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*Status: Point in time view as at 29/07/2010.*

*Changes to legislation: There are currently no known outstanding effects for the The Animals and Animal Products (Import and Export) (England) Regulations 2006 (revoked). (See end of Document for details)*

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STATUTORY INSTRUMENTS

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**2006 No. 1471**

**ANIMALS, ENGLAND**

**ANIMAL HEALTH**

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

<i>Made</i>	- - - -	<i>6th June 2006</i>
<i>Laid before Parliament</i>		<i>8th June 2006</i>
<i>Coming into force</i>	- -	<i>29th June 2006</i>

The Secretary of State is designated <sup>M1</sup> for the purposes of section 2(2) of the European Communities Act 1972 <sup>M2</sup> in relation to the Common Agricultural Policy of the European Community.

In accordance with section 56(1) of the Finance Act 1973 <sup>M3</sup>, the Treasury consents to the making of these Regulations.

The Secretary of State makes these Regulations in exercise of the powers conferred on him by section 2(2) of the European Communities Act 1972 and by section 56(1) and (2) of the Finance Act 1973:

**Marginal Citations**

**M1** S.I. 1972/1811.  
**M2** 1972 c. 68.  
**M3** 1973 c. 51.

**PART 1** **E+W+S**

Introduction

**Title, application, commencement and interpretation** **E+W+S**

1.—(1) These Regulations may be cited as the Animals and Animal Products (Import and Export) (England) Regulations 2006; they apply in relation to England only and come into force on 29th June 2006.

(2) In these Regulations—

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“approved assembly centre” means an assembly centre approved by the Secretary of State in accordance with regulation 12;

“assembly centre” means any holding, collection centre or market at which cattle, pigs, sheep or goats originating from different holdings are grouped together to form consignments of animals intended for intra-Community trade or which is used in the course of intra-Community trade;

F1  
...

“border inspection post” means, in relation to a species of animal, a place specified in relation to that species in Schedule 2;

[<sup>F2</sup>“captive birds” means birds as defined in Article 3(a) of [Commission Regulation \(EC\) No. 318/2007](#)]

“dealer” means—

- (a) in relation to cattle or pigs, any person who buys and sells animals commercially either directly or indirectly, who has a regular turnover of those animals and who within 30 days of purchasing animals resells or relocates them to other premises not within his ownership; and
- (b) in relation to sheep or goats, any person who buys and sells animals commercially either directly or indirectly, who has a turnover of those animals and who within 29 days of purchasing animals resells or relocates them to other premises or directly to a slaughterhouse not within his ownership;

“Defra” means the Department for Environment, Food and Rural Affairs;

“European international instruments” means—

- (a) the Act of Accession to the European Communities of the Kingdom of Denmark, Ireland, the Kingdom of Norway and the United Kingdom of Great Britain and Northern Ireland <sup>M4</sup>;
- (b) the Decision on the conclusion of the Agreement on the European Economic Area between the European Communities, their member States and the Republic of Austria, the Republic of Finland, the Republic of Iceland, the Principality of Liechtenstein, the Kingdom of Norway, the Kingdom of Sweden, and the Swiss Confederation <sup>M5</sup>;
- (c) the Act concerning the conditions of accession of the Kingdom of Norway, the Republic of Austria, the Republic of Finland and the Kingdom of Sweden and the adjustments to the Treaties on which the European Union is founded <sup>M6</sup>; and
- (d) the Act concerning the conditions of accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic and the adjustments to the Treaties on which the European Union is founded <sup>M7</sup>;

“herd” or “flock” means a group of animals kept as an epidemiological unit;

“inspector” means a person appointed to be an inspector for the purposes of these Regulations by the Secretary of State or a local authority, and when used in relation to a person so appointed by the Secretary of State includes a veterinary inspector;

[<sup>F3</sup>“inspector rate” is the rate determined under regulation 31(2)(a);]

“local authority” means—

- (a) in relation to each unitary authority, metropolitan district or non-metropolitan county, the council of that unitary authority, district or county;

- (b) in relation to each London borough, the council of that borough, except in relation to imported live animals; and
- (c) in relation to the City of London, and for all London boroughs in relation to imported live animals, the Common Council;

“place of destination” means the address or addresses to which the consignment is consigned by the consignor;

[<sup>F4</sup>“quarantine centre” in relation to captive birds and “quarantine facility” mean a centre or facility, as the case may be, for which approval is required for the purposes of Article 11 of [Commission Regulation \(EC\) No. 318/2007](#)];

“quarantine manager” in relation to captive birds has the meaning given in regulation [<sup>F5</sup>regulation 19(10)];

“re-inspection” in relation to the Poultry Health Scheme means an additional inspection described in paragraph 8 of Part I, Schedule 4, and “re-inspection fee” is the fee provided for in that paragraph;

“required consignment documentation” means any certificates or other documents that are required by these Regulations to accompany the consignment; and

“veterinary inspector” means a person appointed as a veterinary inspector by the Secretary of State.

(3) Unless the context otherwise requires, references in these Regulations to the European Union legislation listed in this paragraph shall be construed as follows—

<sup>F6</sup> ...

“Commission Decision [2006/115/EC](#)” means Commission Decision [2006/115/EC](#) concerning certain protection measures in relation to highly pathogenic avian influenza in wild birds in the Community and repealing Decisions [2006/86/EC](#), [2006/90/EC](#), [2006/91/EC](#), [2006/94/EC](#), [2006/104/EC](#) and [2006/105/EC](#)<sup>M8</sup> as amended by Commission Decision [2006/277/EC](#)<sup>M9</sup>;

“Commission Regulation (EC) No. [282/2004](#)” means Commission Regulation (EC) No. [282/2004](#) introducing a document for the declaration of, and veterinary checks on, animals from third countries entering the Community<sup>M10</sup>;

[<sup>F7</sup>“Commission Regulation (EC) No. [318/2007](#)” means [Commission Regulation \(EC\) No. 318/2007](#) laying down animal health conditions for imports of certain birds into the Community and the quarantine conditions thereof;]

“Council Directive [64/432/EEC](#)” means Council Directive [64/432/EEC](#) on animal health problems affecting intra-Community trade in bovine animals and swine<sup>M11</sup> as amended by and as read with the instruments listed in paragraph 1 of Part I of Schedule 3;

“Council Directive [90/425/EEC](#)” has the meaning given in [<sup>F8</sup>paragraph 5(a)];

“Council Directive [90/427/EEC](#)” means Council Directive [90/427/EEC](#) on the zootechnical and genealogical conditions governing intra-Community trade in equidae<sup>M12</sup>, as amended by and as read with the instruments listed in paragraph 15 of Part I of Schedule 3;

[<sup>F9</sup>“Council Directive [2009/158/EC](#)” means Council Directive [2009/158/EC](#) on animal health conditions governing intra-Community trade in, and imports from third countries of, poultry and hatching eggs;]

“Council Directive [91/67/EEC](#)” means Council Directive [91/67/EEC](#) concerning the animal health conditions governing the placing on the market of aquaculture animals and products<sup>M13</sup>, as amended by and as read with the instruments listed in paragraph 8(1) of Part I of Schedule 3;

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“Council Directive 91/68” means Council Directive [91/68/EEC](#) on animal health conditions governing intra-Community trade in ovine and caprine animals<sup>M14</sup> as amended by and as read with the instruments listed in paragraph 9 of Part I of Schedule 3;

“Council Directive [91/496/EEC](#)” has the meaning given in <sup>F10</sup>paragraph 5(b)];

“Council Directive [92/65/EEC](#)” means Council Directive [92/65/EEC](#) laying down animal health requirements governing trade in and imports into the Community of animals, semen, ova and embryos not subject to animal health requirements laid down in specific Community rules referred to in Annex A(1) to Council Directive [90/425/EEC](#)<sup>M15</sup>, as amended by and as read with, in relation to intra-Community trade, the instruments listed in paragraph 10 of Part I of Schedule 3, and in relation to imports from third countries, the instruments listed in paragraph 5 of Part II of Schedule 7;

“Regulation (EC) No. 998/2003” means Regulation (EC) No. 998/2003 on the animal health requirements applicable to the non-commercial movement of pet animals and amending Council Directive [92/65/EEC](#)<sup>M16</sup>, as amended by Commission Regulation (EC) No. 2054/2004<sup>M17</sup> and Commission Regulation (EC) No. 1193/2005<sup>M18</sup>; and

“Regulation (EC) No. 854/2004” means Regulation (EC) No. 854/2004 of the European Parliament and of the Council laying down specific rules for the organisation of official controls on products of animal origin intended for human consumption<sup>M19</sup>.

