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STATUTORY RULES OF NORTHERN IRELAND

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**2004 No. 325**

**Animals and Animal Products (Import and Export) Regulations (Northern Ireland) 2004**

**PART II**

**INTRA-COMMUNITY TRADE**

**Illegal consignments**

**13.**—(1) If the Department knows of or suspects the presence of agents responsible for a disease referred to in Schedule 3 or of a zoonosis, any other disease or any cause likely to constitute a serious hazard to public or animal health in an animal or animal product imported from a member State, or that an animal or animal product has come from a region contaminated by an epizootic disease, it may by notice served on the person appearing to it to have charge of that animal or animal product, 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 such animals or animal products as may be so specified in the notice, and to take such further action in relation to them as may be so specified for the purpose of preventing the introduction or spreading of disease or any phenomenon liable to present a serious threat to public or animal health into or within Northern Ireland;
- (b) in the case of an animal, without delay, to slaughter it, or slaughter and destroy it, in accordance with such conditions as may be specified in the notice; or
- (c) in the case of an animal product, destroy it in accordance with such conditions as may be specified in the notice.

(2) Subject to the provisions of paragraph (3), if the Department knows or suspects that an animal or animal product does not comply with the provisions of Article 3 of Council Directive [90/425/EEC](#), it may, if animal health and welfare considerations so permit, by notice in writing give the consignor or his representative or the person appearing to it to have charge of that animal or product the choice of –

- (a) where the cause of non-compliance is the presence in an animal of residues in excess of that permitted under Regulation 9 and Schedule 2 to the Animals and Animal Products (Examination for Residues and Maximum Residue Limits) Regulations (Northern Ireland) 1998<sup>(1)</sup>, maintaining the animal 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 to take whatever action is specified in that legislation; or
- (b) slaughtering the animal or destroying the animal product in accordance with such conditions as may be specified in the notice; or

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(1) [S.R. 1998 No. 237](#)

(c) returning the animal or animal product to the member State of despatch, with the authorisation of the competent authority of that member State and with prior notification to any member State of transit.

(3) If the consignment fails to comply with the relevant provisions of Council Directive [90/425/EEC](#), any Directive listed in Schedule 2 or of any other legislation regulating imports of animals or animal products into Northern Ireland only by reason of absence of or an irregularity in required consignment documentation, the Department shall not cause the animals or animal products to be returned to the country of despatch without first giving the consignor, his representative or the person appearing to it to have charge of those animals or animal products a notice requiring him to 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.

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