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STATUTORY INSTRUMENTS

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**2002 No. 130 (W.18)**

**ANIMALS, WALES**

**ANIMAL HEALTH**

**The Import and Export Restrictions (Foot-and-Mouth Disease)  
(Wales) (No. 2) Regulations 2002**

*Made* 25th January 2002

*Coming into force* 26th January 2002

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## **SCHEDULE 1**

### **Ports of Entry**

## **SCHEDULE 2**

### Cleansing and disinfection certificate

The National Assembly for Wales, being designated(a) for the purposes of section 2(2) of the European Communities Act 1972(b) in relation to the Common Agricultural Policy of the European Community, in exercise of the powers conferred on it by that section, and of all other powers enabling it in that behalf, makes the following Regulations:

#### **Title, application, commencement and cessation**

1.-(1) These Regulations are called the Import and Export Restrictions (Foot-and-Mouth Disease) (Wales) (No.2) Regulations 2002; they apply to Wales and come into force on 26th January 2002.

(2) These Regulations apply until midnight on 31st March 2002.

#### **Interpretation**

2.-(1) In these Regulations, unless the context otherwise requires -

"approved" means approved in accordance with regulation 3;

"the Decision" means Commission Decision 2001/740/EC concerning certain protection measures with regard to foot-and-mouth disease in the United Kingdom and repealing Decision 2001/356/EC(c) as last amended by the Commission Decision 2002/48/EC(d);

"dispatch" means dispatch from a place within the restricted area to a place outside the restricted area and includes consigning for dispatch;

"export" means export outside the British Islands and includes consigning for export;

"HACCP" means Hazard Analysis at Critical Control Points, which is a system in which the critical points of the manufacturing process have been identified, assessments have been made of the potential risks at those points, and necessary steps have been taken to minimise those risks;

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(a) S. I. 1999/2788.

(b) 1972 c. 68.

(c) OJ No. L277, 20.10.2001, p. 30.

(d) OJ No. L21, 24.1.2002, p.28.

"inspector" means a person appointed by the National Assembly, the Secretary of State or a local authority to be an inspector for the purposes of these Regulations or by the National Assembly, the Minister or a local authority for the purposes of the Animals and Animal Products (Import and Export) (England and Wales) Regulations 2000(a) or the Products of Animal Origin (Import and Export) Regulations 1996(b) and includes a veterinary inspector;

"local authority" means a county council or county borough council in Wales;

"main roads" means motorways or trunk roads and in this context "trunk roads" have the same meaning as in section 329(1) of the Highways Act 1980(c)

"meat products" means meat products as defined in Article 2 of Council Directive 77/99/EEC (on health problems affecting the production and marketing of meat products and certain other products of animal origin(d));

"Minister" means the Minister of Agriculture, Fisheries and Food;

"milk" and "milk products" have the meaning given in Article 2 of Council Directive 92/46/EC (laying down the health rules for the production and placing on the market of raw milk, heat-treated milk and milk-based products(e));

"National Assembly" means the National Assembly for Wales;

"official veterinary surgeon" means a person appointed as such under regulation 8 of the Fresh Meat (Hygiene and Inspection) Regulations 1995(f);

"restricted area" means the British Islands other than Northern Ireland and the Isle of Man; and

"veterinary inspector" means a veterinary surgeon appointed for export certification by the Secretary of State or the Minister.

(2) Any reference in these Regulations to an instrument of the European Community is to that instrument as amended at the time these Regulations are made.

(3) A notice under these Regulations shall be in writing, may be subject to conditions and may be amended or revoked by further notice in writing at any time.

### **Approvals**

3.-(1) The National Assembly or the Secretary of State shall approve premises for the purposes of these Regulations if satisfied that the occupier of the premises will comply with the conditions of these Regulations.

(2) Any approval shall be in writing, may be made subject to conditions and may be amended, suspended or revoked by notice in writing at any time, and in particular may be suspended or revoked if the National Assembly or the Secretary of State is reasonably of the opinion that the provisions of these Regulations are not being complied with.

(3) Any requirement for approved premises shall be fulfilled if the premises are in a part of the British Islands outside Wales and are approved by the relevant authority for the purposes of the Decision.

### **Importation of live animals**

4.-(1) No person shall import any live animal of species susceptible to foot-and-mouth disease into Wales from another member State.

(2) Paragraph (1) shall not apply in relation to animals brought into Wales under the following conditions-

- (a) the transport must be subject to authorisation by the competent authorities at the place from which the animals are sent;
- (b) the National Assembly or the Secretary of State must be notified by those competent authorities, at least three working days before arrival in Wales, of the details of the consignment, the journey and the port of arrival;

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(a) S.I. 2000/1673.

(b) S.I. 1996/3124.

(c) 1980 c.66.

(d) OJ No. L26, 31.1.1977, p. 85 as last amended by Directive 92/45/EEC (OJ No. L268, 14.9.1992, p. 35).

