
WELSH STATUTORY INSTRUMENTS

2006 No. 1536

**The Animals and Animal Products (Import
and Export) (Wales) Regulations 2006**

PART 5

General

Outbreaks of disease in other states

28.—(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 into or within Wales, 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

29. 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 his or her right of appeal against the decision, including the relevant time limits.

Powers of inspectors

30.—(1) Subject to regulation 10, an inspector, on producing, if required to do so, some duly authenticated document showing the inspector's 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 the 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

31. 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

32. 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

33.—(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 33, “director” in relation to a body corporate whose affairs are managed by its members, means a member of the body corporate.

Penalties

34.—(1) A person contravening any provision of these Regulations, other than those listed in paragraph (2), or any notice served under them is guilty of an offence.

(2) The provisions referred to in paragraph (1) are those contained in:

- (a) regulation 19(3);
- (b) paragraph 6 of Part I of Schedule 4; and
- (c) paragraph 2 of Part I of Schedule 5.

(3) A person guilty of an offence under regulation 32(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.

(4) 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.

Transitional arrangements and disapplication of provisions

35.—(1) These Regulations apply to a captive bird which has been lawfully imported pursuant to the Importation of Birds, Poultry and Hatching Eggs Order 1979(1) at the date of the making of these Regulations as if the bird had been imported and, if it is in quarantine, placed in quarantine, in accordance with Part IV of Schedule 8 to these Regulations, and as if regulation 16(4) had no effect.

(2) Part IV of Schedule 8 has effect in relation to any quarantine centre or quarantine facility in respect of which, at the date on which these Regulations come into force, a written approval as such for the purposes of Commission Decision [2000/666/EC](#) has been granted by the National Assembly and has not expired or been withdrawn by it.

(3) To the extent specified in column 3 of the table in Schedule 9, and subject to paragraph (1), the provisions of the legislation listed in Schedule 9 do not apply to—

- (a) imports from another member State of animals and animal products to which an instrument in Part I of Schedule 3 applies; or
- (b) imports of an animal to which an instrument in Schedule 7 applies from a country subject to that instrument.

Revocation

36. The Animals and Animal Products (Import and Export) (Wales) Regulations 2005(2) are revoked.

(1) S.I. 1979/1702, as amended by S.I. 1990/2371.

(2) S.I. 2005/1158 (W. 75)