

WELSH STATUTORY INSTRUMENTS

2011 No. 2379

The Trade in Animals and Related Products (Wales) Regulations 2011

PART 3

Importation from a third country

Scope of this Part

9. [^{F1}Subject to regulation 26, this Part] applies in relation to the importation into Wales from a [^{F2}third country] of any animal or product [^{F3}subject to official controls at border control posts].

Textual Amendments

- F1** Words in reg. 9 substituted (31.12.2020) by [The Trade in Animals and Related Products \(Wales\) \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1612\)](#), regs. 1(3), **7(a)**
- F2** Words in reg. 9 substituted (31.12.2020) by [The Trade in Animals and Related Products \(Wales\) \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1612\)](#), regs. 1(3), **7(b)**
- F3** Words in reg. 9 substituted (31.1.2020) by [The Official Controls \(Animals, Feed and Food, Plant Health Fees etc.\) \(Wales\) Regulations 2020 \(S.I. 2020/44\)](#), regs. 1(2), **23(8)**

[^{F4}Meaning and use of Common Health Entry Document “CHED”

10.—(1) A “Common Health Entry Document” (“CHED”) (“*Dogfen Mynediad Iechyd Gyffredin*” (“*DMIG*”)) means a document, or an electronic equivalent, in the format specified in Commission Implementing Regulation (EU) [\(EU\) 2019/1715](#) laying down rules for the functioning of the information management system for official controls and its system components ^{M1}.

(2) Where the imported consignment is required to be accompanied by a CHED to the premises of final destination, the operator responsible for the consignment must complete the relevant parts of the document prior to the physical arrival of the consignment.

(3) The cases where and conditions under which the use of a CHED is required are specified in Commission Delegated Regulation [\(EU\) 2019/1602](#) supplementing Regulation [\(EU\) 2017/625](#) of the European Parliament and of the Council concerning the Common Health Entry Document accompanying consignments of animals and goods to their destination ^{M2}.

(4) Where a CHED is required, the operator responsible for the consignment must comply with the provisions of Article 56 of the [^{F5}Official Controls Regulation].

(5) An electronic equivalent refers to a CHED capable of being produced at any time by the person responsible for the consignment.]

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Trade in Animals and Related Products (Wales) Regulations 2011. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Textual Amendments

- F4** Reg. 10 substituted (31.1.2020) by [The Official Controls \(Animals, Feed and Food, Plant Health Fees etc.\) \(Wales\) Regulations 2020 \(S.I. 2020/44\)](#), regs. 1(2), **23(9)**
- F5** Words in [reg. 10\(4\)](#) substituted (31.12.2020) by [The Trade in Animals and Related Products \(Wales\) \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1612\)](#), regs. 1(3), **8**

Marginal Citations

- M1** OJ No. L 261, 14.10.2019, p. 37.
- M2** OJ No. L 250, 30.7.2019, p. 6.

[^{F6}Border control posts

11.—(1) A border control post is a place, together with the facilities contained at that place, that has been designated by the Welsh Ministers in accordance with Article 59 of the [^{F7}Official Controls Regulation].

(2) If at any time the relevant authority is of the opinion that any part of the inspection facilities at the border control post no longer complies with the requirements for approval, the relevant authority may, in accordance with Articles 61 to 63 of the [^{F8}Official Controls Regulation], serve a notice on the operator—

- (a) specifying the breach;
- (b) providing a time limit within which the conditions must be complied with; and
- (c) prohibiting the use of that part of the facilities until the conditions of the approval are complied with.

(3) If the notice is not complied with, the Welsh Ministers may suspend the approval in relation to that part of the inspection facilities.

(4) If the operator of a border control post is determined by the relevant authority to be in serious breach relating to the performance requirements of official controls for any of the categories of animal or product for which it has been designated, or the conditions of the approval, or if the operation of the border control post creates a risk to human or animal health or animal welfare, the Welsh Ministers must suspend the approval of the border control post and order its activities to cease for all, or specified, categories of animal or product^{F9}....

(5) In paragraph (2), “the relevant authority” (“*yr awdurdod perthnasol*”) means—

- (a) in relation to animals, the Welsh Ministers; or
- (b) in relation to products, the local authority.]

Textual Amendments

- F6** Reg. 11 substituted (31.1.2020) by [The Official Controls \(Animals, Feed and Food, Plant Health Fees etc.\) \(Wales\) Regulations 2020 \(S.I. 2020/44\)](#), regs. 1(2), **23(10)**
- F7** Words in [reg. 11\(1\)](#) substituted (31.12.2020) by [The Trade in Animals and Related Products \(Wales\) \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1612\)](#), regs. 1(3), **9(a)**
- F8** Words in [reg. 11\(2\)](#) substituted (31.12.2020) by [The Trade in Animals and Related Products \(Wales\) \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1612\)](#), regs. 1(3), **9(b)**
- F9** Words in [reg. 11\(4\)](#) omitted (31.12.2020) by virtue of [The Trade in Animals and Related Products \(Wales\) \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1612\)](#), regs. 1(3), **9(c)**

Appointment of official veterinary surgeons and official fish inspectors

12.—(1) The Welsh Ministers must appoint suitably trained veterinary surgeons to be official veterinary surgeons for any border inspection post authorised to import animals.

