
WELSH STATUTORY INSTRUMENTS

2005 No. 1158

The Animals and Animal Products (Import and Export) (Wales) Regulations 2005

PART 1

Introduction

Title, application, commencement and interpretation

1.—(1) These Regulations may be cited as the Animals and Animal Products (Import and Export) (Wales) Regulations 2005; they apply in relation to Wales and come into force on 30 April 2005.

(2) In these Regulations —

any expressions used have the meaning they bear in—

- (a) 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 single market)(1); and
- (b) Council Directive [91/496/EEC](#) (laying down the principles governing the organisation of veterinary checks on animals entering the Community from third countries)(2),

both of which have been amended by the legislation listed in Schedule 1;

“assembly centre” (*“canolfan gynnull”*) means holdings, collection centres and markets at which cattle, pigs, sheep or goats originating from different holdings are grouped together to form consignments of animals intended for intra-Community trade or which are used in the course of intra-Community trade, and which are approved by the National Assembly in accordance with regulation 12;

“border inspection post” (*“safle arolygu ar y ffin”*) means, in relation to a species of animal, a place specified in relation to that species in Schedule 2;

“dealer” (*“masnachwr”*) means —

- (c) in the case of cattle or pigs, any person who buys and sells animals commercially either directly or indirectly, who has a regular turnover of those animals and who within 30 days of purchasing animals resells or relocates them to other premises not within his or her ownership; and
- (d) in the case of sheep or goats, any person who buys and sells animals commercially either directly or indirectly, who has a turnover of those animals and who within 29 days of purchasing animals resells or relocates them to other premises or directly to a slaughterhouse not within his or her ownership;

“European international instruments” (*“offerynnau rhyngwladol Ewropeaidd”*) means —

(1) OJ No. L224, 18.8.90, p. 29, as amended by and as read with the provisions listed in Schedule 1.

(2) OJ No. L268, 24.9.91, p. 56, as amended by and as read with the provisions listed in Schedule 1.

- (a) the Act of Accession to the European Communities of the Kingdom of Denmark, Ireland, the Kingdom of Norway and the United Kingdom of Great Britain and Northern Ireland⁽³⁾;
- (b) the Decision on the conclusion of the Agreement on the European Economic Area between the European Communities, their member States and the Republic of Austria, the Republic of Finland, the Republic of Iceland, the Principality of Liechtenstein, the Kingdom of Norway, the Kingdom of Sweden, and the Swiss Confederation⁽⁴⁾;
- (c) the Act concerning the conditions of accession of the Kingdom of Norway, the Republic of Austria, the Republic of Finland and the Kingdom of Sweden and the adjustments to the Treaties on which the European Union is founded⁽⁵⁾; and
- (d) the Act concerning the conditions of accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic and the adjustments to the Treaties on which the European Union is founded⁽⁶⁾;

“herd” (“*buches*”, “*cenfaint*”, “*geifre*” a “*gre*”) or “flock” (“*diadell*” neu “*haid*”) means a group of animals kept as an epidemiological unit;

“inspector” (“*arolygydd*”) means a person appointed to be an inspector for the purposes of these Regulations by the National Assembly or a local authority, and when used in relation to a person so appointed by the National Assembly includes a veterinary inspector;

“local authority” (“*awdurdod lleol*”) means in respect of a county or county borough the council of that county or county borough;

“the National Assembly” (“*y Cynulliad Cenedlaethol*”) means the National Assembly for Wales;

“place of destination” (“*cyrchfan*”) means the address or addresses to which the consignment is consigned by the consignor;

“required consignment documentation” (“*dogfennau traddodi gofynnol*”) means any certificates or other documents that are required by these Regulations to accompany the consignment;

“veterinary inspector” (“*arolygydd milfeddygol*”) means a person appointed as a veterinary inspector by the National Assembly.

(3) A notice, approval or declaration under these Regulations must be in writing, may be made subject to conditions and may be amended, suspended or revoked in writing at any time.

Exception

2.—(1) Subject to paragraph (2), these Regulations do not apply to veterinary checks on movements of pets (other than equidae) accompanied by and under the responsibility of a natural person, where such movements are not the subject of a commercial transaction.

(2) Where any person is accompanying and has under his or her responsibility more than five pets travelling together which —

- (a) are each of a species listed in Annex I to Regulation (EC) No. 998/2003⁽⁷⁾; and

(3) OJ No. L73, Special Edition, 27.3.72.

(4) OJ No. L1, 3.1.94, p. 1.