(4) For purposes of regulation 14(b), quarantine required under <sup>F11</sup>Commission Regulation (EC) No. 318/2007] is a check provided for in Council Directive [91/496/EEC](#).

<sup>F12</sup>(5) Unless specifically defined in these Regulations, any expression used in these Regulations has the meaning it bears in—

(a) Council Directive [90/425/EEC](#) concerning veterinary and zootechnical checks applicable in intra-Community trade in certain live animals and products with a view to the completion of the single market (OJ No L224, 18.8.90, p. 29 as last amended by Directive [2002/33/EC](#) of the European Parliament and of the Council, OJNo. L 315, 19.11.2002, p. 14); and

(b) Council Directive [91/496/EEC](#) laying down the principles governing the organisation of veterinary checks on animals entering the Community from third countries (OJ L 268, 24.9.1991, p. 56 as last amended by Council Directive [2006/104/EC](#), OJNo. L363, 20.12.2006, p. 352 ).]

(6) A notice, approval or declaration under these Regulations shall be in writing, may be made subject to conditions and may be amended, suspended or revoked in writing at any time.

<sup>F13</sup>(7) Any reference in these Regulations to an instrument of the European Community is a reference to that instrument as amended from time to time.]

#### Textual Amendments

- F1** Words in reg. 1(2) revoked (15.1.2009) by [The Animals and Animal Products \(Import and Export\) \(England\) \(Amendment\) Regulations 2008](#) (S.I. 2008/3203), regs. 1(c), **2(1)**
- F2** Words in reg. 1(2) substituted (1.7.2007) by [The Animals and Animal Products \(Import and Export\) \(England\) \(Laboratories, Circuses and Avian Quarantine\) Regulations 2007](#) (S.I. 2007/1621), regs. 1, **3(2)(a)**
- F3** Words in reg. 1(2) inserted (1.7.2007) by [The Animals and Animal Products \(Import and Export\) \(England\) \(Laboratories, Circuses and Avian Quarantine\) Regulations 2007](#) (S.I. 2007/1621), regs. 1, **3(2)(b)**

- F4** Words in reg. 1(2) substituted (1.7.2007) by *The Animals and Animal Products (Import and Export) (England) (Laboratories, Circuses and Avian Quarantine) Regulations 2007 (S.I. 2007/1621)*, regs. 1, **3(2)(c)**
- F5** Words in reg. 1(2) substituted (1.7.2007) by *The Animals and Animal Products (Import and Export) (England) (Laboratories, Circuses and Avian Quarantine) Regulations 2007 (S.I. 2007/1621)*, regs. 1, **3(2)(d)**
- F6** Words in reg. 1(3) omitted (1.7.2007) by virtue of *The Animals and Animal Products (Import and Export) (England) (Laboratories, Circuses and Avian Quarantine) Regulations 2007 (S.I. 2007/1621)*, regs. 1, **3(3)(a)**
- F7** Words in reg. 1(3) inserted (1.7.2007) by *The Animals and Animal Products (Import and Export) (England) (Laboratories, Circuses and Avian Quarantine) Regulations 2007 (S.I. 2007/1621)*, regs. 1, **3(3)(b)**
- F8** Words in reg. 1(3) substituted (1.9.2006) by *The Animals and Animal Products (Import and Export) (England) (Amendment) Regulations 2006 (S.I. 2006/2126)*, regs. 1(2)(b), **2(2)(a)**
- F9** Words in reg. 1(3) substituted (29.7.2010) by *The Animals and Animal Products (Import and Export) (England) (Amendment) Regulations 2010 (S.I. 2010/1760)*, regs. 1(c), **3(1)**
- F10** Words in reg. 1(3) substituted (1.9.2006) by *The Animals and Animal Products (Import and Export) (England) (Amendment) Regulations 2006 (S.I. 2006/2126)*, regs. 1(2)(b), **2(2)(b)**
- F11** Words in reg. 1(4) substituted (1.7.2007) by *The Animals and Animal Products (Import and Export) (England) (Laboratories, Circuses and Avian Quarantine) Regulations 2007 (S.I. 2007/1621)*, regs. 1, **3(4)**
- F12** Reg. 1(5) substituted (15.1.2009) by *The Animals and Animal Products (Import and Export) (England) (Amendment) Regulations 2008 (S.I. 2008/3203)*, regs. 1(c), **2(2)**
- F13** Reg. 1(7) added (15.1.2009) by *The Animals and Animal Products (Import and Export) (England) (Amendment) Regulations 2008 (S.I. 2008/3203)*, regs. 1(c), **2(3)**

#### Marginal Citations

- M4** OJ No. L73, Special Edition, 27.3.72.
- M5** OJ No. L1, 3.1.94, p. 1.
- M6** OJ No. C241, 29.8.94, p. 21, as amended by OJ No. L12, 1.1.95, p. 1.
- M7** OJ No. L236, 23.9.03, p. 33.
- M8** OJ No. L48, 18.2.2006, p. 48.
- M9** OJ No. L103, 12.4.2006, p. 29.
- M10** OJ No. L49, 19.2.2004, p. 11.
- M11** OJ No. P 121, 29.7.64, p. 1977: but see OJ No. L109, 25.4.97, p. 1 in which is published Council Directive 97/12/EC amending and updating Directive 64/432/EEC which substantially substituted new text.
- M12** OJ No. L224, 1.8.90, p. 55.
- M13** OJ No. L46, 19.2.91, p. 1.
- M14** OJ No. L46, 19.2.91, p. 19.
- M15** OJ No. L268, 14.9.92, p. 54.
- M16** OJ No. L146, 13.6.2003, p. 1.
- M17** OJ No. L355, 01.12.2004, p. 14.
- M18** OJ No. L194, 26.7.2005, p. 4.
- M19** OJ No. L139, 30.4.2004, p. 206, a corrigendum to which has been published in OJ No. L226, 25.06.2004, p. 83.

#### Exception **E+W+S**

2.—(1) Subject to paragraph (2), these Regulations shall not apply to veterinary checks on movements of pets (other than equidae) accompanied by and under the responsibility of a natural person, where such movements are not the subject of a commercial transaction.

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(2) Where any person is accompanying and has under his responsibility more than five pets travelling together that—

- (a) are each of a species listed in Annex I to Regulation (EC) No. 998/2003; and
- (b) come from a third country other than one listed in section 2 of part B of Annex II to Regulation (EC) No. 998/2003,

these Regulations shall apply to the veterinary checks on the movements of those animals, notwithstanding that their movement is not the subject of a commercial transaction.