(e) OJ No. L268, 14.9.92, p.1 as last amended by Council Directive 94/71/EC (OJ No. L368, 31.12.94, p. 33).

(f) S. I. 1995/539 as amended by S. I. 1995/3189, S. I. 2000/2215, S. I. 2001/1512, S. I. 2001/1739 and S. I. 2001/1771.

- (c) before the animals are imported the importer must have obtained a movement licence under the Foot-and-Mouth Disease Order 1983(a) permitting movement from the port of import to the place of destination;
- (d) the animals must enter through a port specified in Schedule 1;
- (e) when animals are brought in by road, each vehicle must contain only a single consignment;
- (f) the consignment must be taken directly to a single holding in Great Britain;
- (g) after unloading the animals, and before the vehicle departs from Great Britain, the empty vehicle must be moved under a licence issued by an officer of the local authority, the National Assembly or the Secretary of State to cleansing and disinfection premises approved by the National Assembly or the Secretary of State;
- (h) after cleansing and disinfection the National Assembly or the Secretary of State shall issue a certificate in the form set out in Schedule 2;
- (i) the driver of the vehicle shall keep the certificate with him or her until the vehicle leaves Great Britain and shall produce it to an inspector on demand.

### **Dispatch of live animals**

5.-(1) No person shall dispatch any live animal of the bovine, ovine, caprine or porcine species or any other biungulate.

(2) By way of derogation from the preceding paragraph, the National Assembly or the Secretary of State may by licence in writing authorise the dispatch of biungulate animals originating outside the restricted area if the animals travelled through that area in direct and uninterrupted transit on main roads or by rail or sea.

(3) Without prejudice to the provisions of Council Directive 64/432/EEC (on animal health problems affecting intra-Community trade in bovine animals and swine(b)), Council Decision 98/256/EC (concerning emergency measures to protect against bovine spongiform encephalopathy)(c) and the restriction on movement imposed under the Foot-and-Mouth Disease Order 1983, the prohibition in paragraph (1) shall not apply in relation to the dispatch of bovine or porcine animals.

(4) The health certificates provided for in Council Directive 64/432/EEC accompanying the animals shall bear the following words-

"Animals conforming to Commission Decision 2001/740/EC of 19th October 2001 concerning certain protective measures with regard to foot-and-mouth disease in the United Kingdom".

### **Dispatch of fresh meat, minced meat and meat preparations**

6.-(1) No person shall dispatch any fresh meat of animals of the bovine, ovine, caprine or porcine species or other biungulate coming from the restricted area or obtained from animals originating in that area.

(2) In paragraph (1), the reference to "fresh meat" includes minced meat and meat preparations to which Council Directive 94/65/EC (laying down the requirements for the production and placing on the market of minced meat and meat preparations (d))applies.

(3) The prohibition in paragraph (1) shall not apply in relation to meat-

- (a) marked with the health mark in accordance with Chapter XI of Annex I to Council Directive 64/433/EEC (on health problems affecting the production and marketing of meat products and certain other products of animal origin(e)) or, in the case of meat from other biungulates, in Chapter III of Annex I to Council Directive 91/495/EEC (concerning public health and animal health problems affecting the production and placing on the market of rabbit meat and farmed game meat(f));
- (b) which is clearly identified;

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(a) S. I. 1983/1950 as amended by S.I. 1993/3119, S.I. 1995/2922 and, as regards Wales, by S.I.s 2001/572 (W. 26), 2001/658 (W. 33), 2001/968 (W. 46), 2001/1033 (W. 47) (itself amended by S.I. 2001/1234 (W. 67)), 2001/1406 (W. 93), 2001/1509 (W.106), 2001/1874 (W.134), 2001/2236 (W.162), 2001/2813 (W.242), 2001/2981 (W.248), 2001/3145 (W.260), 2001/3706 (W.303), 2001/4009 (W.335).

(b) OJ No. L77, 21.05.1964, p. 1205 as consolidated in Council Directive 97/12/EC (OJ No. L109, 25.04.97, p. 1 and as last amended by Council Directive 98/99/EC (OJ No. L358, 31.12.1998, p. 107).

(c) OJ No. L113, 15.04.1998, p. 32.

(d) OJ No. L368, 31.12.94, p. 10.

(e) OJ No.L121, 27.9.1964, p.2012/64; Directive updated by Directive 91/497/EEC (OJ No L268, 24.9.1991, p. 69) as last amended by Directive 95/23/EC (OJ No. L243, 11.10.1995, p. 7).

(f) OJ No. L268, 24.09.1991, p.41 as last amended by Council Directive 1994/65/EC (OJ No. L368, 31.12.1994 p.10).