(5) OJ No. C241, 29.8.94, p. 21, as amended by OJ No. L12, 1.1.95, p. 1.

(6) OJ No. L236, 23.9.03, p. 33.

(7) OJ No. L146, 13.6.2003, p. 1, as amended by Commission Regulation (EC) No. 592/2004 (OJ No. L94, 31.3.2004, p. 7).

- (b) come from a third country other than one listed in section 2 of part B of Annex II to Regulation (EC) No. 998/2003,

these Regulations apply to the veterinary checks on the movements of those animals, notwithstanding that their movement is not the subject of a commercial transaction.

Enforcement

3.—(1) Except where otherwise expressly provided, these Regulations must be enforced by the local authority.

(2) The National Assembly may direct, in relation to cases of a particular description, or a particular case, that it, and not the local authority, must discharge any duty imposed on a local authority under paragraph (1).

PART 2

Intra-Community Trade

Application of Part 2

4. This Part applies to trade between member States in live animals and animal products that are the subject of an instrument in Part I of Schedule 3, except aquaculture products for human consumption controlled by Council Directive 91/67/EEC (concerning the animal health conditions governing the placing on the market of aquaculture animals and products)(8).

Exports

5.—(1) A person must not export or consign for export to another member State any animal or animal product controlled under one or more of the instruments in Part I of Schedule 3 unless—

- (a) it complies with the relevant provisions of those instruments (including any option which has been exercised by the member State of destination), and any additional requirements specified in that Part;
- (b) when required by such instrument, it is accompanied by —
 - (i) an export health certificate signed by a veterinary inspector (or, where specified in an instrument, signed by a veterinary surgeon nominated by the exporter); or
 - (ii) any other document required by the instrument;
- (c) when required by such instrument, any notification of a disease on the holding from which the animal has been consigned has been made within the time and in the manner (if any) specified in the instrument; and
- (d) if the animal is acquired through or transits an assembly centre, that centre has been approved by the National Assembly in accordance with regulation 12 for the purposes of intra-Community trade and complies with the provisions of Article 11 of Council Directive 64/432/EEC(9).

(2) If an inspector has reasonable cause to suspect that a person intends to export animals or animal products in contravention of this regulation the inspector may by notice served on the consignor, the consignor's representative or the person appearing to the inspector to be in charge of the animals or animal products, prohibit that exportation and require the person on whom the notice

(8) OJ No. L46, 19.2.91, p. 1, as amended by and as read with the provisions listed in paragraph 8(1) of Part I of Schedule 3.

(9) OJ No. L109, 25.4.97, p. 1, as amended by and as read with the provisions listed in paragraph 1 of Part I of Schedule 3.

is served to take the animals or animal products to such place as may be specified in the notice and to take such further action in relation to them as may be specified in the notice.

(3) In the event of a notice served under paragraph (2) not being complied with, an inspector may seize any animal or animal product to which it relates and arrange for the requirements of the notice to be complied with.

(4) A person must not export to another member State any animal to which the provisions of Article 6, 7, 9 or 10 of 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(1) to Council Directive [90/425/EEC](#))(10) apply unless the animal originates from —

- (a) a holding that has been registered with the National Assembly and the owner or person in charge of that holding has given to the National Assembly undertakings in accordance with Article 4 of Council Directive [92/65/EEC](#); or
- (b) a body, institute or centre that has been approved by the National Assembly in accordance with regulation 9(1) and that conforms with the requirements of Annex C to Council Directive [92/65/EEC](#).

(5) A person must not export to another member State any hatching eggs, day-old chicks or poultry to which Article 6 of Directive [90/539/EEC](#) (on animal health conditions governing intra-Community trade in, and imports from third countries of, poultry and hatching eggs)(11) applies unless they originate from an establishment that —

- (a) is a member of the monitoring scheme, known as the Poultry Health Scheme, operated by the National Assembly in accordance with Schedule 4 to these Regulations (such an establishment is to be considered an approved establishment for the purposes of Article 6(1)(a) of Directive [90/539/EEC](#)); and
- (b) conforms with the requirements of Annex II to Directive [90/539/EEC](#).

Imports

6.—(1) A person must not import from another member State (either for entry into the UK or by way of transit to another member State) any animal or animal product subject to an instrument in Part I of Schedule 3 unless it complies with the relevant provisions of that instrument (subject to any derogations specified in that Part) and with any additional requirements specified in that Part.

(2) Where an animal subject to an instrument in Part I of Schedule 3 is imported from another member State (either for entry into the UK or by way of transit to another member State), the importer, and the person in charge of the animal, if different, must comply with all the relevant provisions of that instrument until it arrives at its place of destination or leaves Wales, as the case may be.

