
WELSH STATUTORY INSTRUMENTS

2002 No. 1387

The Products of Animal Origin (Third Country Imports) (Wales) Regulations 2002 (revoked)

PART VI

TRANSIT PRODUCTS

Border inspection posts of entry and exit

35. In this Part of these Regulations—

“border inspection post of entry” means the border inspection post at which a transit product enters the customs territory of the Community;

“border inspection post of exit” means the border inspection post through which a transit product is intended to leave the customs territory of the Community, as specified in the certificate of veterinary clearance relating to it.

Prior authorisation of transit

36. No person shall introduce a transit product into Wales from a third country unless the official veterinary surgeon at the border inspection post of entry has previously authorised the transit of that product in writing.

Physical check of transit products

37. Any person required by regulation 18 to present a transit product, or ensure that it is presented, to the official veterinary surgeon at the border inspection post of entry must permit the official veterinary surgeon, or an assistant appointed pursuant to regulation 6(1)(b) or 6(2)L(c), to carry out a physical check on the transit product if the official veterinary surgeon considers that it presents a risk to animal or public health or reasonably suspects some other irregularity, as defined in regulation 21(5), in relation to the transit product.

Movement of transit products

38.—(1) No person shall remove, or cause to be removed, a transit product from the border inspection post of entry unless the person responsible for the product has given a written undertaking to the official veterinary surgeon there to observe and perform the requirements of regulation 39.

(2) Where, at any time after removal from a border inspection post of entry, a transit product is transported through Wales by road, rail, waterway or air—

- (a) the person responsible for the transit product and any carrier who has charge of it for the time being shall ensure that it is conveyed in a vehicle or container sealed by the customs or veterinary authorities responsible for the border inspection post of entry, accompanied by its required documents, any translations required under regulation 18(4) and its certificate of veterinary clearance, to the border inspection post of exit under the supervision of the

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Commissioners in accordance with the external transit procedure referred to in Articles 91 to 97 of the Customs Code.

- (b) no person shall break the seals on the vehicle or container in which the transit product is conveyed, or unload the transit product, or split the consignment or part consignment which includes the transit product, or subject the transit product to any form of handling;
 - (c) the person responsible for the transit product and any carrier who has charge of it for the time being shall ensure that it leaves the customs territory of the Community at the border inspection post of exit not more than 30 days after removal from the border inspection post of entry (excluding the day of removal).
- (3) No person shall introduce a transit product into a free zone, a free warehouse or a customs warehouse in Wales.

Disposal of returned transit products

39.—(1) If a transit product is returned to Wales after leaving the customs territory of the Community, the person responsible for the transit product shall either—

- (a) re-dispatch the transit product from the border inspection post to which it is returned to a third country by the mode of transport by which it was returned within sixty days of its return (excluding the day of return), or
 - (b) if the circumstances described in paragraph (2) apply, destroy the product without undue delay by rendering or incineration in accordance with the Animal By-Products Order in the facilities provided for that purpose nearest to the border inspection to which the product is returned.
- (2) The transit product shall be destroyed in accordance with sub-paragraph (1)(b) where—
- (a) re-dispatch of the product is precluded on animal or public health grounds by the results of a physical check, or by any animal or public health requirement laid down in a Community instrument in force on the date on which these Regulations are made, or is otherwise impossible;
 - (b) the sixty day period referred to in sub-paragraph (1)(a) has expired; or
 - (c) the person responsible for the transit product agrees immediately to its destruction.

(3) Any person who has possession or control of the required documents relating to a transit product to which paragraph (1) applies, or of the certificate of veterinary clearance relating thereto, shall submit them for invalidation to the official veterinary surgeon at the border inspection to which the product is returned.

(4) The person responsible for a transit product to which paragraph (1) applies shall store it until re-dispatch or destruction under the supervision of the official veterinary surgeon at the border inspection post to which the product is returned at such place and in such conditions as the official veterinary surgeon may direct.

(5) The person responsible for a transit product to which paragraph (1) applies shall pay the costs of storing, transporting, re-dispatching and destroying it.

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Changes and effects yet to be applied to :

- [Regulations revoked by S.I. 2004/1430 Sch. 6](#)

Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- [reg. 33A substituted for reg. 3 by S.I. 2002/3230 reg. 2\(2\)](#)
- [reg. 12A inserted by S.I. 2003/976 reg. 5](#)
- [reg. 53\(5\) inserted by S.I. 2002/3230 reg. 2\(4\)](#)