- (c) which has been transported and stored since the date of production separately from meat, minced meat and meat preparations not destined for dispatch; and
- (d) which was -
  - (i) obtained before 1st February 2001; or
  - (ii) derived from animals slaughtered or, in the case of meat obtained from wild game of species susceptible to foot-and-mouth disease, killed in Great Britain after 19th October 2001; or
  - (iii) derived from animals reared and slaughtered or, in the case of meat obtained from wild game of species susceptible to foot-and-mouth disease, killed outside Great Britain.

(4) Meat consigned to another member State shall be accompanied by an official certificate prepared by the National Assembly, the Secretary of State or the Minister and signed by a person appointed as an officer of the kind specified in the certificate which bears the following words-

"Meat conforming to Commission Decision 2001/740/EC of 19th October 2001 concerning certain protection measures with regard to foot-and-mouth disease in the United Kingdom".

### **Dispatch of meat products**

7.-(1) No person shall dispatch meat products of animals of the bovine, ovine, caprine or porcine species or any other biungulate coming from the restricted area or prepared using meat obtained from animals originating in that area.

(2) The prohibition in paragraph (1) shall not apply to meat products meeting the public health requirements of Council Directive 77/99/EEC and which -

- (a) are made from meat specified in regulation 6(3); or
- (b) which have undergone one of the treatments laid down in Article 4(1) of Council Directive 80/215/EEC (on animal health problems affecting intra-Community trade in meat products<sup>(a)</sup>), or have been subjected during preparation uniformly throughout the substance to a pH value of less than 6.

(3) Meat products consigned to another member State shall be accompanied by an official certificate prepared by the National Assembly, the Secretary of State or the Minister and signed by a person appointed as an officer of the kind specified in the certificate which bears the following words-

"Meat products conforming to Commission Decision 2001/740/EC of 19th October 2001 concerning certain protection measures with regard to foot-and-mouth disease in the United Kingdom".

(4) Paragraph (4) shall not apply to meat products which conform to the requirements of paragraph (2) if such compliance is stated in the commercial document accompanying the consignment, endorsed in accordance with regulation 14, and the products have been processed in an establishment operating HACCP and an auditable standard operating procedure which ensures that standards for treatment are met and recorded.

(5) Paragraph (4) shall not apply to meat products treated in hermetically sealed containers so as to ensure they are shelf stable if the heat treatment applied is stated in the commercial document accompanying the consignment.

### **Dispatch of milk**

8.-(1) No person shall dispatch milk.

(2) The prohibition in paragraph (1) shall not apply to milk which has been subjected to at least-

- (a) an initial pasteurisation in accordance with the norms defined in paragraph 3(b) of Chapter 1 in Annex I to 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<sup>(b)</sup>) followed by a second heat treatment by high temperature pasteurisation, UHT, sterilisation so as to produce a negative reaction to the peroxidase test or by a drying process which includes a heat treatment with an equivalent effect to one of the above; or
- (b) an initial pasteurisation in accordance with the norms defined in paragraph 3(b) of Chapter 1 in Annex I to Council Directive 92/118/EEC, combined with treatment by which the pH is lowered below 6 and held there for at least one hour.

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(a) OJ No. L47, 21.2. 1980, p.4.

(b) OJ No. L62, 15.3.1993, p. 49 as last amended by Council Directive 2001/7/EC (OJ No. L2, 5.1.2001, p. 27).

(3) The prohibition in paragraph (1) shall not apply in relation to milk prepared in approved establishments under the following conditions-

- (a) all milk used in the establishment must either conform to the conditions of paragraph (2) or be obtained from animals reared and milked outside the restricted area;
- (b) the establishment must be operated under strict veterinary control;
- (c) the milk must be clearly identified and transported and stored separately from milk and milk products which are not destined for dispatch; and
- (d) transport of raw milk from outside the restricted area to the establishment must be carried out in vehicles which were cleansed and disinfected prior to operation and had no subsequent contact with holdings in the restricted area keeping animals of species susceptible to foot-and-mouth disease.

(4) Milk consigned to another member State shall be accompanied by an official certificate prepared by the National Assembly, the Secretary of State or the Minister and signed by a person appointed as an officer of the kind specified in the certificate which bears the following words-

"Milk conforming to Commission Decision 2001/172/EC of 1st March 2001 concerning certain protection measures with regard to foot-and-mouth disease in the United Kingdom".

(5) Paragraph (4) shall not apply to milk which conforms to the requirements of paragraph (2) if such compliance is stated in the commercial document accompanying the consignment, endorsed in accordance with regulation 14, and the milk has been processed in an establishment operating HACCP and an auditable standard operating procedure which ensures that standards for treatment are met and recorded.

(6) Paragraph (4) shall not apply to milk which conforms with the requirements of paragraph (2)(a) or (b) and which has been treated in hermetically sealed containers so as to ensure they are shelf stable if the heat treatment applied is stated in the commercial document accompanying the consignment.

#### **Dispatch of milk products**

9.-(1) No person shall dispatch milk products.