(2) The local authority for an area with a border inspection post authorised to import products must appoint suitably trained veterinary surgeons to be official veterinary surgeons for that post.

(3) The appointment under paragraph (2) may be made by the Welsh Ministers rather than the local authority if the approval for the border inspection post only permits the importation of animal by-products.

[^{F10}(4) If the approval for the border control post permits the importation of any fishery products, aquatic invertebrates, live bivalve molluscs, live [^{F11}echinoderms, live tunicates and live marine gastropods and composite products containing processed fishery products intended for human consumption, the enforcement authority] may appoint suitably trained environmental health officers or other persons who are appropriately trained to perform official controls or certain tasks related to other official activities, to be official fish inspectors for that post in relation to such products, and any such official fish inspector has all the powers of an official veterinary surgeon in relation to those products.]

Textual Amendments

F10 Reg. 12(4) substituted (31.1.2020) by [The Official Controls \(Animals, Feed and Food, Plant Health Fees etc.\) \(Wales\) Regulations 2020 \(S.I. 2020/44\)](#), regs. 1(2), **23(11)**

F11 Words in reg. 12(4) substituted (20.3.2020) by [The Trade in Animals and Related Products \(Wales\) \(Amendment\) Regulations 2020 \(S.I. 2020/177\)](#), regs. 1, **2(2)**

Place of importation

13. No animal or product may be brought into Wales other than at a border inspection post designated for that animal or product.

Notification of importation

14.—[^{F12}(1) The person responsible for a consignment of animals or products must notify [^{F13}, through the appropriate computerised information management system,] the border control post of destination of the expected date of its arrival at the border control post at least one working day before it is due to arrive; but where the person can provide evidence of a logistical constraint preventing such notification, that requirement may be satisfied by notification of its expected time of arrival at least four hours in advance.]

[^{F14}(2)

(3) The notification must be made by submitting the [^{F15}CHED] with Part I completed.

[^{F16}(4) In the case of a transhipment of products from one border control post to another, the person responsible for the consignment must notify the official veterinary surgeon at the border control post of destination of—

- (a) the estimated time of arrival;
- (b) the border control post at which the transhipment will be checked;
- (c) the identification and location of the consignment; and
- (d) the estimated time of departure.]

Textual Amendments

- F12** Reg. 14(1) substituted (31.1.2020) by [The Official Controls \(Animals, Feed and Food, Plant Health Fees etc.\) \(Wales\) Regulations 2020 \(S.I. 2020/44\)](#), regs. 1(2), **23(12)(a)**
- F13** Words in [reg. 14\(1\)](#) inserted (31.12.2020) by [The Trade in Animals and Related Products \(Wales\) \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1612\)](#), regs. 1(3), **10(a)**
- F14** Reg. 14(2) omitted (31.1.2020) by virtue of [The Official Controls \(Animals, Feed and Food, Plant Health Fees etc.\) \(Wales\) Regulations 2020 \(S.I. 2020/44\)](#), regs. 1(2), **23(12)(b)**
- F15** Word in [reg. 14\(3\)](#) substituted (31.12.2020) by [The Trade in Animals and Related Products \(Wales\) \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1612\)](#), regs. 1(3), **10(b)**
- F16** Reg. 14(4) substituted (31.1.2020) by [The Official Controls \(Animals, Feed and Food, Plant Health Fees etc.\) \(Wales\) Regulations 2020 \(S.I. 2020/44\)](#), regs. 1(2), **23(12)(c)**

Procedure on importation

[^{F17}15.—(1) When the consignment has been unloaded, the person responsible for the consignment must with reasonable expedition arrange for it, together with the [^{F18}relevant export health certificate, in the form published by the Welsh Ministers or the Secretary of State, and other documentation specified for that consignment in [^{F19}assimilated direct] legislation relating to importation], to be presented at the border control post inspection facilities to enable official controls in accordance with—

- (a) Chapter 5 of the [^{F20}Official Controls Regulation], together with relevant implementing and delegated acts; and
- (b) the checks required by Article 37(1) of Regulation (EU) 2016/1012.

(2) Any operator responsible for the consignment must ensure that the consignment is presented for official controls at the border control post at a reasonable time during the working day.

(3) The competent authority must carry out all necessary official controls specified in paragraph (1) and may only issue a CHED permitting entry if—

[^{F21}(a) the consignment complies with the requirements of the following, so far as relevant and when read with any other provisions of the legislation referred to below which apply in relation to such requirements—

- (i) the legislation listed in regulation 4(2) of the TARP (ALF) (Wales) (EU Exit) Regulations 2022, as modified by Part 5 of those Regulations or by the legislation referred to in paragraphs (ii) and (iii);
- (ii) legislation made by the Welsh Ministers, as appropriate authority, under the functions listed in the Schedule to the TARP (ALF) (Wales) (EU Exit) Regulations 2022, where applicable;
- (iii) legislation made by the Secretary of State, as appropriate authority in relation to Wales, under the functions listed in the Schedule to the Trade in Animals and Related Products (Amendment and Legislative Functions) Regulations 2022, where applicable;]

- (b) the importation is not prohibited under paragraph (4); and
- (c) the correct fee for the checks has been or will be paid.