(3) Where cattle, pigs, sheep or goats are imported from another member State for slaughter in Wales and are taken to an assembly centre, the importer must ensure that they are removed from the assembly centre directly to a slaughterhouse and slaughtered there, in the case of sheep and goats within 5 days of their arrival at the assembly centre, and in the case of cattle and pigs within 3 days of their arrival at the assembly centre.

(4) Where an animal to which paragraph (3) relates is not slaughtered within the specified period, an inspector may, by notice served on the person appearing to him or her to be in charge of the animal, require the animal to be slaughtered as may be specified in the notice.

(5) Where an animal is imported from another member State for slaughter, other than an animal taken to an assembly centre, it must be taken directly and without undue delay to a slaughterhouse,

(10) OJ No. L268, 14.9.92, p.54, as amended by and as read with the provisions listed in paragraph 10 of Part I of Schedule 3.

(11) OJ No. L303, 30.10.90, p. 6, as amended by and as read with the provisions listed in paragraph 6 of Part I of Schedule 3.

and if it is not taken directly and without undue delay to a slaughterhouse, an inspector may, by notice served on the person appearing to him or her to be in charge of the animal, require the animal to be taken to such slaughterhouse as may be specified in the notice.

(6) If a notice served under either paragraph (4) or (5) is not complied with, an inspector may seize the animal and arrange for the requirements of the notice to be complied with.

Transport of animals and animal products

7.—(1) A person must not transport any animal or animal product in intra-Community trade unless it is accompanied by the documents required by Article 3(1)(d) of Council Directive [90/425/EEC](#).

(2) A person must not deliver any animal or animal product imported from another member State other than to the address specified in the required consignment documentation unless required to do so by means of a notice served on him or her by an inspector; and, if an animal or animal product is delivered to an address other than that specified in the required consignment documentation and not in compliance with a notice served by an inspector, an inspector may serve a notice on the person appearing to him or her to be in charge of the animal or animal product requiring that person to transport it, at that person's expense, to the address specified in the required consignment documentation.

(3) In the event of a notice served under paragraph (2) not being complied with an inspector may seize any animal or animal product to which it relates and arrange for the requirements of the notice to be complied with.

(4) In the case of the transport of cattle, pigs, sheep or goats, the provisions of Part II of Schedule 3 have effect, and any failure to comply with those provisions may lead to the amendment, suspension or revocation of an authorisation to transport those animals granted under article 12 of the Welfare of Animals (Transport) Order 1997([12](#)) in accordance with Schedule 9 to that Order.

Dealers

8.—(1) Dealers in cattle, pigs, sheep or goats, engaging in intra-Community trade must comply with Part III of Schedule 3.

(2) Dealers in other animals engaging in intra-Community trade, if required to do so by a notice served by the National Assembly, must register as such with the National Assembly and must give such undertakings as to compliance with these Regulations as are specified in the notice.

(3) The National Assembly must keep a register of dealers registered under paragraph (2).

(4) Any person who has registered under paragraph (2) must keep a record of —

(a) all deliveries of animals; and

(b) where a consignment is divided up or subsequently marketed, the subsequent destination of the animals,

and must keep such records for 12 months from the arrival of the consignment.

Approval of centres and teams for the purposes of Directive [92/65/EEC](#) and laboratories for the purposes of Directive [90/539/EEC](#)

9.—(1) For the purposes of Articles 5 and 13 of Council Directive [92/65/EEC](#), the National Assembly must approve any body, institute or centre which has applied for approval in accordance with Article 13 of that Directive and which conforms with the requirements of Annex C to that Directive.

(12) S.I. [1997/1480](#), to which there are amendments not relevant to these Regulations.

(2) The National Assembly must suspend, withdraw or restore the approval referred to in paragraph (1) in accordance with point 6 of Annex C to that Directive.

(3) For the purposes of Article 11 of Council Directive [92/65/EEC](#), the National Assembly must approve any semen collection centre or embryo collection team which has applied to the National Assembly for approval in accordance with Article 11 of that Directive and which 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.

(4) The National Assembly must approve laboratories in accordance with Schedule 5 to these Regulations for the purposes of carrying out the tests for Mycoplasma infections required under Chapter III of Annex II to Council Directive [90/539/EEC](#).

(5) The tests for Salmonella infections required under Chapter III of Annex II to Council Directive [90/539/EEC](#) must be carried out by laboratories authorised pursuant to article 2(1) of the Poultry Breeding Flocks and Hatcheries Order 1993(13).