(2) The prohibition in paragraph (1) shall not apply in relation to-

- (a) milk products produced before 1st February 2001;
- (b) milk products prepared from milk which complies with paragraphs (2) or (3) of regulation 8;
- (c) milk products destined for dispatch to a third country where import conditions permit such products to be subject to treatment other than laid down in these Regulations which ensures the inactivation of the foot-and-mouth disease virus;
- (d) milk products intended for human consumption produced from milk of a pH less than 7.0 and subjected to heat treatment at a temperature of at least 72°C for at least 15 seconds or an equivalent treatment;
- (e) milk products intended for human consumption produced from raw milk of bovine, ovine or caprine animals which have been resident for at least 30 days on a holding situated, within the restricted area, in the centre of a circle of at least 10 km radius where no outbreak of foot-and-mouth disease has occurred during the 30 days prior to producing the raw milk, and which are subject to a maturation or ripening process of at least 90 days during which the pH is lowered below 6.0 throughout the substance, and the rind of which has been treated with 0.2% citric acid immediately prior to wrapping or packaging.

(3) The prohibitions described in paragraph (1) shall not apply to-

- (a) milk products prepared in approved establishments under the following conditions-
  - (i) all milk used in the establishment must either conform to the conditions of regulation 8(2) or be obtained from animals outside the restricted area;
  - (ii) all milk products used in the final product must either conform to the conditions of paragraph (2)(a) or (b) of this regulation or be made from milk obtained from animals outside the restricted area;
  - (iii) the milk products must only be intended for human consumption and all milk products used in the final product will either conform to the conditions of paragraphs 3(a)(i) and (ii) above or meet the conditions of paragraph (2)(d) or (2)(e) of this regulation;
  - (iv) the establishment shall be under strict veterinary control; and
  - (v) the milk products must be clearly identified and transported and stored separately from milk and milk products which are not destined for dispatch; or

(b) milk products prepared in parts of the United Kingdom outside the restricted area using milk obtained before 1st February 2001 from the restricted area provided that the milk products are clearly identified and transported and stored separately from milk products not destined for dispatch.

(4) Milk products consigned to another member State shall be accompanied by an official certificate prepared by the National Assembly, the Secretary of State or the Minister and signed by a person appointed as an officer of the kind specified in the certificate which bears the following words-

"Milk products conforming to Commission Decision 2001/172/EC of 1st March 2001 concerning certain protection measures with regard to foot-and-mouth disease in the United Kingdom".

(5) Paragraph (4) shall not apply to milk products which conform to the requirements of paragraph (2)(a), (b), (d) or (e) if such compliance is stated in the commercial document accompanying the consignment, endorsed in accordance with regulation 14, and the milk products have been processed in an establishment operating HACCP and an auditable standard operating procedure which ensures that standards for treatment are met and recorded.

(6) Paragraph (4) shall not apply to milk products which conform to the requirements of paragraph (2)(a), (b), (d) or (e) and which have been treated in hermetically sealed containers so as to ensure they are shelf stable if the heat treatment applied is stated in the commercial document accompanying the consignment.

### **Dispatch of semen, ova and embryos**

**10.-(1)** No person shall dispatch semen, ova or embryos of animals of the bovine, ovine, caprine and porcine species and other biungulates.

(2) The prohibition in paragraph (1) shall not apply in relation to-

- (a) frozen bovine and porcine semen produced before 1st February 2001; or
- (b) frozen bovine and porcine semen and bovine embryos imported into the United Kingdom in accordance with the conditions laid down in-
  - (i) Council Directive 88/407/EEC (laying down the animal health requirements applicable to intra-Community trade in and imports of deep-frozen semen of domestic animals of the bovine species(a));
  - (ii) 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(b)); and
  - (iii) 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(c));and which since introduction into the United Kingdom have been stored and transported separately from semen and embryos to which the prohibition in paragraph (1) applies;
- (c) frozen bovine and porcine semen produced in accordance with the provisions of Council Directive 88/407/EEC or Council Directive 90/429/EEC after 30th September 2001 and also approved under these Regulations, subject to the following conditions-
  - (i) the donor bull or boar showed no clinical sign of foot-and-mouth disease on the day of collection of the semen;
  - (ii) no animal was introduced into the semen collection centre during the 30 days prior to the collection of the semen;
  - (iii) the semen collection centre has been free from foot-and-mouth disease for at least three months and no case of foot-and-mouth disease occurred within a 10 kilometre radius around the semen collection centre for the 30 days before and after the collection of the semen;
  - (iv) no animal in the semen collection centre has been vaccinated against foot-and-mouth disease;
  - (v) prior to dispatch the frozen semen was stored for a period of at least 30 days immediately following collection and during the first 30 days of the storage period no animal in the semen collection centre where the donor boar or bull was kept showed any sign of foot-and-mouth disease;
  - (vi) the semen was collected, processed and stored separately from semen which is not eligible for dispatch; and
  - (vii) all semen collected, processed and frozen in the semen collection centre was dispatched from the semen collection centre in a way that avoids any risk of introducing foot-and-mouth disease into the centre;

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(a) OJ No. L194, 22.7.1988, p. 10 as last amended by the Act of Accession of Austria, Finland and Sweden.