(4) In the case of live animals, the official veterinary surgeon must not issue a CHED permitting entry if—

- (a) the animals are from a territory or part of a territory of a third country not included in [^{F22}a list drawn up in accordance with [^{F23}assimilated direct] legislation for the species

concerned or from which imports are otherwise prohibited under that legislation of approved third countries, or if imports from that country or territory are otherwise prohibited];

- (b) the animals are suffering from or are suspected to be suffering from or infected by a contagious disease or a disease presenting a risk to human or animal health;
- (c) the exporting third country has not complied with the requirements provided for in [F24[F25assimilated direct] legislation relating to importation];
- (d) the animals are not in a fit state to continue their journey; or
- (e) the veterinary certificate or document accompanying the animals does not meet the requirements of [F26[F27assimilated direct] legislation] relating to importation.

(5) If there are no legislative requirements relating to the consignment, the official veterinary surgeon must not issue a CHED unless the importation has been authorised in writing under this paragraph by—

- (a) the Food Standards Agency for any product for which only public health requirements apply; or
- (b) the Welsh Ministers for any other product [F28or live animal].

(6) An authorisation under paragraph (5)(a) may only be granted if the Agency is satisfied that the consignment does not pose a risk to human health.

(7) An authorisation under paragraph (5)(b) may only be granted if the Welsh Ministers are satisfied that the consignment does not pose a risk to the animal health status of the United Kingdom.

(8) The official veterinary surgeon must retain evidence of authorisation or refusal of a consignment for a period of three years from the date of the importation.]

Textual Amendments

- F17** Reg. 15 substituted (31.1.2020) by The Official Controls (Animals, Feed and Food, Plant Health Fees etc.) (Wales) Regulations 2020 (S.I. 2020/44), regs. 1(2), **23(13)**
- F18** Words in reg. 15(1) substituted (31.12.2020) by The Trade in Animals and Related Products (Wales) (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1612), regs. 1(3), **11(a)(i)**
- F19** Words in reg. 15(1) substituted (1.1.2024) by The Retained EU Law (Revocation and Reform) Act 2023 (Consequential Amendments) (Wales) Regulations 2023 (S.I. 2023/1332), regs. 1(2), **14(2)(a)**
- F20** Words in reg. 15(1)(a) substituted (31.12.2020) by The Trade in Animals and Related Products (Wales) (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1612), regs. 1(3), **11(a)(ii)**
- F21** Reg. 15(3)(a) substituted (16.12.2022) by The Trade in Animals and Related Products (Amendment and Legislative Functions) and Animal Health (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2022 (S.I. 2022/1348), regs. 1(2), **3(3)**
- F22** Words in reg. 15(4)(a) substituted (31.12.2020) by The Trade in Animals and Related Products (Wales) (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1612), regs. 1(3), **11(b)(i)**
- F23** Words in reg. 15(4)(a) substituted (1.1.2024) by The Retained EU Law (Revocation and Reform) Act 2023 (Consequential Amendments) (Wales) Regulations 2023 (S.I. 2023/1332), regs. 1(2), **14(2)(b)(i)**
- F24** Words in reg. 15(4)(c) substituted (31.12.2020) by The Trade in Animals and Related Products (Wales) (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1612), regs. 1(3), **11(b)(ii)**
- F25** Words in reg. 15(4)(c) substituted (1.1.2024) by The Retained EU Law (Revocation and Reform) Act 2023 (Consequential Amendments) (Wales) Regulations 2023 (S.I. 2023/1332), regs. 1(2), **14(2)(b)(ii)**
- F26** Words in reg. 15(4)(e) substituted (31.12.2020) by The Trade in Animals and Related Products (Wales) (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1612), regs. 1(3), **11(b)(iii)**
- F27** Words in reg. 15(4)(e) substituted (1.1.2024) by The Retained EU Law (Revocation and Reform) Act 2023 (Consequential Amendments) (Wales) Regulations 2023 (S.I. 2023/1332), regs. 1(2), **14(2)(b)(iii)**

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F28 Words in reg. 15(5)(b) inserted (31.12.2020) by The Trade in Animals and Related Products (Wales) (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1612), regs. 1(3), **11(c)**

[^{F29}Removal from the border control post

16.—(1) No person may remove a consignment from the border control post unless it is accompanied by a CHED issued by the official veterinary surgeon, or the official fish inspector (as appropriate) in the case of a consignment of fish, and the movement is in accordance with that document.

(2) The person transporting it from the border control post must ensure that the document accompanies the consignment and must transport it directly to the destination specified therein.

(3) These requirements do not apply if the consignment is removed from the border control post under the authority of the relevant official veterinary surgeon or fish inspector (as appropriate).