Inspection and checking at destination

10.—(1) A veterinary inspector has power to inspect, at their place of destination, all animals and animal products imported from another member State, so as to ensure that the requirements (including requirements on documentation) of the relevant provisions of the instruments in Part I of Schedule 3 and any additional requirements specified in Part I of Schedule 3 have been complied with.

(2) An inspector has power to inspect anywhere and at any time all animals and animal products imported from another member State, as well as all accompanying documents, if he or she has information leading him or her to suspect an infringement of the instruments in Part I of Schedule 3 or of any additional requirements specified in Part I of Schedule 3.

Duties on consignees

11.—(1) A person must not accept a consignment of animals or animal products (other than registered horses accompanied by an identification document provided for by Council Directive [90/427/EEC](#) (on the zootechnical and genealogical conditions governing intra-Community trade in equidae)(14)) unless the importer or consignee has notified to an authorised inspector in writing, at least 24 hours in advance, the nature of the consignment, its anticipated date of arrival and the place of destination.

(2) A consignee must retain all certificates sent in accordance with these Regulations for 12 months from the date of arrival.

(3) The authorised inspector referred to in paragraph (1) is the inspector authorised by the National Assembly to receive information about the anticipated date of arrival of imported animals or animal products for the area in which the place of destination is situated.

Assembly centres and slaughterhouses

12.—(1) Any person operating an assembly centre must do so in accordance with this regulation.

(2) The assembly centre is to be approved by the National Assembly and given a number, and approval is only to be given if the National Assembly is satisfied that —

(a) in the case of an assembly centre used for cattle or pigs, the centre complies with the requirements of paragraphs (a) to (d) of Article 11(1) of Council Directive [64/432/EEC](#);

(13) S.I. 1993/1898.

(14) OJ No. L224, 1.8.90, p. 55, as amended by and as read with the provisions listed in paragraph 15 of Part I of Schedule 3.

- (b) in the case of an assembly centre used for sheep or goats, the centre complies with the requirements of paragraphs (a) to (d) of Article 8a(1) of Directive [91/68/EEC](#); and
 - (c) the operator of the assembly centre has agreed to comply with the requirements for the operation of the centre which an inspector has specified in an operational agreement as being the requirements the inspector believes are necessary to ensure the centre is capable of being operated in accordance with the second indent of Article 3(2) of Council Directive [90/425/EEC](#).
- (3) The operator of an assembly centre shall admit to those premises only animals that are identified and come from herds or flocks that are eligible for intra-Community trade.
- (4) Where animals are consigned to an assembly centre, the operator of the assembly centre must —
- (a) ensure that no animal is admitted unless it complies with Article 3(1) of Council Directive [90/425/EEC](#); and
 - (b) record on a register —
 - (i) the name of the owner, the origin, date of entry and exit, number of the animals, and their proposed destination;
 - (ii) the registration number of the transporter and the licence number of the vehicle delivering or collecting animals from the centre;
 - (iii) in the case of cattle, the identification of the animals or the registration number of the holding of origin as well as the information in paragraphs (i) and (ii);
 - (iv) in the case of pigs, the registration number of the holding of origin or of the herd of origin as well as the information in paragraphs (i) and (ii); and
 - (v) in the case of sheep or goats, the identification of the animals, or the registration number of the holding of origin of the animals, and, where applicable, the approval or registration number of any assembly centre through which the animals have passed prior to entering the centre as well as the information in paragraphs (i) and (ii),and shall preserve the register for a minimum of three years.
- (5) Where animals are consigned to a slaughterhouse under the supervision of an official veterinary surgeon appointed under the provisions of regulation 8 of the Fresh Meat (Hygiene and Inspection) Regulations 1995(**15**) or regulation 8 of the Poultry Meat, Farmed Game Bird Meat and Rabbit Meat (Hygiene and Inspection) Regulations 1995(**16**), the official veterinary surgeon must ensure that no animal is slaughtered unless it complies with Article 3(1) of Council Directive [90/425/EEC](#).
- (6) If, in carrying out inspections under the preceding paragraph, the official veterinary surgeon establishes that animals imported from another member State are accompanied by incorrect certification or cannot readily be identified, he or she must forthwith notify a veterinary inspector authorised by the National Assembly to receive such notification, who must examine the animals and must either —
- (a) certify that they are fit to be slaughtered and used for their intended purpose; or
 - (b) by notice served on the official veterinary surgeon require the animals to be slaughtered and destroyed or re-exported, in each case at the expense of the importer.
- (7) Where paragraphs (4) and (5) do not apply, any person who markets any animal consigned to him or her from another member State, or divides up batches of such animals for distribution or marketing —

(15) S.I. [1995/539](#), to which there are amendments not relevant to these Regulations.