(b) OJ No. L302, 19.10.1989, p.11 as last amended by the Act of Accession of Austria, Finland and Sweden.

(c) OJ No. L224, 18.8.1990, p. 62 as last amended by Council Decision 2001/36/EC (OJ No. L13, 19.1.2000, p. 21).

(d) fresh and frozen ovine semen and porcine semen produced in accordance with Directives 88/407/EC and 90/429/EEC respectively after 15th January 2002 in Great Britain.

(3) The health certificate provided for in Council Directive 88/407/EEC accompanying frozen bovine semen consigned to another member State shall bear the following words-

"Frozen bovine semen conforming to Commission Decision 2001/172/EC of 1st March 2001 concerning certain protection measures with regard to foot-and-mouth disease in the United Kingdom".

(4) The health certificate provided for in Council Directive 89/556/EEC accompanying bovine embryos consigned to another member State shall bear the following words-

"Bovine embryos conforming to Commission Decision 2001/172/EC of 1st March 2001 concerning certain protection measures with regard to foot-and-mouth disease in the United Kingdom".

(5) The health certificate provided for in Council Directive 90/429/EC accompanying porcine semen to other member States shall bear the following words-

"Frozen porcine semen conforming to Commission Decision 2001/740/EC of 19th October 2001 on certain protective measures with regard to foot-and-mouth disease in the United Kingdom".

### **Dispatch of hides and skins**

**11.**-(1) No person shall dispatch hides and skins of animals of the bovine, ovine, caprine and porcine species and other biungulates.

(2) The prohibition in paragraph (1) shall not apply in relation to hides and skins which were produced before 1st February 2001 or which conform to the requirements of paragraph 1(A) indents 2 to 5 or paragraph 1(B), indents 3 and 4 of Chapter 3 of Annex I to Directive 92/118/EEC if treated hides and skins are separated effectively from untreated hides and skins.

(3) Hides and skins consigned to another member State must be accompanied by an official certificate prepared by the National Assembly, the Secretary of State or the Minister and signed by a person appointed as an officer of the kind specified in the certificate stating-

"Hides and skins conforming to Commission Decision 2001/172/EC of 1st March 2001 concerning certain protection measures with regard to foot-and-mouth disease in the United Kingdom".

(4) Paragraph (3) shall not apply to hides and skins which conform to the requirements of either

- (a) paragraph 1(A) indents 2 to 5 of Chapter 3 of Annex I to Council Directive 92/118/EEC; or
- (b) paragraph 1(B) indents 3 and 4 of Chapter 3 to Annex I to Council Directive 92/118/EEC

if compliance with those conditions is stated in the commercial document accompanying the consignment, endorsed (in the case of sub-paragraph (b)) in accordance with regulation 14.

### **Dispatch of animal products**

**12.**-(1) No person shall dispatch animal products of the bovine, ovine, caprine and porcine species and other biungulates not otherwise mentioned in these Regulations produced after 1st February 2001.

(2) No person shall dispatch dung or manure.

(3) The prohibition in paragraph (1) shall not apply in relation to-

(a) animal products which have been subjected to-

- (i) heat treatment in a hermetically sealed container with a Fo value of 3.00 or more; or
- (ii) heat treatment in which the centre temperature is raised to at least 70°C;

(b) blood and blood products as defined in Chapter 7 of Annex I to Council Directive 92/118/EEC which have been subjected to-

- (i) heat treatment at a temperature of 65°C for at least three hours followed by an effectiveness check;
- (ii) irradiation at 2.5 megarads or gamma rays followed by an effectiveness check;
- (iii) change of pH to pH5 or lower for at least two hours, followed by an effectiveness check; or
- (iv) a treatment as provided for in Chapter 4 of Annex I to Council Directive 92/118/EEC;

(c) lard and rendered fats which have been subjected to the heat treatment prescribed in paragraph 2(A) of



Chapter 9 of Annex I to Council Directive 92/118/EEC;

- (d) animal casings to which the provisions of paragraph B Chapter 2 of Annex I to Council Directive 92/118/EEC apply adapted as necessary to suit the case;
- (e) sheep wool, ruminant hair and pigs' bristles which have undergone factory washing or have been obtained from tanning and unprocessed sheep wool, ruminant hair and pigs' bristles which are securely enclosed in packaging and dry;
- (f) semi-moist and dried petfood conforming to the requirements of paragraphs 2 and 3 respectively of Chapter 4 of Annex I to Council Directive 92/118/EEC;
- (g) composite products which are not subjected to further treatment containing products of animal origin on the understanding that the treatment was not necessary for finished products the ingredients of which comply with the respective animal health conditions laid down in these Regulations;
- (h) game trophies in accordance with paragraph 2(b) of Part B of Chapter 13 to Annex I to Council Directive 92/118/EEC; or
- (i) packed products intended for use as in-vitro diagnostic or laboratory reagents.