(4) In the case of live animals, the person responsible for the transport to the final destination must be in possession of the appropriate transport authorisation in accordance with Article 4 of Council Regulation (EC) 1/2005 on the protection of animals during transport and related operations ^{M3} inside the vehicle.

(5) In this regulation, requirements for a consignment to be “accompanied by a CHED”, in relation to a CHED in electronic form, refer to the CHED being capable of being produced at any time by the person responsible for the consignment.]

Textual Amendments

F29 Reg. 16 substituted (31.1.2020) by The Official Controls (Animals, Feed and Food, Plant Health Fees etc.) (Wales) Regulations 2020 (S.I. 2020/44), regs. 1(2), **23(14)**

Marginal Citations

M3 OJ No. L 3, 5.1.2005, p.1.

[^{F30}Supervision and monitoring consignments

17. Where a consignment is required to be taken under supervision from a border control post to a specific destination in [^{F31}Great Britain] —

- (a) the movement must be under customs supervision if this is specified in the CHED; and
- (b) on arrival, the occupier of the destination premises must immediately notify the [^{F32}appropriate authority of its arrival, and for this purpose “appropriate authority” (“*awdurdod priodol*”) means the Secretary of State (in relation to England), the Welsh Ministers (in relation to Wales) and the Scottish Ministers (in relation to Scotland)].]

Textual Amendments

F30 Reg. 17 substituted (31.1.2020) by The Official Controls (Animals, Feed and Food, Plant Health Fees etc.) (Wales) Regulations 2020 (S.I. 2020/44), regs. 1(2), **23(15)**

F31 Words in reg. 17 substituted (31.12.2020) by The Trade in Animals and Related Products (Wales) (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1612), regs. 1(3), **12(a)**

F32 Words in reg. 17 substituted (31.12.2020) by The Trade in Animals and Related Products (Wales) (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1612), regs. 1(3), **12(b)**

Destination outside [^{F33}Great Britain]

18.—(1) This regulation relates to a consignment brought into Wales but intended for an ultimate destination outside [^{F33}Great Britain].

(2) In the case of an [^{F34}imported animal], the person notifying its arrival must provide documentary evidence that the country [^{F35}or territory] of destination will accept the animal, and the official veterinary surgeon at the border inspection post may refuse to accept the animal if this is not provided.

[^{F36}(3) [^{F37}Imported products] which are subject to animal health check requirements [^{F38}under regulation 15(3)(a)], may be taken directly from the border control post to the destination outside [^{F33}Great Britain] without a CHED, so long as the products do not remain for more than three days at an airport border control post or 30 days at a sea port border control post.]

[^{F39}(3A) Products that are not subject to import check requirements, and which arrive at a border control post for an ultimate destination outside [^{F33}Great Britain], may be taken directly from the border control post to their destination without a CHED, so long as the products do not remain at the border control post for more than 90 days.]

(4) But if the consignment is intended to be sent to a destination in [^{F40}the British Islands], and the importation of the product into [^{F41}any of the territories of the British Islands] is not permitted, the official veterinary surgeon must reject the consignment.

Textual Amendments

- F33** Words in reg. 18 heading substituted (31.12.2020) by The Trade in Animals and Related Products (Wales) (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1612), regs. 1(3), **13(a)**
- F34** Words in reg. 18(2) substituted (31.12.2020) by The Trade in Animals and Related Products (Wales) (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1612), regs. 1(3), **13(b)(i)**
- F35** Words in reg. 18(2) inserted (31.12.2020) by The Trade in Animals and Related Products (Wales) (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1612), regs. 1(3), **13(b)(ii)**
- F36** Reg. 18(3) substituted (31.1.2020) by The Official Controls (Animals, Feed and Food, Plant Health Fees etc.) (Wales) Regulations 2020 (S.I. 2020/44), regs. 1(2), **23(16)(a)**
- F37** Words in reg. 18(3) substituted (31.12.2020) by The Trade in Animals and Related Products (Wales) (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1612), regs. 1(3), **13(c)**
- F38** Words in reg. 18(3) substituted (16.12.2022) by The Trade in Animals and Related Products (Amendment and Legislative Functions) and Animal Health (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2022 (S.I. 2022/1348), regs. 1(2), **3(4)**
- F39** Reg. 18(3A) inserted (31.1.2020) by The Official Controls (Animals, Feed and Food, Plant Health Fees etc.) (Wales) Regulations 2020 (S.I. 2020/44), regs. 1(2), **23(16)(b)**
- F40** Words in reg. 18(4) substituted (31.12.2020) by The Trade in Animals and Related Products (Wales) (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1612), regs. 1(3), **13(d)(i)**
- F41** Words in reg. 18(4) substituted (31.12.2020) by The Trade in Animals and Related Products (Wales) (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1612), regs. 1(3), **13(d)(ii)**

Unchecked consignments

19. The enforcement authority must seize any consignment—

- (a) brought into Wales other than through a border [^{F42}control] post approved for that animal or product;
- [^{F43}(b) removed from a border control post without a CHED or [^{F44}without] the authority of the official veterinary surgeon or official fish inspector (as the case may be) at the post; or

- (c) transported from the border control post to a destination other than that specified in the entry document.]