(16) S.I. [1995/540](#), to which there are amendments not relevant to these Regulations.

- (a) must check, before any animal is marketed or any batch is divided up, that all the animals comply with the relevant provisions of an instrument in Part I of Schedule 3, with respect to identification marks and required consignment documentation;
- (b) must immediately notify any irregularity or anomaly to a veterinary inspector authorised by the National Assembly to receive such notification; and
- (c) if there is a breach of Article 3(1)(d) of Council Directive [90/425/EEC](#)(17), must isolate the animals in question until a veterinary inspector authorised by the National Assembly to do so has authorised their release in writing.

Illegal consignments

13.—(1) If a veterinary inspector knows of or suspects the presence of agents responsible for a disease referred to in Schedule 6 or of a zoonosis, any other disease or any cause likely to constitute a serious hazard to animals or humans in animals or animal products imported from another member State, or that those animals or animal products have come from a region contaminated by an epizootic disease, he or she may serve a notice in accordance with paragraph (2) on the person appearing to him or her to be in charge of those animals or products.

(2) The notice must require that person —

- (a) immediately to detain the imported animal product, imported animal or any animal which has been in contact with such imported animal (and, in the case of detained animals, whether imported or animals which have been in contact with imported animals, keep them isolated from other animals), at such place as may be specified in the notice, and to take such further action in relation to them as may be specified in the notice for the purpose of preventing the introduction or spreading of disease; or
- (b) without delay, to slaughter them, or slaughter and destroy them, or, in the case of products, destroy them, in accordance with such conditions as may be specified in the notice.

(3) Subject to the provisions of paragraph (4) if an inspector knows or suspects that an animal or animal product does not comply with the provisions of Article 3 of Council Directive [90/425/EEC](#), he or she may, if animal health and welfare considerations so permit, give the consignor or the consignor's representative or the person appearing to him or her to be in charge of those animals or products 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(18), maintaining the animals under supervision until the residue levels fall to the levels permitted by the legislation and, in the event of the residue levels not falling to the permitted levels, requiring him or her to take whatever action is specified in that legislation; or
- (b) slaughtering the animals or destroying the products in accordance with such conditions as may be specified in the notice; or
- (c) returning the animals or products 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.

(4) If the consignment fails to comply only by reason of an irregularity in respect of the required consignment documentation, the inspector must not serve a notice under paragraph (3) unless —

- (a) he or she has given the consignor, the consignor's representative or the person appearing to him or her to be in charge of those animals or products a notice requiring him or her to

(17) OJ No. L224, 18.8.90, p. 29, as amended by and as read with the provisions listed in Schedule 1.

(18) S.I. [1997/1729](#), as amended by S.I. [2001/3590](#).

produce the required consignment documentation within 7 days and to detain the animal or animal product in accordance with such conditions as may be specified in the notice; and

(b) the required consignment documentation has not been produced within that time.

(5) In the event of any notice served under this regulation not being complied with an inspector may seize any animal or animal product to which it relates, and arrange for the requirements of the notice to be complied with.

PART 3

Third Countries

Application of Part 3

14.—(1) This Part applies in respect of animals imported into —

- (a) from a country other than a member State, and
- (b) from another member State if the animal originated in a country which is not a member State and all the checks provided for in Council Directive [91/496/EEC](#) have not been carried out.

Official veterinarians

15. The National Assembly must periodically designate such veterinary inspectors to act as official veterinarians as are necessary for the purposes of this Part and may revoke such designation at any time.

Importation

16.—(1) A person must not import any animal —

- (a) either for entry into the UK or for export to another member State unless the conditions in Article 4 of Council Directive [91/496/EEC](#) are complied with; or
- (b) for immediate re-export, either directly or indirectly, outside the European Community unless such transit has been previously authorised in writing by the National Assembly and the conditions in Article 9 of Council Directive [91/496/EEC](#) have been complied with.

(2) A person must not import any animal except from a country or territory specified under the instruments in Part I of Schedule 7.

(3) A person must not import any animal to which an instrument in Part II of Schedule 7 applies unless it complies with the relevant provisions of that instrument and any additional requirements specified in that Part.

(4) Where an animal is imported for slaughter, it must be taken directly and without undue delay to a slaughterhouse, and if it is not taken directly and without undue delay to a slaughterhouse, an inspector may by notice served on the person appearing to him or her to be in charge of the animal, require the animal to be taken to such slaughterhouse as may be specified in the notice.

