended by the Criminal Justice Act 2003, section 41, Schedule 3, part 2, paragraph 51, sub-paragraphs (1) and (13)(b) (with effect from a date to be appointed).

For these purposes, “officer” means an officer of the association or a member of its governing body, or a person purporting to act in such capacity.

Penalties

42.—(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 two 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.

Review

43.—(1) Before the end of each review period, the Secretary of State must—

- (a) carry out a review of the Regulations; and
- (b) set out the conclusions of the review in a report.

(2) In carrying out the review the Secretary of State must, so far as is reasonable, have regard to how—

- (a) Council Directive 89/662/EEC concerning veterinary checks in intra-Community trade with a view to the completion of the internal market(a),
- (b) Council Directive 90/425/EEC concerning veterinary and zootechnical checks applicable in intra-Community trade in certain live animals and products with a view to the completion of the internal market(b),
- (c) Council Directive 91/496/EEC laying down the principles governing the organization of veterinary checks on animals entering the Community from third countries(c), and
- (d) Council Directive 97/78/EC laying down the principles governing the organisation of veterinary checks on products entering the Community from third countries(d),

(which are implemented by means of these Regulations) are implemented in other member States.

(3) The report must in particular—

- (a) set out the objectives intended to be achieved by the regulatory system established by these Regulations;
- (b) assess the extent to which those objectives are achieved; and
- (c) assess whether those objectives remain appropriate and, if so, the extent to which they could be achieved with a system that imposes less regulation.

(4) “Review period” means—

- (a) the period of five years beginning with the day on which these Regulations come into force; and
- (b) subject to paragraph (5), each successive period of five years.

(5) If a report under this regulation is laid before Parliament before the last day of the review period to which it relates, the following review period is to begin with the day on which that report is laid.

(a) OJ No. L 395, 30.12.1989, p. 13 as last amended by Directive 2004/41/EC (OJ No. L 157, 30.4.2004, p. 33).

(b) OJ No. L 224, 18.8.1990, p. 29 as last amended by Council Directive 2009/156/EC (OJ No. L 192, 23.7.2010, p. 1).

(c) OJ No. L 268, 24.9.1991, p. 56 as last amended by Council Directive 2008/73/EC (OJ No. L 219, 14.8.2008, p. 40).

(d) OJ No. L 24, 30.1.1998, p. 9 as last amended by Council Directive 2006/104/EC (OJ No. L 363, 20.12.2006, p. 352).

Revocations

44.—(1) The following are revoked—

- (a) the Products of Animal Origin (Import and Export) Regulations 1996(a);
- (b) the Fresh Meat (Import Conditions) Regulations 1996(b);
- (c) the Products of Animal Origin (Import and Export) (Amendment) Regulations 1997(c);
- (d) the Miscellaneous Products of Animal Origin (Import Conditions) Regulations 1999(d);
- (e) the Products of Animal Origin (Third Country Imports) (England) Regulations 2006(e);
- (f) the Animals and Animal Products (Import and Export) (England) Regulations 2006(f);
- (g) the Products of Animal Origin (Third Country Import) (England) (Amendment) Regulations 2010(g); and
- (h) the Animals and Animal Products (Import and Export) (England) (Amendment) Regulations 2010(h).

(2) Schedule 4 makes amendments consequential to these Regulations.

Henley

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

22nd April 2011

Jeremy Wright

Angela Watkinson

We consent
27th April 2011

Two of the Lords Commissioners of Her Majesty's Treasury

SCHEDULE 1 **European Union legislation**

Regulations 5 and 15

<i>EU legislation</i>	<i>Subject</i>
Council Directive 64/432/EEC on animal health problems affecting intra-Community trade in bovine animals and swine(i)	Bovine animals and swine
Council Directive 88/407/EEC laying down the animal health requirements applicable to intra-Community trade in and imports of semen of domestic animals of the bovine species(j)	Bovine semen
Council Directive 89/556/EEC on animal health conditions governing intra-Community trade in and importation from third countries of embryos of domestic animals of the bovine species(k)	Fresh bovine embryos

(a) S. I. 1996/3124.