Textual Amendments

- F42** Word in reg. 19(a) substituted (31.12.2020) by [The Trade in Animals and Related Products \(Wales\) \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1612\)](#), regs. 1(3), **14(a)**
- F43** Reg. 19(b)(c) substituted (31.1.2020) by [The Official Controls \(Animals, Feed and Food, Plant Health Fees etc.\) \(Wales\) Regulations 2020 \(S.I. 2020/44\)](#), regs. 1(2), **23(17)**
- F44** Word in reg. 19(b) inserted (31.12.2020) by [The Trade in Animals and Related Products \(Wales\) \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1612\)](#), regs. 1(3), **14(b)**

Action following failure of checks or seizure — products

^{F45}20.—(1) This regulation applies in relation to any consignment of a product if the checks at a border control post show that the consignment does not comply with the rules referred to in ^{F46}Chapter 5 of Title 2] of the ^{F47}Official Controls Regulation].

(2) The official veterinary surgeon or the official fish inspector (as appropriate) must, after consultation with the importer or the importer’s representative, ^{F48}and in accordance with Article 68(1)(b) of the Official Controls Regulation,] place the consignment under detention and refuse its entry to ^{F49}Wales].

(3) The official veterinary surgeon or the official fish inspector (as appropriate) ^{F50}must] order the person responsible for the consignment—

- (a) subject the consignment to special treatment in accordance with Article 71(1) and (2) of the ^{F47}Official Controls Regulation] or to any other measure necessary to ensure compliance with the rules referred to in ^{F51}Chapter 5 of Title 2] of the ^{F47}Official Controls Regulation], and, where appropriate and provided there is no risk to human or animal health, allocate the consignment for purposes other than those for which it was originally intended;
- (b) where health conditions permit, to require the person in charge of the consignment to re-dispatch the product in accordance with Article 72 of the ^{F47}Official Controls Regulation] from the same border control post to a destination outside ^{F52}Great Britain] agreed with the person responsible for the consignment, using the same means of transport, within a maximum time limit of 60 days ^{F53}of the date of the official notification of the decision of the enforcement authority after arrival of the consignment] at the border control post; or
- (c) if the person responsible for the consignment gives immediate agreement, re-dispatch is impossible or the 60-day time limit has elapsed, to destroy the products.

(4) The official veterinary surgeon or official fish inspector (as appropriate) may exceptionally authorise destruction, re-dispatch, special treatment, or any other measure that may be taken in respect of a consignment to be taken in respect of a part of the consignment only, provided that the action taken—

- (a) is such as to ensure compliance;
- (b) does not pose a risk to human or animal health; and
- (c) does not disrupt official control operations.

(5) Pending re-dispatch or confirmation of the reasons for rejection, the person responsible for the consignment must, at that person’s own expense, store the consignment under the supervision of the enforcement authority.

(6) If a consignment of products is seized outside a border control post under regulation 19, the enforcement authority must order that such consignment be retained or recalled, and placed under official detention without delay, and paragraphs (2) and (3) of this regulation apply.

(7) The importer or the importer's representative is liable for the costs incurred in any measures taken under paragraphs (2) to (6) ^{F54}...

^{F55}(8)]

Textual Amendments

- F45** Reg. 20 substituted (31.1.2020) by [The Official Controls \(Animals, Feed and Food, Plant Health Fees etc.\) \(Wales\) Regulations 2020 \(S.I. 2020/44\)](#), regs. 1(2), **23(18)**
- F46** Words in reg. 20(1) substituted (31.12.2020) by [The Trade in Animals and Related Products \(Wales\) \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1612\)](#), regs. 1(3), **15(b)**
- F47** Words in reg. 20 substituted (31.12.2020) by [The Trade in Animals and Related Products \(Wales\) \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1612\)](#), regs. 1(3), **15(a)**
- F48** Words in reg. 20(2) inserted (31.12.2020) by [The Trade in Animals and Related Products \(Wales\) \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1612\)](#), regs. 1(3), **15(c)(i)**
- F49** Word in reg. 20(2) substituted (31.12.2020) by [The Trade in Animals and Related Products \(Wales\) \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1612\)](#), regs. 1(3), **15(c)(ii)**
- F50** Word in reg. 20(3) substituted (31.12.2020) by [The Trade in Animals and Related Products \(Wales\) \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1612\)](#), regs. 1(3), **15(d)(i)**
- F51** Words in reg. 20(3)(a) substituted (31.12.2020) by [The Trade in Animals and Related Products \(Wales\) \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1612\)](#), regs. 1(3), **15(d)(ii)**
- F52** Words in reg. 20(3)(b) substituted (31.12.2020) by [The Trade in Animals and Related Products \(Wales\) \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1612\)](#), regs. 1(3), **15(d)(iii)(aa)**
- F53** Words in reg. 20(3)(b) substituted (31.12.2020) by [The Trade in Animals and Related Products \(Wales\) \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1612\)](#), regs. 1(3), **15(d)(iii)(bb)**
- F54** Words in reg. 20(7) omitted (20.3.2020) by virtue of [The Trade in Animals and Related Products \(Wales\) \(Amendment\) Regulations 2020 \(S.I. 2020/177\)](#), regs. 1, **2(3)(a)**
- F55** Reg. 20(8) omitted (20.3.2020) by virtue of [The Trade in Animals and Related Products \(Wales\) \(Amendment\) Regulations 2020 \(S.I. 2020/177\)](#), regs. 1, **2(3)(b)**