(5) In the event of a notice served under paragraph (4) not being complied with an inspector may seize any animal to which it relates and arrange for the requirements of the notice to be complied with.

(6) The person in charge of an animal that has been imported for immediate re-export, either directly or indirectly, outside the European Community must comply with Article 4, second indent, of Commission Regulation (EC) No. 282/2004⁽¹⁹⁾.

Places of import

17.—(1) A person must not import any animal except at a border inspection post specified in Schedule 2 for that species of animal, except that animals specified in Schedule 1 to the Rabies (Importation of Dogs, Cats and Other Mammals) Order 1974⁽²⁰⁾ may also be imported at places permitted under that Order.

(2) If animals are imported at any place other than a place permitted under paragraph (1), an inspector may by notice require the person appearing to him or her to be in charge of the consignment to detain and isolate the animals in accordance with the notice and the following provisions of this regulation shall have effect.

(3) Following examination of the animals by a veterinary inspector, the veterinary inspector may serve a further notice on the person appearing to him or her to be in charge of the consignment either releasing the animals from restriction or requiring the animals to be slaughtered or slaughtered and destroyed or re-exported outside the European Community.

(4) In the event of a notice served under paragraph (2) or (3) not being complied with, an inspector may seize the animal and arrange for the requirements of the notice to be complied with.

Import procedure

18.—(1) A person must not import any animal unless he or she has given notice of his or her intention to do so in accordance with Article 1 of Commission Regulation (EC) No. 282/2004.

(2) On importation, the importer or the importer's agent must convey the animal, under the supervision of the enforcement authority, directly to the border inspection post examination area or, where the instruments in Schedule 7 or the animal health conditions applicable to imports so require, to a quarantine centre as provided for in the second indent of the first sub-paragraph of Article 10(1) of Council Directive 91/496/EEC.

(3) A person must not remove any animal from a quarantine centre or border inspection post unless the common veterinary entry document has been completed in accordance with Article 3(1) of Commission Regulation (EC) No. 282/2004 indicating that all necessary veterinary checks have been carried out to the satisfaction of the official veterinarian.

(4) A person must not remove any animal from Customs temporary storage arrangements —

(a) unless the common veterinary entry document has been produced in accordance with Article 3(3) of Commission Regulation (EC) No. 282/2004 to an officer of Her Majesty's Customs and Excise and the removal has been authorised by that officer;

(b) to any place other than the place of destination specified in the common veterinary entry document, unless he or she has been required to remove it to another place by means of a notice served on him or her by an inspector.

(5) The person in charge of an animal imported from a third country must ensure that it is conveyed to its place of destination without delay and that the original of the common veterinary entry document accompanies it to its place of destination in accordance with Article 3(4) of Commission Regulation (EC) No. 282/2004.

(6) Where a check involves the taking of a sample for testing and the test result is not immediately available, the official veterinarian may by notice served on the owner or the person appearing to him

⁽¹⁹⁾ OJ L49, 19.2.2004, p. 11.

⁽²⁰⁾ S.I. 1974/2211; relevant amending instruments are S.I. 1977/361, 1984/1182, 1986/2062, 1999/3443 and 2004/2364.

or her to be in charge of an animal release that animal from the border inspection post, and require that person to keep the animal in accordance with such conditions as may be specified in the notice until the test results are available; and if the test reveals that the animal does not comply with the provisions of Article 5 of Council Directive 91/496/EEC then the provisions of regulation 21 apply as they apply at a border inspection post.

(7) In the event of a notice served under paragraph (4) or (6) not being complied with a veterinary inspector may seize any animal to which it relates, and arrange for the requirements of the notice to be complied with.

Payment of fees

19. The official veterinarian must not authorise the release of animals from a quarantine centre or border inspection post unless he or she is satisfied that all veterinary checks for which a charge is made have been paid for, and that, where relevant, a deposit covering any cost provided for in Article 9(1)(a), 9(2), the second and third indents of Article 10(1), Article 10(6) and Article 12(2) of Council Directive 91/496/EEC has been lodged.

Consignments constituting a danger to health

20. Where checks at the quarantine centre or border inspection post or the test results referred to in regulation 18(6) reveal that an animal or a consignment of animals is likely to constitute a danger to animal or human health, the official veterinarian must immediately seize and destroy the animal or consignment (as the case may be) and the costs of such action are payable by the importer or the importer's representative.

