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STATUTORY INSTRUMENTS

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**2004 No. 853**

The Animals and Animal Products  
(Import and Export) Regulations 2004

PART 3

*Third Countries*

**Application of Part 3**

- 14.—(1) This Part shall apply in respect of animals imported into England—
- (a) from anywhere other than a member State, and
  - (b) from another member State if the animal originated in a country which is not a member State and all the checks provided for in Council Directive [91/496/EEC](#) have not been carried out.

**Official veterinarians**

15. The Secretary of State shall from time to time designate such veterinary inspectors to act as official veterinarians as shall be necessary for the purposes of this Part and may revoke such designation at any time.

**Importation**

- 16.—(1) No person shall import any animal—
- (a) either for entry into the UK or for export to another member State unless the conditions in Article 4 of Council Directive [91/496/EEC](#) are complied with; or
  - (b) for immediate re-export, either directly or indirectly, outside the European Community unless such transit has been previously authorised in writing by the Secretary of State and the conditions in Article 9 of Council Directive [91/496/EEC](#) have been complied with.
- (2) No person shall import any animal except from a country or territory specified under the instruments in Part I of Schedule 5.
- (3) No person shall import any animal to which an instrument in Part II of Schedule 5 applies unless it complies with the relevant provisions of that instrument and any additional requirements specified in that Part.
- (4) Where an animal is imported for slaughter, it must be taken directly and without undue delay to a slaughterhouse, and if it is not taken directly and without undue delay to a slaughterhouse, an inspector may by notice served on the person appearing to him to be in charge of the animal, require the animal to be taken to such slaughterhouse as may be specified in the notice.
- (5) In the event of a notice served under paragraph (4) not being complied with an inspector may seize any animal to which it relates and arrange for the requirements of the notice to be complied with.

### Places of import

17.—(1) No person shall import any animal except at a border inspection post specified in Schedule 2 for that species of animal, except that animals specified in Schedule 1 to the Rabies (Importation of Dogs, Cats and Other Mammals) Order 1974(1) may also be imported at places permitted under that Order.

(2) If animals are imported at any place other than a place permitted under paragraph (1), an inspector may by notice require the person appearing to him to be in charge of the consignment to detain and isolate the animals in accordance with the notice and the following provisions of this regulation shall have effect.

(3) Following examination of the animals by a veterinary inspector, the veterinary inspector may serve a further notice on the person appearing to him to be in charge of the consignment either releasing the animals from restriction or requiring the animals to be slaughtered or slaughtered and destroyed or re-exported outside the European Community.

(4) In the event of a notice served under paragraph (2) or (3) not being complied with, an inspector may seize the animal and arrange for the requirements of the notice to be complied with.

### Import procedure

18.—(1) No person shall import any animal unless he has given one working day's notice in writing of his intention to do so, specifying the number, nature and estimated time of arrival of the animal, to the official veterinarian of the border inspection post through which the animal is to be imported.

(2) On importation, the importer or his agent shall convey the animal, under the supervision of the enforcement authority, directly to the border inspection post examination area or, where the instruments in Schedule 5 or the animal health conditions applicable to imports so require, to a quarantine centre as provided for in the second indent of the first sub-paragraph of Article 10(1) of Council Directive 91/496/EEC.

(3) No person shall remove any animal from a quarantine centre or border inspection post unless he has been provided by the official veterinarian with a certificate in the form required under Council Directive 91/496/EEC that all necessary veterinary checks have been carried out in accordance with Articles 4(1), 4(2)(a), 4(2)(b), 4(2)(d), 8 and 9 of that Directive to his satisfaction.

(4) No person shall remove any animal from Customs temporary storage arrangements—

- (a) unless the certificate provided under paragraph (3) has been produced by that person to an officer of Her Majesty's Customs and Excise and the removal has been authorised by that officer;
- (b) to any place other than the address specified in the required consignment documentation, unless he has been required to remove it to another place by means of a notice served on him by an inspector.