[<sup>F14</sup>(3) In this regulation “pet” means any animal of a species listed in Annex I to Regulation (EC) No. 998/2003.]

#### Textual Amendments

**F14** Reg. 2(3) inserted (17.11.2007) by [The Animals and Animal Products \(Import and Export\) \(England\) \(Amendment\) Regulations 2007 \(S.I. 2007/3277\)](#), regs. 1, 2(3)

#### Enforcement **E+W+S**

3.—(1) Except where otherwise expressly provided, these Regulations shall be enforced by the local authority.

(2) The Secretary of State may direct, in relation to cases of a particular description, or a particular case, that he, and not the local authority, shall discharge any duty imposed on a local authority under paragraph (1).

## PART 2 **E+W+S**

### Intra-Community Trade

#### Application of Part 2 **E+W+S**

4. This Part shall apply to trade between member States in live animals and animal products that are the subject of an instrument in Part I of Schedule 3, except aquaculture products for human consumption controlled by Council Directive [91/67/EEC](#).

#### Exports **E+W+S**

5.—(1) No person shall export or consign for export to another member State any animal or animal product controlled under one or more of the instruments (“listed instruments”) in Part I of Schedule 3 unless—

- (a) it complies with the relevant provisions of the listed instruments (including any option which has been exercised by the member State of destination), and any additional requirements specified in that Part;
- (b) when required by a listed instrument, it is accompanied by—
  - (i) an export health certificate signed by a veterinary inspector (or, where specified in an instrument, signed by a veterinary surgeon nominated by the exporter); or
  - (ii) any other document required by the instrument;
- (c) when required by a listed instrument, any notification of a disease on the holding from which the animal has been consigned has been made within the time and in the manner (if any) specified in the instrument; and



(d) if the animal is acquired through or transits an assembly centre, that centre is an approved assembly centre.

(2) If an inspector has reasonable cause to suspect that a person intends to export animals or animal products in contravention of this regulation he may by notice served on the consignor, his representative or the person appearing to him to be in charge of the animals or animal products, prohibit that exportation and require the person on whom the notice is served to take the animals or animal products to such place as may be specified in the notice and to take such further action in relation to them as may be specified in the notice.

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

(4) No person shall export to another member State any animal to which the provisions of Article 6, 7, 9 or 10 of Council Directive [92/65/EEC](#) apply unless the animal originates from—

- (a) a holding that has been registered with the Secretary of State and the owner or person in charge of that holding has given to the Secretary of State undertakings in accordance with Article 4 of Council Directive [92/65/EEC](#); or
- (b) a body, institute or centre that has been approved by the Secretary of State in accordance with regulation 9(1) and that conforms with the requirements of Annex C to Council Directive [92/65/EEC](#).

(5) No person shall export to another member State any hatching eggs, day-old chicks or poultry to which Article 6 of [<sup>F15</sup>Council Directive [2009/158/EC](#)], applies unless they originate from an establishment that—

- (a) is a member of the monitoring scheme, known as the Poultry Health Scheme, operated by the Secretary of State in accordance with Schedule 4 to these Regulations; and
- (b) conforms with the requirements of Annex II to [<sup>F15</sup>Council Directive [2009/158/EC](#)].

[<sup>F16</sup>(6) An establishment to which paragraph (5)(a) applies is to be considered an approved establishment for the purposes of Article 6(a)(i) of Council Directive [2009/158/EC](#).]

[<sup>F17</sup>(7) For the purposes of [Commission Regulation \(EC\) No. 1739/2005](#) laying down animal health requirements for the movement of circus animals between member States the Secretary of State is the competent authority, and may charge such fee as he considers will enable him to meet the expenses incurred by him when registering a circus or animal act under Article 4 of that Regulation.

(8) Such fee shall be paid by the applicant for registration and shall be due after submission of the application upon the written demand of the Secretary of State;

(9) A demand under paragraph (8) may be addressed to the applicant concerned at his last known address, whether or not it is his address for business.

(10) No operator may contravene Article 8(3) of [Commission Regulation \(EC\) No. 1739/2005](#) (obliging operators of circuses, and animal acts to which the Regulation applies, to retain for at least five years the information in their registers of animals and of venues).

(11) In paragraph (8), “operator” means a circus operator within the meaning of [Commission Regulation \(EC\) No. 1739/2005](#), or the operator of an animal act in so far as that Regulation applies to him.]

#### Textual Amendments

- F15** Words in [reg. 5\(5\)](#) substituted (29.7.2010) by [The Animals and Animal Products \(Import and Export\) \(England\) \(Amendment\) Regulations 2010 \(S.I. 2010/1760\)](#), regs. 1(c), **3(2)(a)**

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- F16** Reg. 5(6) substituted (29.7.2010) by [The Animals and Animal Products \(Import and Export\) \(England\) \(Amendment\) Regulations 2010 \(S.I. 2010/1760\)](#), regs. 1(c), **3(3)**
- F17** Reg. 5(7)-(11) inserted (1.7.2007) by [The Animals and Animal Products \(Import and Export\) \(England\) \(Laboratories, Circuses and Avian Quarantine\) Regulations 2007 \(S.I. 2007/1621\)](#), regs. 1, 4

## Imports **E+W+S**

6.—(1) No person shall import from another member State (either for entry into the UK or by way of transit to another member State) any animal or animal product subject to an instrument in Part I of Schedule 3 unless it complies with the relevant provisions of that instrument (subject to any derogations specified in that Part) and with any additional requirements specified in that Part.

(2) Where an animal subject to an instrument in Part I of Schedule 3 is imported from another member State (either for entry into the UK or by way of transit to another member State), the importer, and the person in charge of the animal, if different, shall comply with all the relevant provisions of that instrument until it arrives at its place of destination or leaves England, as the case may be.

(3) Where cattle, pigs, sheep or goats are imported from another member State for slaughter in England and are taken to an approved assembly centre (“the centre”), the importer shall ensure that they are removed from the centre directly to a slaughterhouse and slaughtered there, in the case of sheep and goats within 5 days of their arrival at the centre, and in the case of cattle and pigs within 3 days of their arrival at the centre.

(4) Where an animal to which paragraph (3) relates is not slaughtered within the specified period, an inspector may, by notice served on the person appearing to him to be in charge of the animal, require the animal to be slaughtered as may be specified in the notice.

(5) Where an animal is imported from another member State for slaughter, other than an animal taken to an approved assembly centre, 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.

(6) If a notice served under either paragraph (4) or (5) is not complied with, an inspector may seize the animal and arrange for the requirements of the notice to be complied with.

## Transport of animals and animal products **E+W+S**

7.—(1) No person shall transport any animal or animal product in intra-Community trade unless it is accompanied by the documents required by Article 3(1)(d) of Council Directive [90/425/EEC](#).

(2) No person shall deliver any animal or animal product imported from another member State other than to the address specified in the required consignment documentation unless required to do so by means of a notice served on him by an inspector; and, if an animal or animal product is delivered to an address other than that specified in the required consignment documentation and not in compliance with a notice served by an inspector, an inspector may serve a notice on the person appearing to him to be in charge of the animal or animal product requiring that person to transport it, at that person's expense, to the address specified in the required consignment documentation.

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

(4) In the case of the transport of cattle, pigs, sheep or goats, the provisions of Part II of Schedule 3 shall have effect, and any failure to comply with those provisions may lead to the amendment, suspension or revocation of an authorisation to transport those animals granted under article 12 of the Welfare of Animals (Transport) Order 1997 <sup>M20</sup> in accordance with Schedule 9 to that Order.