(b) S. I. 1996/3125.

(c) S. I. 1997/3023.

(d) S. I. 1999/157.

(e) S. I. 2006/2841.

(f) S. I. 2006/1471.

(g) S. I. 2010/1758.

(h) S. I. 2010/1760.

(i) OJ No. L 121, 29.7.64, p. 1977 as last amended by Commission Decision 2009/976/EU (OJ No. L 336, 18.12.2009, p. 36).

(j) OJ No. L 194, 22.7.1988, p. 10 as last amended by Council Directive 2008/73/EC (OJ No. L 219, 14.8.2008, p. 40).

(k) OJ No. L 302, 19.10.1989, p. 1 as last amended by Council Directive 2008/73/EC.

<i>EU legislation</i>	<i>Subject</i>
Council Directive 90/429/EEC laying down the animal health requirements applicable to intra-Community trade in and imports of semen of domestic animals of the porcine species(a)	Porcine semen
Council Directive 91/68/EEC on animal health conditions governing intra-Community trade in ovine and caprine animals(b)	Sheep and goats
Council Directive 92/65/EEC laying down animal health requirements governing trade in and imports into the Community of animals, semen, ova and embryos not subject to animal health requirements laid down in specific Community rules referred to in Annex A (I) (1) to Directive 90/ 425/EEC (c)	Other animals and products specified in the Directive
Council Directive 92/118/EEC laying down animal health and public health requirements governing trade in and imports into the Community of products not subject to the said requirements laid down in specific Community rules referred to in Annex A (I) to Directive 89/662/EEC and, as regards pathogens, to Directive 90/425/EEC(d)	Miscellaneous products
Council Directive 96/23/EC on measures to monitor certain substances and residues thereof in live animals and animal products and repealing Directives 85/358/EEC and 86/469/EEC and Decisions 89/187/EEC and 91/664/EEC(e)	Residues
Regulation (EC) No 178/2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down the procedures in matters of food safety(f)	Animal products for human consumption
Council Directive 2002/99/EC laying down the animal health rules governing the production, processing, distribution and introduction of products of animal origin for human consumption(g)	Animal products for human consumption
Council Directive 2004/68/EC laying down animal health rules for the importation into and transit through the Community of certain live ungulate animals(h)	Certain live ungulate animals including bovine, ovine, caprine, porcine

(a) OJ No. L 224, 18.8.1990, p. 62 as last amended by Council Directive 2008/73/EC.

(b) OJ No. L 46, 19.2.1991, p. 19 as last amended by Council Directive 2008/73/EC.

(c) OJ No. L 268, 14.9.1992, p. 54 as last amended by Commission Regulation (EU) No 176/2010 (OJ No. L 52, 3.3.2010, p. 14).

(d) OJ No. L 62, 15.3.1993, p. 49 as last amended by Commission Regulation (EC) No 445/2004 (OJ No. L 72, 11.3.2004, p. 60).

(e) OJ No. L 125, 23.5.1996, p. 10 as last amended by Regulation (EC) No. 596/2009 of the European Parliament and of the Council (OJ No. 188, 18.7.2009, p. 14).

(f) OJ No. L 31, 1.2.2002, p. 1 as last amended by Regulation (EC) No. 596/2009 of the European Parliament and of the Council.

(g) OJ No. L 18, 23.1.2003, p. 11.

(h) OJ No. L 139, 30.4.2004, p. 321.