Illegal consignments

21.—(1) Where checks at the quarantine centre or border inspection post reveal that the animals do not comply with the provisions of Article 5 of Council Directive 91/496/EEC or Articles 3, 4 or 5 of Council Directive 91/628/EEC(21), a veterinary inspector must, by notice served on the person appearing to him or her to be in charge of those animals, require that person to—

- (a) shelter, feed and water and, if necessary, treat the animals;
- (b) place them in quarantine or isolate the consignment at such place as may be specified in the notice, and to take such other action in relation to the animals as may be necessary for the purpose of preventing the introduction or spreading of disease; or
- (c) re-despatch them outside the territory of the European Community, where animal health or welfare considerations so permit, within such period as may be specified in the notice.

(2) Before exercising any of the powers in paragraph (1) the veterinary inspector must consult the importer or the importer's representative.

(3) If the animals are re-despatched in accordance with sub-paragraph (c), the official veterinarian must cancel the veterinary certificate accompanying the rejected consignment and complete the box 'details of re-consignment' in part 3 of the common veterinary entry document in accordance with the second indent of Article 3(1) of Commission Regulation (EC) No. 282/2004 as soon as the relevant information is known.

(4) If in the opinion of the veterinary inspector re-despatch is not possible, in particular for reasons of the welfare of animals, he or she must serve a notice on the person appearing to him or her to be in charge of the animals in accordance with the following paragraph.

(21) OJ No. L340, 11.2.91, p.17, as amended by Council Directive 95/29/EC (OJ L148, 30.6.95, p. 52).

(5) A notice served under the preceding paragraph may authorise slaughter of the animals for human consumption if the animals comply with all legislative requirements which must be complied with before slaughter for human consumption is permitted but, if this is not possible, must either—

- (a) order the slaughter of the animals for purposes other than human consumption, or
- (b) order the slaughter of the animals and destruction of the carcasses, specifying in each case the conditions regarding control of the use of the products obtained.

(6) In the event of a notice served under paragraph (1) or (4) not being complied with a veterinary inspector may seize any animal to which it relates, and arrange for the requirements of the notice to be complied with.

(7) The importer or the importer's representative is liable for the costs incurred in measures under this regulation, but is entitled, after deduction of costs, to the proceeds of any sale.

Arrival at the place of destination

22.—(1) On arrival at their place of destination, elephants and animals of the order Artiodactyla (and their crossbreeds) that are for breeding, production or fattening, or that are intended for zoos, amusement parks or hunting or wildlife reserves, must be detained at the premises by the person having control of those premises for at least 30 days and he or she must not release them until authorised in writing by an authorised officer of the National Assembly.

(2) Paragraph (1) does not apply in the case of animals being dispatched directly to a slaughterhouse.

(3) Animals of species to which paragraph (2) does not apply that are for breeding or production must be detained at the place of destination by the person having control of those premises, and he or she must not release them unless authorised in writing by an authorised officer of the National Assembly.

Post-import controls

23.—(1) Where a veterinary inspector knows or suspects that import conditions have not been complied with or there is doubt as to the identity of an animal, he or she may carry out any veterinary checks on that animal that he or she deems appropriate.

(2) If the checks confirm that import conditions were not complied with, then the provisions of regulation 21 apply as they apply at a border inspection post and, in the case of the exercise of a power to place the animals in quarantine or to isolate them, a veterinary inspector may additionally require the placing in quarantine or isolation of other animals which have been in contact with the imported animals.

PART 4

Imports Where Checks Have Been Carried Out in Another Member State

Application of Part 4

24. This Part applies in respect of imported animals which originate outside the European Community but in respect of which all the checks required under Council Directive [91/496/EEC](#) have been carried out in another member State.

Imports

25. A person must not import any animal to which this Part applies unless it is accompanied by the common veterinary entry document and the authenticated copy of the original health certificate issued at the point of importation into the European Community under Article 7(1) of Council Directive [91/496/EEC](#) and Article 3 of Regulation (EC) No. [282/2004](#).

Import procedure

26. The provisions of regulations 7 to 13, 16(2) and (3), 22 and 23 of these Regulations apply in relation to animals to which this Part applies.

PART 5

General

Outbreaks of disease in other states

27.—(1) This regulation applies where the National Assembly learns of or has reasonable grounds to suspect, either under the procedures set out in Article 10 of Council Directive [90/425/EEC](#) () or Article 18 of Council Directive [91/496/EEC](#), or through any other means, the presence in any other state of a disease referred to in Schedule 6, a zoonosis or any other disease or phenomenon liable to present a serious threat to public or animal health.