Consignments of products likely to constitute a risk to animal or human health

^{F56}21. If the official controls at the border control post indicate that the consignment is likely to constitute a danger to animal or human health, the official veterinary surgeon or the official fish inspector (as the case may be) must immediately place the consignment under official detention and order that the person responsible for the consignment destroy it or arrange special treatment in accordance with Article 71 of the [^{F57}Official Controls Regulation] at that person's expense.]

Textual Amendments

- F56** Reg. 21 substituted (31.1.2020) by [The Official Controls \(Animals, Feed and Food, Plant Health Fees etc.\) \(Wales\) Regulations 2020 \(S.I. 2020/44\)](#), regs. 1(2), **23(19)**
- F57** Words in reg. 21 substituted (31.12.2020) by [The Trade in Animals and Related Products \(Wales\) \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1612\)](#), regs. 1(3), **16**

Serious or repeated infringements and breach of maximum residue limits

^{F58}22.—(1) If the official veterinary surgeon or official fish inspector (as appropriate) suspects that products entering [^{F59}Great Britain] from a particular third country, part of a third country or establishment in a third country have been the subject of serious contraventions of any import requirement, or contraventions that form part of a series, or where those checks reveal that maximum residue levels have been exceeded, [^{F60}the enforcement authority may require extra physical checks and take samples for testing or analysis from subsequent consignments from the source concerned and take appropriate measures in accordance with Section 3 of Chapter 5 of Title 2 of the Official Controls Regulation].

(2) If the official veterinary surgeon or official fish inspector (as appropriate) has reason to suspect fraudulent or deceptive practices by an operator responsible for a consignment, the Welsh Ministers may apply intensified official controls.

(3) The official veterinary surgeon or official fish inspector (as appropriate) must carry out a physical check on the suspected non-compliant consignment and take appropriate measures in accordance with Section 3 of Chapter 5 of Title 2 [^{F61}of the Official Controls Regulation].

(4) [^{F62}Where the person responsible for consignments is informed that extra checks will be required in accordance with paragraph (1), that person must, before the arrival of future consignments at any border control post, lodge with the relevant enforcement authority a deposit or guarantee sufficient to cover all costs incurred by that enforcement authority, including the costs of taking samples and carrying out tests or analysis.]]

Textual Amendments

- F58** Reg. 22 substituted (31.1.2020) by The Official Controls (Animals, Feed and Food, Plant Health Fees etc.) (Wales) Regulations 2020 (S.I. 2020/44), regs. 1(2), **23(20)**
- F59** Words in reg. 22(1) substituted (31.12.2020) by The Trade in Animals and Related Products (Wales) (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1612), regs. 1(3), **17(a)(i)**
- F60** Words in reg. 22(1) substituted (31.12.2020) by The Trade in Animals and Related Products (Wales) (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1612), regs. 1(3), **17(a)(ii)**
- F61** Words in reg. 22(3) inserted (31.12.2020) by The Trade in Animals and Related Products (Wales) (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1612), regs. 1(3), **17(b)**
- F62** Reg. 22(4) substituted (31.12.2020) by The Trade in Animals and Related Products (Wales) (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1612), regs. 1(3), **17(c)**

Action following failure of checks or seizure — animals

^{F63}23.—(1) If the checks at a border control post show that an animal does not comply with the rules referred to in [^{F64}Chapter 5 of Title 2] of the [^{F65}Official Controls Regulation] relating to that animal, or where such checks reveal an irregularity, the official veterinary surgeon must initially place the animal under detention, isolation or quarantine, as appropriate, where it must be kept, cared for or treated under appropriate conditions pending further official decision on the fate of the animal.

(2) Unless immediate action is necessary in order to respond to a risk to human or animal health or animal welfare or to the environment, the official veterinary surgeon may, after consultation with the importer or the importer's representative, order the person responsible for the consignment—

- (a) to shelter, feed and water and, if necessary, treat the animal;
- (b) if necessary, to place it in quarantine or isolate it for so long as is necessary to ensure that there is no risk to human or animal health; or

(c) to re-dispatch the animal in accordance with Article 72 of the [F65Official Controls Regulation] without delay.

(3) If re-dispatch is impossible, in particular for welfare reasons, the official veterinary surgeon may order the importer or the importer's representative to arrange for the slaughter of the animal to spare any avoidable pain, distress or suffering.

(4) If an animal is seized under regulation 19 at a place other than a border control post, the enforcement authority must order the consignment to be retained or recalled, and placed under official detention without delay, and paragraphs (1) and (2) apply.