<i>EU legislation</i>	<i>Subject</i>
Commission Regulation (EC) No 136/2004 laying down procedures for veterinary checks at Community border inspection posts on products imported from third countries(a)	Hay and Straw
Regulation (EC) No 852/2004 of the European Parliament and of the Council on the hygiene of foodstuffs(b)	Animal products for human consumption
Regulation (EC) No 853/2004 of the European Parliament and of the Council laying down specific hygiene rules for food of animal origin(c)	Animal products for human consumption
Regulation (EC) No. 854/2004 of the European Parliament and the Council laying down specific hygiene rules for the organisation of official controls on products of animal origin intended for human consumption (d)	Animal products for human consumption
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(e)	Official controls on feed, food, animal health and animal welfare
Council Regulation (EC) No. 183/2005 laying down requirements for feed hygiene(f)	Animal feed
Commission Decision 2007/275 concerning lists of animals and products to be subject to controls at border inspection posts under Council Directives 91/496/EEC and 97/78/EC(g)	Composite products
Council Directive 2006/88/EC on animal health requirements for aquaculture animals and products thereof, and on the prevention and control of certain diseases in aquatic animals(h)	Aquatic animals
Council Directive 2009/156/EC on animal health conditions governing the movement and importation from third countries of equidae(i)	Equidae
Council Directive 2009/158/EC on animal health conditions governing intra-Community trade in, and imports from third countries of, poultry and hatching eggs(j)	Poultry and hatching eggs

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- (a) OJ No. L 21, 28.1.2004, p. 11 as last amended by Regulation (EC) No. 596/2009 of the European Parliament and of the Council.
- (b) OJ No. L 139, 30.4.2004, p. 1 as last amended by Regulation (EC) No. 219/2009 of the European Parliament and of the Council (OJ No. L 87, 31.3.2009, p. 109).
- (c) OJ No. L 139, 30.4.2004, p. 55 as last amended by Commission Regulation (EU) 150/2011 (OJ No. L 46, 19.2.2011, p. 14).
- (d) OJ No. L 139, 30.4.2004, p. 206 as last amended by Commission Regulation (EU) No 151/2011 (OJ No. 46, 19.2.2011, p. 17).
- (e) OJ No. L 165, 30.4.2004, p. 1.
- (f) OJ No. L 35, 8.2.2005, p. 1 as last amended by Regulation (EC) No. 219/2009 of the European Parliament and of the Council.
- (g) OJ No. L 116, 4.5.2007, p. 9.
- (h) OJ No. L 328, 24.11.2006, p. 14 as last amended by Commission Directive 2008/53/EC (OJ No. L 117, 1.5.2008, p. 27).
- (i) OJ No. L 192, 23.7.2010, p. 1.
- (j) OJ No. L 343, 22.12.2009, p. 74 as amended by Commission Decision 2011/214/EU (OJ No. L90, 6.4.2011, p. 27).

<i>EU legislation</i>	<i>Subject</i>
Regulation (EC) No 767/2009 of the European Parliament and of the Council of 13 July 2009 on the placing on the market and use of feed(a)	Animal feed
Council Regulation (EC) No 1069/2009 laying down the health rules as regards animal by-products and derived products not intended for human consumption (b)	Animal by-products

SCHEDULE 2

Regulations 8 and 25

Specific requirements for individual cases

PART 1

Additional requirements for trade between member States

Dealers in cattle, sheep, pigs or goats

- 1.—(1) The Secretary of State may authorise premises to operate as an assembly centre or dealer's premises in accordance with Council Directive 64/432/EEC (in the case of cattle and pigs) or Council Directive 91/68/EEC (in the case of sheep and goats).
- (2) The authorisation must specify the dealer or operator authorised to operate the premises.
- (3) The Secretary of State must be satisfied that the dealer or operator will operate the premises in accordance with Council Directive 64/432/EEC or Council Directive 91/68/EEC.