(5) Where a check involves the taking of a sample for testing and the test result is not immediately available, the official veterinarian may by notice served on the owner or the person appearing to him to be in charge of an animal release that animal from the border inspection post, and require that person to keep the animal in accordance with such conditions as may be specified in the notice until the test results are available; and if the test reveals that the animal does not comply with the provisions of Article 5 of Council Directive 91/496/EEC then the provisions of regulation 21 shall apply as they apply at a border inspection post.

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(1) S.I. 1974/2211; relevant amendment is S.I. 1994/1716.

(6) In the event of a notice served under paragraph (4) or (5) not being complied with a veterinary inspector may seize any animal to which it relates, and arrange for the requirements of the notice to be complied with.

### **Payment of fees**

**19.** The official veterinarian shall not authorise the release of animals from a quarantine centre or border inspection post unless he is satisfied that all veterinary checks for which a charge is made have been paid for, and that, where relevant, a deposit covering any cost provided for in Article 9(1) (a), 9(2), the second and third indents of Article 10(1), Article 10(6) and Article 12(2) of Council Directive [91/496/EEC](#) has been lodged.

### **Consignments constituting a danger to health**

**20.** Where checks at the quarantine centre or border inspection post or the test results referred to in regulation 18(5) reveal that an animal or a consignment of animals is likely to constitute a danger to animal or human health, the official veterinarian shall immediately seize and destroy the animal or consignment (as the case may be) and the costs of such action shall be payable by the importer or his representative.

### **Illegal consignments**

**21.—(1)** Where checks at the quarantine centre or border inspection post reveal that the animals do not comply with the provisions of Article 5 of Council Directive [91/496/EEC](#) or Articles 3, 4 or 5 of Council Directive [91/628/EEC](#)(2), a veterinary inspector shall, by notice served on the person appearing to him to be in charge of those animals, require that person to—

- (a) shelter, feed and water and, if necessary, treat the animals;
- (b) place them in quarantine or isolate the consignment at such place as may be specified in the notice, and to take such other action in relation to the animals as may be necessary for the purpose of preventing the introduction or spreading of disease into or within England; or
- (c) re-despatch them outside the territory of the European Community, where animal health or welfare considerations so permit, within such period as may be specified in the notice.

(2) Before exercising any of the powers in paragraph (1) the veterinary inspector shall consult the importer or his representative.

(3) If the animals are re-despatched in accordance with sub-paragraph (1)(c), the official veterinarian shall cancel the veterinary certificate or document accompanying the rejected consignment.

(4) If in the opinion of the veterinary inspector re-despatch is not possible, in particular for reasons of the welfare of animals, he shall serve a notice on the person appearing to him to be in charge of the animals in accordance with the following paragraph.

(5) A notice served under the preceding paragraph may authorise slaughter of the animals for human consumption if the animals comply with all legislative requirements which must be complied with before slaughter for human consumption is permitted but, if this is not possible, shall either—

- (a) order the slaughter of the animals for purposes other than human consumption, or
- (b) order the slaughter of the animals and destruction of the carcasses, specifying in each case the conditions regarding control of the use of the products obtained.

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(2) OJNo. L340, 11.2.91, p.17, as last amended by OJ No. L122, 16.5.2003, p.1.

(6) In the event of a notice served under paragraph (1) or (4) not being complied with a veterinary inspector may seize any animal to which it relates, and arrange for the requirements of the notice to be complied with.

(7) The importer or his representative shall be liable for the costs incurred in measures under this regulation, but shall be entitled, after deduction of costs, to the proceeds of any sale.

#### **Arrival at the place of destination**

**22.** On their arrival at the place of destination, animals for breeding and production shall be detained at the premises by the person having control of those premises, and he shall not release them from those premises unless authorised in writing by an authorised officer of the Secretary of State.

#### **Post-import controls**

**23.—**(1) Where a veterinary inspector knows or suspects that import conditions have not been complied with or there is doubt as to the identity of an animal, he may carry out any veterinary checks on that animal that he deems appropriate.

(2) If the checks confirm that import conditions were not complied with, then the provisions of regulation 21 shall apply as they apply at a border inspection post and, in the case of the exercise of a power to place the animals in quarantine or to isolate them, a veterinary inspector may additionally require the placing in quarantine or isolation of other animals which have been in contact with the imported animals.