(4) The animal products must be accompanied by an official certificate prepared by the National Assembly, the Secretary of State or the Minister and signed by a person appointed as an officer of the kind specified in the certificate stating-

"Animal products conforming to Commission Decision 2001/172/EC of 1st March 2001 concerning certain protection measures with regard to foot-and-mouth disease in the United Kingdom".

(5) Paragraph (4) shall not apply to products specified in sub-paragraphs (b), (c) or (d) of paragraph (3) which have a commercial document required under the Products of Animal Origin (Import and Export) Regulations 1996(a) endorsed in accordance with regulation 14 of these Regulations.

(6) Paragraph (4) shall not apply to products specified in sub-paragraphs (e) of paragraph (3) which are accompanied by a commercial document stating either-

- (a) that the products have undergone factory washing or have been obtained from tanning; or
- (b) that the products comply with the conditions laid down in paragraphs (2) and (4) of Chapter 15 of Annex I to Council Directive 92/118/EEC.

(7) Paragraph (4) shall not apply to products specified in sub-paragraph (g) of paragraph (3) which have been produced in an establishment operating HACCP and an auditable standard operating procedure which ensures that pre-processed ingredients comply with the requirements of these regulations and they have a commercial document endorsed in accordance with regulation 14.

(8) Paragraph (4) shall not apply to products specified in sub-paragraph (i) of paragraph (3) if they are accompanied by a commercial document stating that the products are for use as in-vitro diagnostic or laboratory reagents, provided that the products are clearly labelled "for in-vitro diagnostic use only" or "for laboratory use only".

## **Exemptions**

**13.** The prohibitions in regulations 7, 8, 9 and 12 shall not apply in relation to-

- (a) products produced and packaged outside the United Kingdom if the packaging indicates the country of origin and they remain in their original packaging; or
- (b) products which are-
  - (i) produced in an establishment in the restricted area approved by the National Assembly, the Secretary of State or the Minister from pre-processed products originating outside that area which, since introduction into the United Kingdom have been transported, stored and processed separately from products not destined for dispatch; and
  - (ii) accompanied by a commercial document or official certificate as required by these Regulations.

## **Endorsement of commercial documents**

**14.-(1)** Where reference is made to a commercial document being endorsed in accordance with this regulation, the document must have attached to it an official certificate prepared by the National Assembly, the Secretary of State or the Minister and signed by a person appointed as an officer of the kind specified in the certificate stating

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(a) S. I. 1996/3124.

that the production process has been audited and found to be in accordance with these Regulations and suitable to destroy the foot-and-mouth disease virus or that the products concerned have been produced from pre-processed materials which have been certified accordingly and that provisions are in place to avoid possible re-contamination with the foot-and-mouth disease virus after treatment.

(2) The certificate shall bear a reference to the Decision, shall be valid for 30 days, shall state the expiry date and shall be renewable after inspection of the establishment.

(3) In case of products for retail sale to the final consumer, a consolidated load of products other than fresh meat, minced meat and meat preparations, each of which is eligible for dispatch in accordance with these Regulations, may be dispatched from approved premises accompanied by a commercial document endorsed by the attachment of a copy of an official veterinary certificate prepared by the National Assembly, the Secretary of State or the Minister and signed by a person appointed as an officer of the kind specified in the certificate which-

- (a) confirms that the premises of dispatch has in place a system to ensure that goods can only be dispatched if they are traceable to documentary evidence of compliance with these Regulations;
- (b) confirms that this system has been audited and found satisfactory;
- (c) refers to the Decision;
- (d) is valid for 30 days;
- (e) states the expiry date; and
- (f) is renewable only after the establishment had been audited with satisfactory results.

### **Third country certificates**

**15.** No person shall dispatch anything to which these Regulations apply to a third country unless the consignment is accompanied by an official certificate prepared by the National Assembly, the Secretary of State or the Minister and signed by a person appointed as an officer of the kind specified in the certificate certifying compliance with the Regulations.

### **Offers to dispatch or export**

**16.** No person shall offer to dispatch or export, or accept orders for the dispatch or export of, anything prohibited from being dispatched or exported by these Regulations, whether on the internet or otherwise.

### **Powers of inspectors**

**17.**-(1) An inspector shall, on producing, if required to do so, some duly authenticated document showing his or her authority, have the right at all reasonable hours to enter any land or premises for the purposes of ascertaining whether there is or has been on the premises any contravention of these Regulations; and in this regulation "premises" includes any place, installation, vehicle (including any container, trailer, semi-trailer, caravan or other thing which is designed or adapted to be towed by another vehicle), train, ship, vessel, boat, craft, hovercraft or aircraft.

