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WELSH STATUTORY INSTRUMENTS

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**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 —

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(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<sup>(3)</sup>;
- (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<sup>(4)</sup>;
- (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<sup>(5)</sup>; 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<sup>(6)</sup>;

“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<sup>(7)</sup>; and

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(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).