#### Marginal Citations

**M20** S.I. 1997/1480, to which there are amendments not relevant to these Regulations.

#### Dealers **E+W+S**

**8.**—(1) Dealers in cattle, pigs, sheep or goats, engaging in intra-Community trade shall comply with Part III of Schedule 3.

(2) Dealers in other animals engaging in intra-Community trade, if required to do so by a notice served by the Secretary of State, shall register as such with the Secretary of State and shall give such undertakings as to compliance with these Regulations as shall be specified in the notice.

(3) The Secretary of State shall keep a register of dealers registered under paragraph (2).

(4) Any person who has registered under paragraph (2) shall keep a record of—

(a) all deliveries of animals; and

(b) where a consignment is divided up or subsequently marketed, the subsequent destination of the animals,

and shall keep such records for 12 months from the arrival of the consignment.

#### [<sup>F18</sup>Approval of centres and teams for the purposes of Council Directive 92/65/EEC and of laboratories for the purposes of Council Directive 2009/158/EC **E+W+S**

**9.**—(1) For the purposes of Articles 5 and 13 of Council Directive 92/65/EEC, the Secretary of State shall approve any body, institute or centre which has applied for approval in accordance with Article 13 of that Directive and which conforms with the requirements of Annex C to that Directive.

(2) The Secretary of State shall suspend, withdraw or restore the approval referred to in paragraph (1) in accordance with point 6 of Annex C to that Directive.

(3) For the purposes of Article 11 of Council Directive 92/65/EEC, the Secretary of State shall approve any semen collection centre or embryo collection team which has applied to the Secretary of State for approval in accordance with Article 11 of that Directive and which meets the conditions applicable to it in respect of approval and the performance of its duties as required by Article 11 of and Annex D to that Directive.

(4) The Secretary of State shall approve laboratories in accordance with Schedule 5 to these Regulations for the purposes of carrying out the tests for Mycoplasma and Salmonella infections required under Chapter III of Annex II to Council Directive 2009/158/EC.]

#### Textual Amendments

**F18** Reg. 9 substituted (29.7.2010) by The Animals and Animal Products (Import and Export) (England) (Amendment) Regulations 2010 (S.I. 2010/1760), regs. 1(c), 3(4)

#### Inspection and checking at destination **E+W+S**

**10.**—(1) A veterinary inspector shall have power to inspect, at their place of destination, all animals and animal products imported into England from another member State, so as to ensure that the requirements (including requirements on documentation) of the relevant provisions of the instruments in Part I of Schedule 3 and any additional requirements specified in Part I of Schedule 3 have been complied with.

(2) An inspector shall have power to inspect anywhere and at any time all animals and animal products imported from another member State, as well as all accompanying documents, if he has information leading him to suspect an infringement of the instruments in Part I of Schedule 3 or of any additional requirements specified in Part I of Schedule 3.

#### **Duties on consignees** **E+W+S**

**11.**—(1) No person shall accept a consignment of animals or animal products (other than registered horses accompanied by an identification document provided for by Council Directive [90/427/EEC](#)) unless the importer or consignee has notified to an authorised inspector in writing, at least 24 hours in advance, the nature of the consignment, its anticipated date of arrival and the place of destination.

(2) A consignee shall retain all certificates sent in accordance with these Regulations for 12 months from the date of arrival.

(3) The authorised inspector referred to in paragraph (1) shall be the inspector authorised by the Secretary of State to receive information about the anticipated date of arrival of imported animals or animal products for the area in which the place of destination is situated.

#### **Assembly centres and slaughterhouses** **E+W+S**

**12.**—(1) Any person operating an assembly centre shall do so in accordance with this regulation.

(2) The assembly centre shall be approved by the Secretary of State and given a number, and approval shall only be given if the Secretary of State is satisfied that—

- (a) in the case of an assembly centre used for cattle or pigs, the centre complies with the requirements of paragraphs (a) to (d) of Article 11(1) of Council Directive [64/432/EEC](#);
- (b) in the case of an assembly centre used for sheep or goats, the centre complies with the requirements of paragraphs (a) to (d) of Article 8a(1) of Council Directive [91/68/EEC](#); and
- (c) the operator of the assembly centre has agreed to comply with the requirements for the operation of the centre which an inspector has specified in an operational agreement as being the requirements the inspector believes are necessary to ensure the centre is capable of being operated in accordance with the second indent of Article 3(2) of Council Directive [90/425/EEC](#).

(3) The operator of an assembly centre shall admit to those premises only animals that are identified and come from herds or flocks that are eligible for intra-Community trade.

(4) Where animals are consigned to an assembly centre, the operator of the assembly centre shall—

- (a) ensure that no animal is admitted unless it complies with Article 3(1) of Council Directive [90/425/EEC](#); and
- (b) record on a register—
  - (i) the name of the owner, the origin, date of entry and exit, number of the animals, and their proposed destination;
  - (ii) the registration number of the transporter and the licence number of the vehicle delivering or collecting animals from the centre;
  - (iii) in the case of cattle, the identification of the animals or the registration number of the holding of origin as well as the information in paragraphs (i) and (ii);
  - (iv) in the case of pigs, the registration number of the holding of origin or of the herd of origin as well as the information in paragraphs (i) and (ii); and

- (v) in the case of sheep or goats, the identification of the animals, or the registration number of the holding of origin of the animals, and, where applicable, the approval or registration number of any assembly centre through which the animals have passed prior to entering the centre as well as the information in paragraphs (i) and (ii),

and shall preserve each such record in the register for a minimum of three years.

(5) Where animals are consigned to a slaughterhouse under the supervision of an official veterinary surgeon qualified in accordance with Regulation (EC) No. 854/2004 to act in such a capacity and appointed as such by the Food Standards Agency (in this paragraph and paragraph (6) “the official veterinary surgeon”), the official veterinary surgeon shall ensure that no animal is slaughtered unless it complies with Article 3(1) of Council Directive 90/425/EEC.

(6) If, in carrying out inspections under the preceding paragraph, the official veterinary surgeon establishes that animals imported from another member State are accompanied by incorrect certification or cannot readily be identified, he shall forthwith notify a veterinary inspector authorised by the Secretary of State to receive that notification, who shall examine the animals and shall either—

- (a) certify that they are fit to be slaughtered and used for their intended purpose; or
- (b) by notice served on the official veterinary surgeon require the animals to be slaughtered and destroyed or re-exported, in each case at the expense of the importer.

(7) Where paragraphs (4) and (5) do not apply, any person who markets any animal consigned to him from another member State, or divides up batches of such animals for distribution or marketing—

- (a) shall check, before any animal is marketed or any batch is divided up, that all the animals comply with the relevant provisions of an instrument in Part I of Schedule 3, with respect to identification marks and required consignment documentation;
- (b) shall immediately notify any irregularity or anomaly to a veterinary inspector authorised by the Secretary of State to receive such notification; and
- (c) if there is a breach of Article 3(1)(d) of Council Directive 90/425/EEC, shall isolate the animals in question until a veterinary inspector authorised by the Secretary of State to do so has authorised their release in writing.

### Illegal consignments **E+W+S**

**13.**—(1) If a veterinary inspector knows of or suspects the presence of agents responsible for a disease referred to in Schedule 6 or of a zoonosis or any other disease or cause likely to constitute a serious hazard to animals or humans in animals or animal products imported from another member State, or that those animals or animal products have come from a region contaminated by an epizootic disease, he may serve a notice in accordance with paragraph (2) on the person appearing to him to be in charge of those animals or products.

(2) The notice shall 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 them as may be specified in the notice for the purpose of preventing the introduction or spreading of disease into or within England; or
- (b) without delay, to slaughter them, or slaughter and destroy them, or, in the case of products, destroy them, in accordance with such conditions as may be specified in the notice.