(2) An inspector shall have powers to carry out all checks and examinations necessary for the enforcement of these Regulations, and in particular may-

- (a) carry out inspections of any processes used for the marking and identification of animals, any premises and any installation;
- (b) examine documentary or data processing material relevant to the checks carried out under these Regulations; and
- (c) take with him or her a representative of the European Commission acting for the purposes of the Decision.

### **Powers of customs officers**

**18.** A customs officer may detain any vehicle, vessel, container or anything which he or she reasonably suspects to contain animals or products controlled by these Regulations for as long as is reasonably necessary to enable an inspector to exercise a power under these Regulations.

### **Illegal consignment of animals**

**19.**-(1) An inspector who knows or suspects that animals are intended for dispatch and do not comply with the requirements of these Regulations may serve a notice on the person in charge of the consignment prohibiting the dispatch of the animals in the consignment until the inspector is satisfied that the animals or products comply with the Regulations.

(2) No person shall dispatch anything subject to a notice served under this regulation unless it has been revoked.

(3) Animals imported in contravention of these Regulations shall be dealt with as specified in regulation 13 of the Animals and Animal Products (Import and Export) (England and Wales) Regulations 2000(a).

### **Illegal consignments of products**

**20.**-(1) This regulation shall have effect when an inspector, on reasonable grounds, suspects that anything other than animals is intended to be dispatched in contravention of these Regulations.

(2) The inspector may either-

- (a) give notice to the person in charge of the consignment that, until the notice is withdrawn, it may not be removed or must be removed to and stored in a place specified in the notice; or
- (b) seize it and remove it in order to have it dealt with by a justice of the peace.

(3) Where an inspector exercises the power conferred by paragraph (2)(a) he or she shall as soon as is reasonably practicable and in any event within 21 days, determine whether the consignment is one which may be dispatched under these Regulations, and-

- (a) if satisfied that its dispatch is not in contravention of these Regulations, shall withdraw the notice;
- (b) if not so satisfied, shall seize it and remove it in order to have it dealt with by a justice of the peace.

(4) Where an inspector seizes a consignment under paragraph (2)(b) or (3)(b), he or she shall inform the person appearing to that inspector to be in charge of the consignment of his or her intention to have it dealt with by a justice of the peace, and -

- (a) any person who might be liable to prosecution under these Regulations in relation to the dispatch shall, if he or she attends before the justices of the peace by whom the consignment is to be dealt with, be entitled to be heard and to call witnesses; and
- (b) the justice of the peace may, but need not, be a member of the court before which any person is charged with an offence under these Regulations in relation to that consignment.

(5) If it appears to a justice of the peace that there was an intention to dispatch the consignment in contravention of these Regulations he or she shall, unless satisfied that the consignment can be returned to the owner without risk of a further attempt to dispatch it in contravention of these Regulations, order that the consignment shall be destroyed or otherwise disposed of so as to prevent it from being despatched.

(6) When an order is made under the preceding paragraph, the owner, the consignor and the consignee shall be jointly and severally liable for the costs reasonably incurred in its storage and its destruction or disposal.

(7) Where a notice served under this regulation is withdrawn or the justice of the peace refuses to make an order under paragraph (5), the body that appointed the inspector who served the notice shall compensate the owner of the consignment for any depreciation in its value resulting from the action taken by the inspector; but this paragraph shall not apply if the notice was served because the consignment was not accompanied by the correct documentation, and the consignment was detained until the correct documentation was provided.

### **Fees**

**21.** The Food Standards Agency may charge the occupier of any premises at which supervision or inspection has been provided for the purposes of establishing the eligibility for dispatch of anything under these Regulations a reasonable fee in respect of costs reasonably incurred.

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(a) S.I.2000/1673.

## **Obstruction**

**22.**-(1) No person shall-

- (a) intentionally obstruct any person acting in the execution of these Regulations;
- (b) without reasonable cause, fail to give to any person acting in the execution of these Regulations any assistance or information which that person may reasonably require for the purposes of his or her functions under these Regulations, or
- (c) furnish to any person acting in the execution of these Regulations any information which he or she knows to be false or misleading.

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

## **Furnishing false information**

**23.** No person shall furnish to any person acting in the execution of these Regulations any information which he or she knows to be false or misleading.

## **Offences by bodies corporate**

**24.**-(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,

he or she, as well as the body corporate, shall be guilty of the offence and be liable to be proceeded against and punished accordingly.

(2) For the purposes of paragraph (1) above, "director" in relation to a body corporate whose affairs are managed by its members, means a member of the body corporate.

## **Penalties**

**25.**-(1) A person contravening any provision of these Regulations shall be guilty of an offence.

(2) A person guilty of an offence under regulation 16 or regulation 22(1)(a)2(1)(a) or (b) shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale or to imprisonment for a term not exceeding three months or to both.

(3) A person guilty of any other offence under these Regulations shall be liable-

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

## **Certificates, approvals, etc. issued in another part of the British Islands**

**26.**-(1) Where these Regulations require any certificate, licence or approval to be issued or granted by the National Assembly, the Secretary of State or the Minister in relation to Wales, an equivalent certificate, licence or approval issued in another part of the British Islands by the relevant competent authority is valid.