Transport of cattle, pigs, sheep or goats

- 2.—(1) Any person transporting cattle, pigs, sheep or goats between member States must comply with this paragraph.
- (2) The transporter must be approved for the purpose by the Secretary of State.
- (3) The transporter must, for each vehicle used for the transport of those animals, keep a register containing the following information,
 - (a) places and dates of pick-up, and the name or business name and address of the holding or assembly centre where the animals are picked up;
 - (b) places and dates of delivery, and the name or business name and address of the consignee;
 - (c) species and number of animals carried;
 - (d) date and place of disinfection; and
 - (e) the unique identifying number of accompanying health certificates.
- (4) The register must be kept for at least three years.

(a) OJ No. L 229, 1.9.2009, p. 1 as last amended by Commission Regulation (EU) No 939/2010 (OJ No. L 277, 21.10.2010, p. 4).

(b) OJ No. L 300, 14.11.2009, p.1 as last amended by Directive 2010/63/EU of the European Parliament and of the Council (OJ No. L 276, 20.10.2010, p. 33).

(5) The transporter must ensure that the means of transport is constructed in such a way that animal faeces, litter or feed cannot leak or fall out of the vehicle.

(6) The transporter must give a written undertaking to the Secretary of State stating that—

- (a) in the case of cattle or pigs, Council Directive 64/432/EEC, and in particular the provisions laid down in Article 12 of that Directive and the provisions of that Directive relating to the appropriate documentation that must accompany the animals, will be complied with;
- (b) in the case of sheep or goats, Council Directive 91/68/EEC, and in particular the provisions laid down in Article 8c of that Directive and the provisions of that Directive relating to the appropriate documentation that must accompany the animals, will be complied with; and
- (c) the transport of animals will be entrusted to staff who possess the necessary ability, professional competence and knowledge.

Horses

3. Registered equidae and equidae for breeding and production covered by a bi-lateral agreement made under Article 6 of Council Directive 2009/156/EC on animal health conditions governing the movement and importation from third countries of equidae(a) may move between member states without a health attestation or a health certificate.

Poultry Health Scheme

4. For the purposes of Articles 2 and 6 of, and Annex II to, Council Directive 2009/158/EC (which establishes a poultry health scheme relating to trade between member States)—

- (a) the approval of establishments and laboratories is granted by the Secretary of State;
- (b) an annual inspection of an approved establishment must be carried out by a veterinary surgeon appointed for the purpose by the Secretary of State for the establishment to remain on the register.

Approvals for the Balai Directive

5.—(1) No person may trade in apes (simiae and prosimiae) other than between a centre approved by the Secretary of State and a centre approved by the competent authority for the other member State in accordance with Article 5 of Council Directive 92/65/EEC (“the Balai Directive”).

(2) A body seeking approval to use the different health provisions set out in Article 13 of the Balai Directive must be approved by the Secretary of State.

(3) The Secretary of State must suspend, withdraw or restore approvals in sub-paragraph (1) or (2) in the circumstances set out in point 6 of Annex C to that Directive.

(4) The Secretary of State must approve a body authorised to engage in trade between member States in ova and embryos in accordance with Article 11 of the Balai Directive if the body meets the conditions applicable to it in respect of approval and the performance of its duties as required by Article 11 of and Annex D to that Directive.

(5) By way of derogation from sub-paragraph (1), the Secretary of State may authorise in writing a body approved under this paragraph to acquire an ape (simiae and prosimiae) belonging to an individual.

(a) OJ No. L 192, 23.7.2010, p. 1.

Circuses

6.—(1) The Secretary of State is the competent authority for the purposes of Commission Regulation (EC) No. 1739/2005 laying down animal health requirements for the movement of circus animals between member States(a).

(2) No person may contravene Article 8 of that Commission Regulation (keeping of records).

(3) Notwithstanding regulation 5(1) of these Regulations, no person may contravene Article 10(1) of that Commission Regulation (notification of movement).

Animal by-products

7. Animal by-products to which Article 48 of Regulation (EC) No 1069/2009 apply may only be consigned to another member State, or brought into England from another member State, in accordance with that Article.