(3) Subject to the provisions of paragraph (4) if an inspector knows or suspects that animals or animal products do not comply with the provisions of Article 3 of Council Directive 90/425/EEC, he

**Status:** Point in time view as at 29/07/2010.

**Changes to legislation:** There are currently no known outstanding effects for the *The Animals and Animal Products (Import and Export) (England) Regulations 2006 (revoked)*. (See end of Document for details)

may, if animal health and welfare considerations so permit, give the consignor or his representative or the person appearing to him to be in charge of those animals or products by way of notice the choice of—

- (a) where the cause of non-compliance is the presence in animals of residues in excess of that permitted under regulation 9 of the Animals and Animal Products (Examination for Residues and Maximum Residue Limits) Regulations 1997 <sup>M21</sup>, maintaining the animals 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;
  - (b) slaughtering the animals or destroying the products in accordance with such conditions as may be specified in the notice; or
  - (c) returning the animals or products to the member State of despatch, with the authorisation of the competent authority of the member State of despatch and with prior notification to any member State of transit.
- (4) If the consignment fails to comply only by reason of an irregularity in respect of the required consignment documentation, the inspector shall not serve a notice under paragraph (3) unless—
- (a) he has given the consignor, his representative or the person appearing to him to be in charge of those animals or 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; and
  - (b) the required consignment documentation has not been produced within that time.
- (5) In the event of any notice served under this regulation not being complied with an inspector may seize any animal or animal product to which it relates, and arrange for the requirements of the notice to be complied with.

#### Marginal Citations

**M21** [S.I. 1997/1729](#), as amended by [S.I. 2001/3590](#) and [S.I. 2004/147](#).

## PART 3 **E+W+S**

### [<sup>F19</sup>Third Country Imports]

#### Textual Amendments

**F19** Words in Pt. 3 heading substituted (17.11.2007) by [The Animals and Animal Products \(Import and Export\) \(England\) \(Amendment\) Regulations 2007 \(S.I. 2007/3277\)](#), regs. 1, **2(4)**

#### Application of Part 3 **E+W+S**

- 14.** 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 **E+W+S**

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 **E+W+S**

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 to which an instrument in Part I of Schedule 7 applies unless, subject to paragraph (4) in relation to the import of captive birds, that animal is imported from a country or territory which is specified under an instrument in Part I of Schedule 7.

(3) No person shall import any animal to which an instrument in Part II of Schedule 7 applies unless, subject to paragraph (4) in relation to the import of captive birds, it complies with the relevant provisions of that instrument and any additional requirements specified in that Part.

[<sup>F20</sup>(4) No person may import a captive bird unless it is from an approved breeding establishment as defined in Article 3(b) of [Commission Regulation \(EC\) No. 318/2007](#).]

(5) 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.

(6) In the event of a notice served under paragraph (5) 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.

(7) The person in charge of an animal that has been imported for immediate re-export, either directly or indirectly, outside the European Community shall comply with Article 4, second indent, of [Commission Regulation \(EC\) No. 282/2004](#).

### Textual Amendments

**F20** Reg. 16(4) substituted (1.7.2007) by [The Animals and Animal Products \(Import and Export\) \(England\) \(Laboratories, Circuses and Avian Quarantine\) Regulations 2007 \(S.I. 2007/1621\)](#), regs. 1, 6

## Places of import **E+W+S**

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 <sup>M22</sup> 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.

*Status: Point in time view as at 29/07/2010.*

*Changes to legislation: There are currently no known outstanding effects for the The Animals and Animal Products (Import and Export) (England) Regulations 2006 (revoked). (See end of Document for details)*

(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.

#### Marginal Citations

**M22** [S.I. 1974/2211](#); relevant amending instruments are [S.I. 1977/361](#), 1984/1182, 1986/2062, 1999/3443 and 2004/2364.

### Import procedure **E+W+S**

**18.**—(1) No person shall import any animal unless he has given notice of his intention to do so in accordance with Article 1 of Commission Regulation ([EC](#)) No. [282/2004](#).

(2) On importation, the importer or his agent shall convey the animal, under the supervision of the enforcement authority, directly to the examination area of the border inspection post or, where the instruments in Schedule 7 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](#)

[<sup>F21</sup>(3) In relation to a captive bird, the importer or his agent shall at the expense of the importer ensure that—

- (a) the bird is conveyed from the border inspection post referred to in paragraph (2) to an approved quarantine centre or approved quarantine facility in accordance with Article 7 of [Commission Regulation \(EC\) No. 318/2007](#) (which provides for the direct transport of birds to approved quarantine facilities or centres); and
- (b) the bird is placed and remains in quarantine at that approved quarantine centre or approved quarantine facility in accordance with Article 11(1) of [Commission Regulation \(EC\) No. 318/2007](#) (which requires birds to be quarantined for at least 30 days).]

(4) Without prejudice to regulation 19(7), no person shall remove any animal from a border inspection post or a quarantine centre unless the common veterinary entry document has been completed in accordance with Article 3(1) of Commission Regulation ([EC](#)) No. [282/2004](#) indicating that all necessary veterinary checks have been carried out to the satisfaction of the official veterinarian.

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

- (a) unless the common veterinary entry document has been produced in accordance with Article 3(3) of Commission Regulation ([EC](#)) No. [282/2004](#) 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 place of destination specified in the common veterinary entry document, unless he has been required to remove it to another place by means of a notice served on him by an inspector.

(6) Subject to paragraphs (2) to (5), the person in charge of an animal imported from a third country shall ensure that it is conveyed to its place of destination without delay and that the original of the common veterinary entry document accompanies it to its place of destination in accordance with Article 3(4) of Commission Regulation ([EC](#)) No. [282/2004](#).

(7) Where a check at a border inspection post 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, permit the owner or person so served to move the animal from the border inspection post, and require that owner or 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 22 shall apply as they apply at a border inspection post.

(8) In the event of a notice served under paragraph (5)(b) or (7) 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.

#### Textual Amendments

**F21** Reg. 18(3) substituted (1.7.2007) by [The Animals and Animal Products \(Import and Export\) \(England\) \(Laboratories, Circuses and Avian Quarantine\) Regulations 2007 \(S.I. 2007/1621\)](#), regs. 1, 7

#### [<sup>F22</sup>Quarantine of captive birds **E+W+S**

**19.**—(1) No person may operate a quarantine centre or quarantine facility for the quarantine of captive birds pursuant to Article 11(1) of [Commission Regulation \(EC\) No. 318/2007](#) unless the quarantine centre or quarantine facility has been approved by the Secretary of State.

(2) Schedule 8 (quarantine of captive birds) has effect.

(3) A quarantine manager shall—

(a) ensure that the quarantine centre or quarantine facility is maintained and operated in accordance with—

(i) the minimum conditions in Chapter 1 of Annex IV to [Commission Regulation \(EC\) No. 318/2007](#) (requirements as to construction and equipment);

(ii) paragraph (1)(a) and (c) of Chapter 2 of that Annex (management requirements); and

(iii) any other conditions attached to an approval granted under this regulation;

(b) provide such information to the Secretary of State as the latter may request to enable him to comply with Article 17(2) of [Commission Regulation \(EC\) No. 318/2007](#) (requiring annual reports from member States to the European Commission as to the number of imported birds, mortality rates and confirmed cases of disease);

(c) provide such assistance to any veterinary inspector carrying out the functions of the official veterinarian under [Commission Regulation \(EC\) No. 318/2007](#) as that veterinary inspector may reasonably require.