(5) The official veterinary surgeon may exceptionally authorise partial destruction, re-dispatch, special treatment, or any other measure that may be taken in respect of a consignment of animals to be taken in respect of a part of any such consignment, provided that such action—

(a) is such as to ensure compliance with the import check requirements the [F65Official Controls Regulation] and any relevant Implementing Regulations and Delegated Regulations made under it;

(b) does not pose a risk to human or animal health; and

(c) does not disrupt official control operations.

(6) The importer or the importer's representative is liable for the costs incurred in these measures
F66 ...]

Textual Amendments

F63 Reg. 23 substituted (31.1.2020) by The Official Controls (Animals, Feed and Food, Plant Health Fees etc.) (Wales) Regulations 2020 (S.I. 2020/44), regs. 1(2), **23(21)**

F64 Words in reg. 23(1) substituted (31.12.2020) by The Trade in Animals and Related Products (Wales) (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1612), regs. 1(3), **18(a)**

F65 Words in reg. 23 substituted (31.12.2020) by The Trade in Animals and Related Products (Wales) (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1612), regs. 1(3), **18(b)**

F66 Words in reg. 23(6) omitted (20.3.2020) by virtue of The Trade in Animals and Related Products (Wales) (Amendment) Regulations 2020 (S.I. 2020/177), regs. 1, **2(4)**

Appeals

24. Any person who is aggrieved by a decision referred to in regulation 20 or 23 may appeal within one month of the decision to a Magistrates' court by way of complaint for an order and the Magistrates' Courts Act 1980 ^{M4} applies to the proceedings.

Marginal Citations

M4 1980 c. 43.

Additional requirements in specific cases

25. Part 2 of Schedule 2 makes additional requirements for specific cases.

Exclusions [F67, derogations and modifications]

26.—[F68(1)] The provisions of this Part do not apply in the cases specified in Schedule 3.

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[^{F69}(2) The provisions of this Part apply subject to the derogations and modifications set out in Schedule 5.

(3) Paragraph (2) (and Schedule 5) have effect and remain in force from immediately after implementation period completion day until the end of the [^{F70}transitional staging period].]

Textual Amendments

- F67** Words in reg. 26 heading inserted (31.12.2020) by [The Trade in Animals and Related Products \(Wales\) \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1612\)](#), regs. 1(3), **19(a)**
- F68** Reg. 26 renumbered as reg. 26(1) (31.12.2020) by [The Trade in Animals and Related Products \(Wales\) \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1612\)](#), regs. 1(3), **19(b)**
- F69** Reg. 26(2)(3) inserted (31.12.2020) by [The Trade in Animals and Related Products \(Wales\) \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1612\)](#), regs. 1(3), **19(c)**
- F70** Words in reg. 26(3) substituted (30.7.2021) by [The Trade in Animals and Related Products \(Wales\) \(Amendment\) \(EU Exit\) \(No. 2\) Regulations 2021 \(S.I. 2021/847\)](#), regs. 1(2), **2(3)**

Re-importation of [^{F71}animals and] products

27.—[^{F72}(1) An official veterinary surgeon at a border control post must authorise the re-importation of consignments of the categories of animals and products referred to in points (a) and (b) of Article 47(1) of the EU Regulation originating from, and returning to, [^{F73}Great Britain] following a refusal of entry by a third country, provided that—

- (a) animals and germinal products that have been authorised in advance by the competent authority comply with the relevant animal health and animal welfare requirements;
- (b) products of animal origin and composite products comply with animal and public health requirements relating to consignments of products for human consumption originating in and returning to [^{F73}Great Britain] following a refusal of entry by a third country; and
- (c) animal by-products comply with the animal health requirements laid down in Annex XIV to Commission Regulation (EU) 142/2011 on the requirements for the entry of consignments of animal by-products and derived products originating from, and returning to, [^{F73}Great Britain] following refusal of entry by a third country.]

^{F74}(1A)

(2) The official veterinary surgeon must carry out a documentary and identity check and if necessary a physical check.

(3) The importer must either—

- (a) transport the consignment directly to the establishment of origin ^{F75}..., in leak-proof means of transport, identified and sealed by the official veterinary surgeon at the border [^{F76}control] post so that the seals will be broken whenever the container is opened, or
- (b) destroy the consignment as animal by-products.

Textual Amendments

- F71** Words in reg. 27 heading inserted (31.1.2020) by [The Official Controls \(Animals, Feed and Food, Plant Health Fees etc.\) \(Wales\) Regulations 2020 \(S.I. 2020/44\)](#), regs. 1(2), **23(22)(a)**
- F72** Reg. 27(1) substituted (31.1.2020) by [The Official Controls \(Animals, Feed and Food, Plant Health Fees etc.\) \(Wales\) Regulations 2020 \(S.I. 2020/44\)](#), regs. 1(2), **23(22)(b)**