(2) In the circumstances described in paragraph (1), the National Assembly may, for the purpose of preventing the introduction or spreading of disease, by declaration suspend, or impose conditions upon, the entry into Wales of any animal or animal product from the whole or any part of that state.

(3) Such a declaration is to be published in such manner as the National Assembly thinks fit.

(4) Where a declaration is in force suspending the entry of any animal or animal product, a person must not bring that animal or animal product into Wales if it is dispatched from, or originates from, the state or part thereof specified in the declaration.

(5) Where a declaration is in force imposing conditions on the entry into Wales of any animal or animal product, a person must not bring that animal or animal product into Wales if it originates in the state or part thereof specified in the declaration unless the animal or animal product complies with the conditions specified in the declaration.

Notification of decisions

28. If the consignor or the consignor's representative, or the importer or the importer's representative, so requests, any decision taken refusing entry or varying the conditions of entry must be forwarded to him or her in writing by the person taking the decision, giving the reasons for the decision and the details of any right of appeal against the decision, including the relevant time limits.

Powers of inspectors

29.—(1) Subject to regulation 10, an inspector, on producing, if required to do so, some duly authenticated document showing his or her authority, has 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, road or rail vehicle, ship, vessel, boat, craft, hovercraft or aircraft.

(2) An inspector has powers to carry out all checks and examinations necessary for the enforcement of Council Directive [90/425/EEC](#) and Council Directive [91/496/EEC](#), 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) carry out checks on whether staff are complying with the requirements of the instruments in Part I of Schedule 3 relating to animal products;
- (c) take samples (and, if necessary, send the samples for laboratory testing) from —
 - (i) animals held with a view to being sold, put on the market or transported;
 - (ii) products held with a view to being stored or sold, put on the market or transported;
 - (iii) animals or animal products being transported in the course of intra-Community trade;
 - (iv) animals at a border inspection post in the case of third country imports; or
 - (v) animals or animal products at the place of destination in the case of an import from another member State;
- (d) examine documentary or data processing material relevant to the checks carried out under these Regulations; and
- (e) take with him or her a representative of the European Commission acting for the purposes of Council Directives [90/425/EEC](#) or [91/496/EEC](#).

Recovery of expenses

30. The consignor, the consignor’s representative and the person in charge of any animal or animal product are jointly and severally liable for any reasonable expenses arising out of or in connection with the exercise of any power conferred on an inspector by these Regulations relating to those animals or animal products.

Obstruction

31. A person must not —

- (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 of him or her 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.

Offences by bodies corporate

32.—(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, is guilty of the offence and be liable to be proceeded against and punished accordingly.

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

Penalties

33.—(1) A person contravening any provision of these Regulations, except the provisions contained in paragraph 6 of Part I of Schedule 4 and paragraph 2 of Part I of Schedule 5, or any notice served under them is guilty of an offence.

(2) A person guilty of an offence under regulation 31(a) or (b) is 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 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.

Disapplication of provisions

34. The provisions of the legislation listed in Schedule 8 do not apply to imports from another member State of animals and animal products to which an instrument in Part I of Schedule 3 applies, or to imports of an animal to which an instrument in Schedule 7 applies from the country subject to that instrument, to the extent specified in column 3 of the table given in Schedule 8.

Revocations

35. The following Regulations are revoked so far as they apply in relation to Wales—

- (a) The Animals and Animal Products (Import and Export) (England and Wales) Regulations 2000(**22**);
- (b) Animals and Animal Products (Import and Export) (England and Wales) (Amendment) Regulations 2000(**23**);
- (c) Animals and Animal Products (Import and Export) (England and Wales) (Amendment) (No. 1) Regulations 2000(**24**);
- (d) Animals and Animal Products (Import and Export) (England and Wales) (Amendment) (No. 2) Regulations 2000(**25**);
- (e) Animals and Animal Products (Import and Export) (England and Wales) (Amendment) (No. 3) Regulations 2000(**26**);
- (f) Animals and Animal Products (Import and Export) (England and Wales) (Amendment) Regulations 2002(**27**);and
- (g) Animals and Animal Products (Import and Export) (England and Wales) (Amendment) (No. 2) Regulations 2002(**28**).

(22) S.I. 2000/1673

(23) S.I. 2000/2266

(24) S.I. 2000/2524

(25) S.I. 2000/2900

(26) S.I. 2000/3128

(27) S.I. 2002/467

(28) S.I. 2002/956

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(29)

12 April 2005

D. Elis-Thomas
The Presiding Officer of the National Assembly