PART 2

Additional provisions relating to imports from third countries

Arrival at premises of destination

8.—(1) This paragraph applies to elephants and to cattle, pigs, sheep, goats and all other animals of the taxa *Artiodactyla*, and their crossbreeds.

(2) Animals intended for immediate slaughter must be conveyed without delay from the border inspection post to the slaughterhouse of destination and slaughtered within five working days.

(3) In any other case the animals must be taken without delay from the border inspection post to the holding of destination and kept there for at least 30 days (unless consigned from the holding direct to a slaughterhouse).

Imported birds

9.—(1) The Secretary of State is the competent authority for Commission Regulation (EC) No. 318/2007 laying down animal health conditions for imports of certain birds into the Community and the quarantine conditions thereof(b).

(2) An importer must comply with Article 7 (transport of birds) of that Regulation.

(3) No person may release a bird from quarantine except in accordance with Article 16 (release of birds) of that Regulation.

Horses

10. When a horse is imported from a third country under Commission Decision 92/260/EEC on animal health conditions and veterinary certification for temporary admission of registered horses(c), the official veterinary surgeon must return the health certificate to the person accompanying the horse, and make a record of the certificate.

Ships stores

11. A product that does not comply with import requirements and is sent from a border inspection post to a ship must be accompanied by the certificate referred to in the instrument in

(a) OJ No. L 279, 22.10.2005, p. 47.

(b) OJ No. L 84, 24.3.2007, p. 7 as last amended by Commission Regulation (EU) No 239/2010 (OJ No. L 75, 23.3.2010, p. 18).

(c) OJ No. L 130, 15.5.1992, p. 67 as last amended by Commission Decision 2010/463/EU (OJ No. L 220, 21.8.2010, p. 74).

Schedule 1 relating to that product, and the master of the vessel must confirm delivery of the product by signing the certificate specified in Commission Decision 2000/571/EC (laying down the methods of veterinary checks for products from third countries destined for introduction into free zones, free warehouses, customs warehouses or operators supplying cross border means of sea transport(a)) and returning it as soon as is reasonably practicable to the official veterinary surgeon at the border inspection post.

Charges for veterinary checks from New Zealand

12. The charge for veterinary checks carried out on a consignment from New Zealand is 1.5 euro for each tonne of the consignment, subject to a minimum of 30 euro and a maximum of 350 euro, save that where the actual cost of the veterinary checks carried out on a consignment exceeds 350 euro, the amount of the charge is the actual cost.

SCHEDULE 3

Regulation 26

Cases to which Part 3 does not apply

Disapplication of Part 3

1. Part 3 of these Regulations does not apply in the cases set out in this Schedule.

Case 1: Personal imports and small consignments

2. The products of animal origin specified in Article 2 of Commission Regulation (EC) No 206/2009 on the introduction into the Community of personal consignments of products of animal origin(b).

Case 2: International means of transport

3. Products on board means of transport operating internationally that are intended for consumption by the crew and passengers and that are either—

- (a) not unloaded;
- (b) transferred directly from one means of transport operating internationally to another at the same port and under customs supervision; or
- (c) destroyed as soon as they are unloaded.

Case 3: Trade samples and samples for particular study or analysis

4.—(1) Products sent as trade samples or intended for exhibitions provided that they are not intended to be marketed and have been authorised in advance for that purpose by the Secretary of State.

(2) Products intended for particular studies or analyses provided that such products are not intended for human consumption and have been authorised in advance for that purpose by the Secretary of State.

(3) When the exhibition is finished or when the particular studies or analyses have been carried out, these products, with the exception of the quantities used for the analyses, must be destroyed or redispached as specified in the import authorisation.

(4) This case does not apply in relation to any product controlled under Regulation (EC) No 1069/2009 of the European Parliament and of the Council laying down health rules as regards

(a) OJ No. L 240, 23.9.2000, p. 14.