(4) In relation to any consignment of captive birds placed in quarantine pursuant to Article 11(1) of [Commission Regulation \(EC\) No. 318/2007](#), the quarantine manager shall—

(a) ensure compliance with the following Articles of that Commission Regulation—

(i) 10(1)(b) (requiring notification of the arrival of a consignment at the quarantine centre or quarantine facility);

(ii) 11(1);

(iii) 12(2) and (3) (imposing requirements in relation to the use of sentinel birds); and

(iv) 15 (requiring action where *Chlamydophyla psittaci* is suspected);

(b) ensure there is surveillance of the captive birds during their quarantine which is adequate for the purposes of the Regulation, and consult with and seek the supervision of a veterinary inspector in respect of any analyses or treatments required under the Regulation;

*Status: Point in time view as at 29/07/2010.*

*Changes to legislation: There are currently no known outstanding effects for the The Animals and Animal Products (Import and Export) (England) Regulations 2006 (revoked). (See end of Document for details)*

- (c) ensure compliance with the management requirements in paragraphs 2 to 10, and 12 to 15 of Chapter 2 of Annex IV to the Regulation;
  - (d) where any captive bird or sentinel bird dies during quarantine, make its carcass available to the veterinary inspector for examination in the official laboratory.
- (5) No person may—
- (a) contravene any requirement in paragraphs 4 to 6 of Chapter 2 of Annex IV to [Commission Regulation \(EC\) No. 318/2007](#);
  - (b) in relation to a captive bird or a sentinel bird which dies during quarantine, remove or dispose of its carcass during the quarantine of captive birds, unless he is authorised to do so by a veterinary inspector;
  - (c) release captive birds in breach of Article 16 of [Commission Regulation \(EC\) No. 318/2007](#) (requiring written authorisation by the official veterinarian for the release of birds from quarantine).
- (6) A person is unauthorised for the purpose of paragraph 4 of Chapter 2 of Annex IV to [Commission Regulation \(EC\) No 318/2007](#) (which prohibits unauthorised persons from entering quarantine centres and quarantine facilities), unless, in relation to a quarantine centre or quarantine facility—
- (a) he is the quarantine manager;
  - (b) he is a member of staff who enters with the authority of the quarantine manager;
  - (c) he has been authorised to enter by the Secretary of State or by a veterinary inspector; or
  - (d) he otherwise enters in fulfilment of a statutory function in relation to animal health, animal welfare or species conservation which he is appointed by the Secretary of State or by the local authority to perform.
- (7) In so far as not provided for under regulation 30, a veterinary inspector may, in relation to the quarantine of captive birds,—
- (a) enter a quarantine centre or quarantine facility to check compliance with these Regulations or with an approval granted under this regulation, or to assess whether it is appropriate to grant such an approval;
  - (b) inspect and arrange for copies to be taken of any documents or records (including those in electronic form) which he reasonably considers relevant for checking compliance as described in sub-paragraph (a); and
  - (c) take samples and carry out official veterinary supervision.
- (8) A veterinary inspector exercising powers under this regulation shall produce, if required to do so, some duly authenticated document showing his authority to exercise those powers.
- (9) For the purposes of sampling and testing required under or in connection with [Commission Regulation \(EC\) No. 318/2007](#), the Veterinary Laboratories Agency (an executive agency of Defra) is the official laboratory.
- (10) In this regulation and Schedule 8—
- (a) “official veterinary supervision” means the functions of the official veterinarian under [Commission Regulation \(EC\) No. 318/2007](#) in relation to a consignment of captive birds to which Article 11(1) of that Commission Regulation applies;
  - (b) “quarantine manager” means the person in charge of a quarantine centre or quarantine facility for which approval is required pursuant to Article 11 of [Commission Regulation \(EC\) No. 318/2007](#);

- (c) references to sampling and the taking of samples are to the taking of samples required under that Commission Regulation, or which are taken for purposes of reaching a suspected or confirmed diagnosis of *Chlamydophyla psittaci*.]

#### Textual Amendments

- F22** Reg. 19 substituted (1.7.2007) by [The Animals and Animal Products \(Import and Export\) \(England\) \(Laboratories, Circuses and Avian Quarantine\) Regulations 2007 \(S.I. 2007/1621\)](#), regs. 1, 8

#### Payment of fees **E+W+S**

**20.** 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 **E+W+S**

**21.—(1)** Subject to paragraph (2), where checks at a quarantine centre, quarantine facility or border inspection post or the test results referred to in regulation 18(7) 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.

[<sup>F23</sup>(2) A veterinary inspector —

- (a) shall take or require to be taken, the action required under Article 13(1) and (2) of [Commission Regulation \(EC\) No. 318/2007](#) in relation to avian influenza or Newcastle disease suspected at a quarantine centre or quarantine facility where captive birds are quarantined, imposing such restrictions as are required by that Article;
- (b) shall, where the Secretary of State grants a derogation provided for in Article 14 of that Commission Regulation (relating to findings of low pathogenic avian influenza or Newcastle disease), take or require to be taken such further measures and impose such restrictions as are required under Article 14;
- (c) who requires action to be taken by, or imposes restrictions upon, a quarantine manager or other person under this paragraph, shall do so by serving notice specifying the action or restrictions to be taken or observed.

(3) In the event of non-compliance by a quarantine manager with Article 15 of [Commission Regulation \(EC\) No. 318/2007](#) (requiring treatment of birds suspected of infection with *Chlamydophyla psittaci*), a veterinary inspector may treat the captive birds concerned, or cause them to be treated, as required by Article 15, and shall serve notice extending the period of quarantine required under [Commission Regulation \(EC\) No. 318/2007](#).]

(4) A veterinary inspector serving a notice under paragraphs (2) and (3) shall serve it upon the quarantine manager or other person appearing to be in charge of the centre or facility at the time of service; and shall as soon as he practically can send a copy by way of information to the importer of the birds concerned.

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*Changes to legislation: There are currently no known outstanding effects for the The Animals and Animal Products (Import and Export) (England) Regulations 2006 (revoked). (See end of Document for details)*

### Textual Amendments

**F23** Reg. 21(2)(3) substituted (1.7.2007) by [The Animals and Animal Products \(Import and Export\) \(England\) \(Laboratories, Circuses and Avian Quarantine\) Regulations 2007 \(S.I. 2007/1621\)](#), regs. 1, 9

### Illegal consignments **E+W+S**

**22.**—(1) Where checks at the quarantine centre, quarantine facility 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](#) on the protection of animals during transport and amending Directives [90/425/EEC](#) and [91/496/EEC](#)<sup>M23</sup>, as amended by Council Directive [95/29/EC](#)<sup>M24</sup>, 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 accompanying the rejected consignment and complete the box “details of re-consignment” in part 3 of the common veterinary entry document in accordance with the second indent of Article 3(1) of Commission Regulation [\(EC\) No. 282/2004](#) as soon as the relevant information is known.

(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.

(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.

### Marginal Citations

**M23** OJ No. L340, 11.2.91, p.17.

**M24** OJ No. L148, 30.6.95, p. 52.

### Arrival at the place of destination **E+W+S**

23.—(1) On arrival at their place of destination, elephants and animals of the order Artiodactyla (and their crossbreeds) that are for breeding, production or fattening, or that are intended for zoos, amusement parks or hunting or wildlife reserves, shall be detained at the premises by the person having control of those premises for at least 30 days and he shall not release them until authorised in writing by an authorised officer of the Secretary of State.

(2) Paragraph (1) does not apply in the case of animals being dispatched directly to a slaughterhouse.

(3) Animals of species to which paragraph (1) does not apply that are for breeding or production shall be detained at the place of destination by the person having control of those premises, and he shall not release them unless authorised in writing by an authorised officer of the Secretary of State.

