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STATUTORY INSTRUMENTS

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**1996 No. 3124**

**The Products of Animal Origin  
(Import and Export) Regulations 1996**

**PART II**

**ENFORCEMENT**

**Enforcement**

**3.—**(1) Except where expressly otherwise provided, these Regulations shall be executed and enforced—

(a) in relation to—

(i) premises licensed under the hygiene Regulations;

(ii) combined premises approved or registered under the Minced Meat and Meat Preparations Regulations 1995(1); or

(iii) combined premises (except those attached to cutting plants) approved under the Meat Products (Hygiene) Regulations 1994(2),

by the Minister of Agriculture, Fisheries and Food in relation to England and by the Secretary of State in relation to Scotland and Wales;

(b) in any other case, by the local authority within its area.

(2) Subject to paragraph (4) below, where the Minister is satisfied that a local authority is failing or has failed to execute or enforce these Regulations, either generally or in any individual case or in any class of case, he may, having given notice to that authority, empower one of the Minister's officers to execute or enforce them in place of that authority.

(3) The Minister may recover from the local authority in default any expenses reasonably incurred by him under paragraph (2) above.

(4) In addition to the powers in paragraph (2) above, the Minister may direct, in relation to cases of a particular description or a particular case, that these Regulations shall be executed and enforced by the Minister instead of the local authority, or jointly by the Minister and the local authority.

(5) The powers of the Minister under paragraphs (2), (3) and (4) above, in relation to matters concerning public health where the products concerned are subject to intra-Community trade—

(a) in England, may be exercised by the Minister or the Secretary of State for Health;

(b) in Scotland and Wales, shall be exercised by the Secretary of State instead of by the Minister.

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(1) S.I. 1995/3205.

(2) S.I. 1994/3082, as amended by the instruments specified in paragraph 5 of Schedule 2.

### **Powers to give directions**

4.—(1) The following Ministers, acting alone or jointly, namely, the Minister of Agriculture, Fisheries and Food, the Secretary of State for Scotland, the Secretary of State for Wales and the Secretary of State concerned with health in England shall have power to give directions in writing to a local authority concerning the execution and enforcement of these Regulations.

(2) In the exercise of the functions conferred on them by these Regulations, every local authority shall comply with any relevant provision of such directions.

(3) Any such directions shall, on the application of the Minister or the Secretary of State, be enforceable by mandamus or, in Scotland, by an order of the Court of Session under section 45 of the Court of Session Act 1988(3).

### **Appointment of official veterinary surgeons for the enforcement of Part IV**

5.—(1) Subject to paragraph (2) below, a local authority in whose area there is a border inspection post and which is enforcing Part IV of these Regulations (imports from third countries) shall appoint an official veterinary surgeon (or, in the case of a post which will only carry out checks in accordance with regulation 22 (fishery products), an authorised officer of the local authority) together with such assistants as may be necessary to be in charge of all checking and certification under Part IV of these Regulations at the post, including—

- (a) carrying out or supervising all necessary checks;
- (b) signing all necessary certificates and certified copies;
- (c) retaining original certificates where necessary and issuing certified copies;
- (d) performing any other duties necessary for the enforcement of these Regulations at the post; and
- (e) executing and enforcing the relevant provisions of Directive 90/675, Directive 92/118 or any decision made under them.

(2) In the case of any border inspection post through which only products of animal origin which are covered by Directive 92/118 are imported, the Minister instead of a local authority may enforce these Regulations.

### **Enforcement powers**

6.—(1) The Minister may appoint persons to act as his authorised officers for the purposes of these Regulations.

(2) An authorised officer of the Minister or of a local authority shall, on producing, if required to do so, some duly authenticated document showing his authority, have the right at all reasonable hours to enter any business premises for the purposes of enforcing these Regulations.

(3) In enforcing these Regulations, an authorised officer of the Minister or of a local authority may—

- (a) carry out inspections of premises, means of transport, plant and equipment used for or relating to products of animal origin, cleaning and maintenance products, procedures used for the production and processing of products of animal origin and the marking and labelling and presentation of those products;
- (b) check whether staff comply with the requirements of regulations relating to animal and public health;

- (c) take samples to establish whether or not these Regulations are being complied with, and, by notice served on the person in charge of the products, detain products of animal origin pending the analysis of those samples;
  - (d) examine documentary or computer material relevant to their powers;
  - (e) take with him a representative of the European Commission who is acting as an inspector for the purposes of Directive 89/662 or 90/675.
- (4) If a justice of the peace, or in Scotland the sheriff, on sworn information in writing, is satisfied that there is reasonable ground for entry into any premises for any of the purposes of this regulation and either—
- (a) that admission to the premises has been refused, or a refusal is apprehended, and that notice of the intention to apply has been given to the occupier; or
  - (b) that an application for admission, or the giving of such a notice, would defeat the object of the entry, or that the case is one of urgency, or that the premises are unoccupied or the occupier temporarily absent,
- the justice or sheriff may by warrant signed by him, and valid for one month, authorise the authorised officer to enter the premises, if need be by reasonable force.
- (5) In this regulation,
- (a) “the Minister” means, in relation to England, the Minister of Agriculture, Fisheries and Food and, in relation to Scotland or Wales, the Secretary of State; and
  - (b) “premises” includes any place, installation, vehicle, ship, vessel, boat, craft, hovercraft or aircraft.

### **Returns**

- 7.—(1) Local authorities shall send to the Minister (or, in Scotland, the Secretary of State) a return comprising the following information—
- (a) details, categorised by country of origin and including a description of the product concerned, of consignments checked by them which have been refused, re-dispatched, destroyed or authorised for use other than for human consumption, and the reason for such action;
  - (b) a list of all samples taken by them for the purposes of laboratory analysis, and the results of such analysis;
  - (c) the total number of consignments checked by them, and the total weight of the consignments categorised by product and by country of origin.
- (2) The Minister or the Secretary of State shall determine how frequently such returns are required.

### **Notification of decisions**

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