(2) Where these Regulations require anything to be processed in approved premises in Wales, anything processed in premises approved for those purposes in another part of the British Islands shall be treated as if it had been processed in approved premises in Wales.

## **Enforcement**

**27.** These Regulations shall be enforced by the Secretary of State or the local authority.

## Revocations

**28.** The Import and Export Restrictions (Foot-and-Mouth Disease) (Wales) Regulations 2002**(a)** and The Import and Export Restrictions (Foot-and-Mouth Disease) (Wales) (Amendment) Regulations 2002**(b)** are revoked.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998**(c)**

25th January 2002

Rhodri Morgan

First Secretary

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(a) S.I. 2002/8 (W.1).

(b) S.I. 2002/85 (W.9).

(c) 1998, c.38.

SCHEDULE 1

Ports of Entry

Holyhead

Fishguard

SCHEDULE 2

Cleansing and disinfection certificate

Cleansing and disinfection certificate for means of transport used for the transport of livestock susceptible to foot-and-mouth disease

1. Declaration of the operator/Driver of transport

I, the operator/driver of the vehicle  
(insert number of registration plate of the vehicle and of the trailer if applicable in the appropriate box)

Vehicle: .....
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declare that:

1.1 the most recent unloading of animals took place at:

Trailer .....
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Country, regions, place	Date (dd.mm.yy)	Time (hh.mm)
United Kingdom, .....		
This information must be provided by the operator/driver		

1.2 Following unloading, the livestock compartment, loading ramps and wheels of the vehicle were cleansed and disinfected with a disinfectant approved by National Assembly for Wales and/or the Ministry of Agriculture, Fisheries and Food. As far as practicable the driver's cabin of the vehicle and the protective clothing and boots worn by the driver during unloading were also subject to cleansing and disinfection using an approved disinfectant. Cleansing and disinfection took place at:

Country, regions, place	Date (dd.mm.yy)	Time (hh.mm)
United Kingdom, .....		
This information must be provided by the operator/driver		

Date	Place	Signature of the operator/driver	Name in block letters
Name of Transport Company			

2. CERTIFICATE BY THE COMPETENT AUTHORITIES SUPERVISING THE  
CLEANSING AND DISINFECTION OF TRANSPORT

I, the undersigned, hereby certify that cleansing and disinfection of the transport vehicle described in paragraph 1 above was carried out under my supervision.

Date	Place	Competent authority	Signature of the official *
Stamp*			Name in block letters
The colour of the stamp and the signature must be different from that of the printing			



## EXPLANATORY NOTE

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

These Regulations, which apply to Wales, implement Commission Decision 2002/48/EC of 23rd January 2002 (amending for the seventh time Decision 2001/740/EC concerning certain protection measures with regard to foot-and-mouth disease in the United Kingdom (OJ No. L21, 24.1.2002, p. 29)). They revoke and replace the Import and Export Restrictions (Foot-and-Mouth Disease) (Wales) Regulations 2002 (S. I. 2002/8 (W.1)) and the Import and Export Restrictions (Foot-and-Mouth Disease) (Wales) (Amendment) Regulations 2002 (S. I. 2002/85 (W.9)).

They regulate-

- the importation of live animals (regulation 4 and Schedules 1, 2 and 3)
- the dispatch of live animals (regulation 5)
- the dispatch of fresh meat (including minced meat and meat preparations) from bovine, ovine, caprine and porcine animals, and provide that meat from porcine animals can be exported subject to conditions (regulation 6 and Schedule 2)
- the dispatch of meat products, milk, and milk products (regulations 7, 8 and 9)
- the dispatch of semen, ova or embryos of animals of the bovine, ovine, caprine and porcine species and other biungulates (regulation 10), hides and skins (regulation 11) and various animal products (regulation 12).

They create an offence of offering to export anything which it is prohibited to dispatch or export under the Regulations (regulation 16).

They provide powers for enforcement, and powers for officers of HM Customs and Excise (regulations 17, 18 and 19) and create an offence of obstruction (regulation 22).

Breach of the Regulations is an offence. In the case of obstruction, the maximum penalty on summary conviction is a fine not exceeding level 5 on the standard scale or to imprisonment for a term not exceeding three months or to both. A person guilty of any other offence under these Regulations is liable-

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

The Regulations are enforced by the Secretary of State or the local authority (regulation 27).

A regulatory appraisal has not been prepared for these Regulations.

These Regulations apply until midnight on 31st March 2002.

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STATUTORY INSTRUMENTS

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**2002 No. 130 (W.18)**

**ANIMALS, WALES**

**ANIMAL HEALTH**

**The Import and Export Restrictions (Foot-and-Mouth Disease)  
(Wales) (No. 2) Regulations 2002**

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