### Post-import controls **E+W+S**

24.—(1) Where a veterinary inspector knows or suspects that import conditions (including requirements for the quarantine of imported animals) 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 22 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.

## PART 4 **E+W+S**

### Imports Where Checks Have Been Carried Out in Another Member State

#### Application of Part 4 **E+W+S**

25. This Part shall apply in respect of animals imported into England and which originate outside the European Community but in respect of which all the checks required under Council Directive [91/496/EEC](#) have been carried out in another member State.

#### Imports **E+W+S**

26. No person shall import any animal to which this Part applies unless it is accompanied by the common veterinary entry document and the authenticated copy of the original health certificate issued at the point of importation into the European Community under Article 7(1) of Council Directive [91/496/EEC](#) and Article 3 of Regulation [\(EC\) No. 282/2004](#).

#### Import procedure **E+W+S**

27. The provisions of regulations 7 to 13, 16(2) and (3), 23 and 24 of these Regulations shall apply in relation to animals to which this Part applies.

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*Changes to legislation: There are currently no known outstanding effects for the The Animals and Animal Products (Import and Export) (England) Regulations 2006 (revoked). (See end of Document for details)*

## [<sup>F24</sup>PART 4A E+W+S

### Third Country Exports

#### Textual Amendments

**F24** Pt. 4A inserted (17.11.2007) by [The Animals and Animal Products \(Import and Export\) \(England\) \(Amendment\) Regulations 2007 \(S.I. 2007/3277\)](#), regs. 1, **2(5)**

#### Application of Part 4A E+W+S

**27A.** This Part shall apply in respect of any animal, semen, ovum or embryo exported other than to a member State.

#### Exports to third countries E+W+S

**27B.**—(1) A person must not export any animal, semen, ovum or embryo to a third country unless it complies with the relevant provisions of the instrument listed in Schedule 8A.

(2) If an inspector has reasonable cause to suspect that a person intends to export any animal, semen, ovum or embryo in contravention of this regulation he may by notice served on that person, his representative or the person appearing to him to be in charge of the animal, semen, ovum or embryo, prohibit that export and require the person on whom the notice is served to take the animal, semen, ovum or embryo to such places as may be specified in the notice and to take such further action in relation to it as may be specified in the notice.

(3) If a notice served under paragraph (2) is not complied with, an inspector may seize any animal, semen, ovum or embryo to which it relates and arrange for the requirements of the notice to be complied with.]

## PART 5 E+W+S

### General

#### Outbreaks of disease in other states E+W+S

**28.**—(1) This regulation shall apply where the Secretary of State 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 Secretary of State may, for the purpose of preventing the introduction or spreading of disease into or within England, by declaration suspend, or impose conditions upon, the entry into England of any animal or animal product from the whole or any part of that state.

(3) Such a declaration shall be published in such manner as the Secretary of State thinks fit.

(4) Where a declaration is in force suspending the entry of any animal or animal product, no person shall bring that animal or animal product into England 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 England of any animal or animal product, no person shall bring that animal or animal product into England 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 **E+W+S**

**29.** If the consignor or his representative, or the importer 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.

#### Powers of inspectors **E+W+S**

**30.**—(1) Subject to regulation 10, an inspector 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 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 shall have 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 a representative of the European Commission acting for the purposes of Council Directives [90/425/EEC](#) or [91/496/EEC](#).

#### <sup>[F25]</sup>Recovery of expenses and determination of charges **E+W+S**

**31.**—(1) The consignor, his representative and the person in charge of any animal or animal product shall be 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 that animal or animal product.

(2) In relation to any activity undertaken by an inspector for which a charge may be made at the inspector rate—

- (a) the Secretary of State shall determine a rate which represents the reasonable costs and expenses incurred in employing an inspector to undertake that activity during any given unit of time;

*Status: Point in time view as at 29/07/2010.*

*Changes to legislation: There are currently no known outstanding effects for the The Animals and Animal Products (Import and Export) (England) Regulations 2006 (revoked). (See end of Document for details)*

- (b) the Secretary of State shall publish the current inspector rate on the Defra website;
- (c) time charged at the inspector rate shall be charged in units of no more than half an hour.]

#### Textual Amendments

**F25** Reg. 31 substituted (1.7.2007) by [The Animals and Animal Products \(Import and Export\) \(England\) \(Laboratories, Circuses and Avian Quarantine\) Regulations 2007 \(S.I. 2007/1621\)](#), regs. 1, **10**

#### Obstruction **E+W+S**

**32.** No person shall—

- (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 for the purposes of his functions under these Regulations; or
- (c) furnish to any person acting in the execution of these Regulations any information which he knows to be false or misleading.

#### Offences by bodies corporate **E+W+S**

**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, as well as the body corporate, shall be guilty of the offence and be liable to be proceeded against and punished accordingly.

(2) For the purposes of paragraph (1), “director” in relation to a body corporate whose affairs are managed by its members, means a member of the body corporate.

#### Penalties **E+W+S**

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

[<sup>F26</sup>(2) The provisions referred to in paragraph (1) are those contained in—

- (a) regulation 5(8);
- (b) paragraph 6 of Part I of Schedule 4;
- (c) paragraphs 2 and 7 of Part I of Schedule 5;
- (d) paragraphs 7(7), 8(5) and 9(3) of Part II of Schedule 8.]

(3) A person guilty of an offence under regulation 32(a) or (b) shall be 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 shall be 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.

#### Textual Amendments

- F26** Reg. 34(2) substituted (1.7.2007) by [The Animals and Animal Products \(Import and Export\) \(England\) \(Laboratories, Circuses and Avian Quarantine\) Regulations 2007 \(S.I. 2007/1621\)](#), regs. 1, **11**

#### [<sup>F27</sup>Disapplication of provisions **E+W+S**

**35.** To the extent specified in column 3 of the table in Schedule 9, <sup>F28</sup>... the provisions of the legislation listed in Schedule 9 shall 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.]

#### Textual Amendments

- F27** Reg. 35 substituted (1.7.2007) by [The Animals and Animal Products \(Import and Export\) \(England\) \(Laboratories, Circuses and Avian Quarantine\) Regulations 2007 \(S.I. 2007/1621\)](#), regs. 1, **12**
- F28** Words in [reg. 35](#) revoked (15.1.2009) by [The Animals and Animal Products \(Import and Export\) \(England\) \(Amendment\) Regulations 2008 \(S.I. 2008/3203\)](#), regs. 1(c), **2(4)**

#### Revocation **E+W+S**

**36.** The [Animals and Animal Products \(Import and Export\) \(England\) Regulations 2005](#) <sup>M25</sup> are revoked.

#### Marginal Citations

- M25** [S.I. 2005/2002](#).

Department for Environment, Food and Rural  
Affairs

*Ben Bradshaw*  
Parliamentary Secretary

We consent to the making of these Regulations.