(b) OJ No. L 77, 24.3.2009, p. 1.

animal by-products and derived products not intended for human consumption and repealing Regulation (EC) No 1774/2002 (Animal by-products Regulation) (the rules for those products are laid down in that Regulation).

Case 4: Consignments cleared in another member State

5. Consignments of animals and products that have been presented to a border inspection post in another member State or another part of the United Kingdom and have been cleared for free circulation.

Case 5: Composite products

6.—(1) Composite products and foodstuffs listed in Annex II to Commission Decision 2007/275/EC.

(2) Composite products not containing meat or meat products, where less than half of the product is processed product of animal origin, provided that such products are—

- (a) shelf-stable at ambient temperature or have clearly undergone, in their manufacture, a complete cooking or heat treatment process throughout their substance, so that any raw product is denatured;
- (b) clearly identified as intended for human consumption;
- (c) securely packaged or sealed in clean containers; and
- (d) accompanied by a commercial document and labelled in an official language of a member State, so that that document and labelling together give information on the nature, quality and number of packages of the composite products, the country of origin, the manufacturer and the ingredient.

Case 6: Animals subject to rabies control

7. Animals specified in Schedule 1 to the Rabies (Importation of Dogs, Cats and Other Mammals) Order 1974(a) and imported in accordance with a licence under that Order.

SCHEDULE 4

Consequential amendments

Regulation 44

Amendment to the Bluetongue Regulations

1. After regulation 19 of the Bluetongue Regulations 2008(b) insert—

“PART 3A

Exports

19A.—(1) A person must not export any animal, semen, ovum or embryo to a third country unless it complies with Commission Regulation (EC) No. 1266/2007 on implementing rules for Council Directive 2000/75/EC as regards the control, monitoring, surveillance and restrictions on movements of certain animals of susceptible species in relation to bluetongue.

(2) An inspector who has reasonable cause to suspect that a person intends to export any animal, semen, ovum or embryo in contravention of this regulation may by notice served on

(a) S. I. 1974/2211 to which there are amendments not relevant to these Regulations.

(b) S. I. 2008/962.

that person, that person's representative or the person appearing to be in charge of the animal, semen, ovum or embryo, prohibit that export and require the person on whom the notice is served to take the animal, semen, ovum or embryo to such places as may be specified in the notice and to take such further action in relation to it as may be specified in the notice.

(3) If a notice served under paragraph (2) is not complied with, an inspector may seize any animal or thing to which it 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.”.

Amendment to the Importation of Animal Products and Poultry Products Order 1980

2. The Importation of Animal Products and Poultry Products Order 1980(a) is amended by inserting after article 1—

“Scope

1A. This Order does not apply in relation to any importation in relation to which the Trade in Animals and Related Products Regulations 2011 apply.”.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations revoke and replace the eight sets of Regulations specified in regulation 44.

They establish a system for trade between member States in live animals and genetic material (Part 2) and for the importation of live animals, genetic material and products of animal origin from outside the European Union (Part 3).

The European Union legislation required to be complied with before animals or goods can be released from control at the port of importation (the “border inspection post”) is listed in Schedule 1.

As before, the Secretary of State is empowered (in Part 4) to prohibit importation into England of any animal or product in the event of a disease outbreak outside the United Kingdom.

The Regulations are enforced by the Secretary of State, port health authorities, local authorities and the United Kingdom Border Agency in the circumstances set out in regulation 32.

The Regulations establish various offences, punishable on summary conviction to a fine up to the statutory maximum or on conviction on indictment to an unlimited fine (or in the case of disclosure relating to customs information imprisonment for up to three months)

A full impact assessment has not been produced for this instrument as no new impact on the private, voluntary or public sectors is foreseen.

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(a) S. I. 1980/12 to which there are amendments not relevant to these Regulations.

STATUTORY INSTRUMENTS

2011 No. 1197

ANIMALS, ENGLAND

AGRICULTURE, ENGLAND

The Trade in Animals and Related Products Regulations 2011

£5.75