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- F73** Words in reg. 27 substituted (31.12.2020) by [The Trade in Animals and Related Products \(Wales\) \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1612\)](#), regs. 1(3), **20(a)**
- F74** [Reg. 27\(1A\)](#) omitted (31.12.2020) by virtue of [The Trade in Animals and Related Products \(Wales\) \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1612\)](#), regs. 1(3), **20(b)**
- F75** Words in reg. 27(3)(a) omitted (31.12.2020) by virtue of [The Trade in Animals and Related Products \(Wales\) \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1612\)](#), regs. 1(3), **20(c)(i)**
- F76** Word in reg. 27(3)(a) substituted (31.12.2020) by [The Trade in Animals and Related Products \(Wales\) \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1612\)](#), regs. 1(3), **20(c)(ii)**

[^{F77}Admission of products into warehouses in compliance with Customs procedures and storage procedures

28. No person may bring into Great Britain a consignment of products that does not comply with the import requirements of these Regulations and the Customs procedures and storage procedures on imports in the Taxation (Cross-border Trade) Act 2018.]

Textual Amendments

- F77** [Reg. 28](#) substituted (31.12.2020) by [The Trade in Animals and Related Products \(Wales\) \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1612\)](#), regs. 1(3), **21**

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Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- Sch. 2 para. 5(1A) inserted by [S.I. 2019/597 reg. 3\(21\)\(e\)\(ii\)](#) (This amendment not applied to legislation.gov.uk. Reg. 3 omitted immediately before IP completion day by virtue of S.I. 2020/1612, regs. 1(2), 34)
- Sch. 2 para. 5(1B) inserted by [S.I. 2019/597 reg. 3\(21\)\(e\)\(iii\)](#) (This amendment not applied to legislation.gov.uk. Reg. 3 omitted immediately before IP completion day by virtue of S.I. 2020/1612, regs. 1(2), 34)
- Sch. 3 para. 9 inserted by [S.I. 2024/541 reg. 14\(3\)](#) (Amendment to English text only)
- Sch. 3 para. 9 inserted by [S.I. 2024/541 reg. 15\(3\)\(a\)](#) (Amendment to Welsh text only)
- Sch. 5 para. 7(1) Sch. 5 para. 7 renumbered as Sch. 5 para. 7(1) by [S.I. 2024/541 reg. 14\(4\)\(d\)\(i\)](#) (Amendment to English text only)
- Sch. 5 para. 7(1) Sch. 5 para. 7 renumbered as Sch. 5 para. 7(1) by [S.I. 2024/541 reg. 15\(4\)\(d\)\(i\)](#) (Amendment to Welsh text only)
- Sch. 5 para. 5(3C)(3CH) inserted by [S.I. 2024/20 reg. 7\(3\)\(a\)\(iii\)](#)
- Sch. 5 para. 5(6)para. 5(1)(ba) inserted by [S.I. 2024/20 reg. 7\(3\)\(b\)\(ii\)](#)
- Sch. 5 para. 5(1A)(1B) inserted by [S.I. 2024/20 reg. 7\(3\)\(c\)](#)
- Sch. 5 para. 6(3)(za) inserted by [S.I. 2024/541 reg. 14\(4\)\(c\)\(ii\)](#) (Amendment to English text only)
- Sch. 5 para. 7(2)(3) inserted by [S.I. 2024/541 reg. 14\(4\)\(d\)\(iii\)](#) (Amendment to English text only)
- Sch. 5 para. 6(3)(za) inserted by [S.I. 2024/541 reg. 15\(4\)\(c\)\(ii\)](#) (Amendment to Welsh text only)
- Sch. 5 para. 7(2)(3) inserted by [S.I. 2024/541 reg. 15\(4\)\(d\)\(iii\)](#) (Amendment to Welsh text only)
- Sch. 5 para. 5(6)para. 5(1)(b)(ii) omitted by [S.I. 2024/20 reg. 7\(3\)\(b\)\(i\)](#)
- Sch. 5 para. 6(1)(a)-(ad) substituted for Sch. 5 para. 6(1)(a) by [S.I. 2024/541 reg. 14\(4\)\(c\)\(i\)](#) (Amendment to English text only)
- Sch. 5 para. 6(1)(a)-(ad) substituted for Sch. 5 para. 6(1)(a) by [S.I. 2024/541 reg. 15\(4\)\(c\)\(i\)](#) (Amendment to Welsh text only)
- Sch. 5 para. 7(1) words inserted by [S.I. 2024/541 reg. 14\(4\)\(d\)\(ii\)](#) (Amendment to English text only)
- Sch. 5 para. 7(1) words inserted by [S.I. 2024/541 reg. 15\(4\)\(d\)\(ii\)](#) (Amendment to Welsh text only)
- reg. 15(1A) inserted by [S.I. 2019/597 reg. 3\(11\)\(a\)](#) (This amendment not applied to legislation.gov.uk. Reg. 3 omitted immediately before IP completion day by virtue of S.I. 2020/1612, regs. 1(2), 34)
- reg. 15(1B) inserted by [S.I. 2019/597 reg. 3\(11\)\(b\)](#) (This amendment not applied to legislation.gov.uk. Reg. 3 omitted immediately before IP completion day by virtue of S.I. 2020/1612, regs. 1(2), 34)