*Frank Roy*  
*Dave Watts*  
Two of the Lords Commissioners of Her  
Majesty's Treasury

**Status:** Point in time view as at 29/07/2010.

**Changes to legislation:** There are currently no known outstanding effects for the *The Animals and Animal Products (Import and Export) (England) Regulations 2006 (revoked)*. (See end of Document for details)

<sup>F29</sup>SCHEDULE 1 **E+W+S**

Regulation 1(5)

**Textual Amendments**

**F29** Sch. 1 revoked (15.1.2009) by *The Animals and Animal Products (Import and Export) (England) (Amendment) Regulations 2008 (S.I. 2008/3203)*, regs. 1(c), **2(5)**

<sup>F30</sup>SCHEDULE 2 **U.K.**

Regulation 1(2)

Border Inspection Posts

**Textual Amendments**

**F30** Schs. 2, 3 substituted (15.1.2009) by *The Animals and Animal Products (Import and Export) (England) (Amendment) Regulations 2008 (S.I. 2008/3203)*, regs. 1(c), 2(6), **Sch.**

Border inspection post	Animals that may be imported
Gatwick Airport	All animals other than ungulates
Heathrow Airport	All animals
Manchester Airport	live fish, reptiles, invertebrates
Stansted Airport	Ungulates

(i) Ungulates include registered equidae as defined in Council Directive [90/426/EEC](#) (OJNo. L224, 18.8.90, p. 42 as last amended by Council Directive [2006/104/EC](#), OJ No L 363, 20.12.2006, p. 352).

(ii) Stansted Airport is not a border inspection post for any species of animal specified in the Rabies (Importation of Dogs, Cats and Other Mammals) Order 1974 ([S. I. 1974/2211](#)).]

<sup>F30</sup>SCHEDULE 3 **U.K.**

Regulation 4

Intra-Community trade: legislation and additional requirements

<sup>F31</sup>PART I **U.K.**

Legislation in Relation to Intra-Community Trade

**Textual Amendments**

**F31** Sch. 3 Pt. I substituted (29.7.2010) by *The Animals and Animal Products (Import and Export) (England) (Amendment) Regulations 2010 (S.I. 2010/1760)*, regs. 1(c), **4**

### **Bovine animals and swine** U.K.

1. Council Directive [64/432/EEC](#) on health problems affecting intra-Community trade in bovine animals and swine.

### **Bovine semen** U.K.

2. Council Directive [88/407/EEC](#) laying down the animal health conditions applicable to intra-Community trade in and imports of semen of domestic animals of the bovine species.

### **Bovine embryos** U.K.

3. Council Directive [89/556/EEC](#) on animal health conditions concerning intra-Community trade in and importation from third countries of embryos of domestic animals of the bovine species.

### **Equidae** U.K.

4. Council Directive [90/426/EEC](#) on health conditions governing the movement of equidae and their import from third countries.

5. Council Directive [90/427/EEC](#) on the zootechnical and genealogical conditions governing intra-Community trade in equidae.

### **Porcine semen** U.K.

6. Council Directive [90/429/EEC](#) laying down the animal health requirements applicable to intra-Community trade in and imports of semen of domestic animals of the porcine species.

### **Poultry and hatching eggs** U.K.

7. Council Directive [2009/158/EC](#) on animal health conditions governing intra-Community trade in, and imports from third countries of, poultry and hatching eggs.

### **Animal waste** U.K.

8. Regulation (EC) No [1774/2002](#) of the European Parliament and of the Council laying down rules concerning animal by-products not intended for human consumption.

### **Fish** U.K.

9. Council Directive [2006/88/EC](#) on animal health requirements for aquaculture animals and products thereof, and on the prevention and control of certain diseases in aquatic animals.

10. Directive [2004/41/EC](#) of the European Parliament and of the Council repealing certain directives concerning food hygiene and health conditions for the production and placing on the market of certain products of animal origin intended for human consumption and amending Council Directives [89/662/EEC](#) and [92/118/EEC](#) and Council Decision [95/408/EC](#).

11. Commission Regulation (EC) No [1251/2008](#) implementing Council Decision [2006/88/EC](#) as regards conditions and certification requirements for the placing on the market and the import into the Community of aquaculture animals and products thereof and laying down a list of vector species.

### **Ovine and caprine animals** U.K.

12. Council Directive [91/68/EEC](#) on animal health conditions governing intra-Community trade in ovine and caprine animals.

**Status:** Point in time view as at 29/07/2010.

**Changes to legislation:** There are currently no known outstanding effects for the The Animals and Animal Products (Import and Export) (England) Regulations 2006 (revoked). (See end of Document for details)

### **Other animals, semen, ova and embryos** U.K.

13. Council Directive [92/65/EEC](#) laying down animal health requirements governing trade in and imports into the Community of animals, semen, ova and embryos not subject to animal health requirements laid down in specific Community rules referred to in Council Directive [90/425/EEC](#).

### **Circuses and animal acts** U.K.

14. [Commission Regulation \(EC\) No. 1739/2005](#) laying down animal health requirements for the movement of circus animals between member States.

### **Pathogens** U.K.

15. Council Directive [92/118/EEC](#) laying down animal and public health requirements governing trade in and imports into the Community of products not subject to the said requirements laid down in specific Community rules referred to in Annex A(I) to Directive [89/662/EEC](#) and, as regards pathogens, to Directive [90/425/EEC](#).

### **Pure-bred animals of the bovine species** U.K.

16. Council Directive [2009/157/EC](#) on pure-bred breeding animals of the bovine species.

### **Breeding animals of the porcine species** U.K.

17. Council Directive [88/661/EEC](#) on the zootechnical standards applicable to breeding animals of the porcine species.

### **Pure-bred breeding sheep and goats** U.K.

18. Council Directive [89/361/EEC](#) concerning pure-bred breeding sheep and goats.

### **Bluetongue susceptible animals** U.K.

19. [Commission Regulation \(EC\) No 1266/2007](#) on implementing rules for Council Directive [2000/75/EC](#) as regards the control, monitoring, surveillance and restrictions on movements of certain animals of susceptible species in relation to bluetongue.

### **Transmissible spongiform encephalopathies** U.K.

20. Regulation (EC) No [999/2001](#) of the European Parliament and of the Council laying down rules for the prevention, control, and eradication of certain transmissible spongiform encephalopathies.

21. Commission Decision [2007/453/EC](#) establishing the BSE status of Member States or third countries or regions thereof according to the BSE risk.]]



SCHEDULE 4 **E+W+S**

Regulations 5(5)

The Poultry Health Scheme

**PART I** **E+W+S**

MEMBERSHIP

1. Any reference to “the Directive” in this Part of this Schedule is a reference to [F32]Council Directive 2009/158/EC].

**Textual Amendments**

**F32** Words in Sch. 4 para. 1 substituted (29.7.2010) by *The Animals and Animal Products (Import and Export) (England) (Amendment) Regulations 2010 (S.I. 2010/1760)*, regs. 1(c), 3(2)(b)

2. An application for an establishment to become a member of the Poultry Health Scheme (“the Scheme” in this Schedule) must be accompanied by the registration fee, the details of which are set out in Part 2 of this Schedule.

3. The Secretary of State shall only grant membership of the Scheme to an establishment if—

(a) he is satisfied, following an inspection by a veterinary inspector, that—

(i) the establishment meets the requirements regarding facilities in Chapter II of Annex II to the Directive; and

(ii) the operator of the establishment will comply, and ensure that the establishment complies, with the requirements of point 1 of Chapter I of Annex II to the Directive; and

(b) the operator of the establishment, having been notified that the Secretary of State is satisfied that the requirements in sub-paragraph (a) are met, has paid the annual membership fee, the details of which are set out in Part III of this Schedule.

4. The disease surveillance programme referred to in paragraph (b) of point 1 of Chapter I of Annex II to the Directive shall consist of the disease surveillance measures specified in Chapter III of Annex II to the Directive, together with any additional testing requirements that a veterinary inspector notifies in writing to an establishment as being requirements that he believes are necessary to avoid the spreading of contagious disease through intra-Community trade, taking into account the particular circumstances at that establishment.

5. On receipt of the first annual membership fee, the Secretary of State shall issue the establishment's membership certificate, which shall include the establishment's membership number.

6. The operator of an establishment that is a member of the Scheme shall pay the annual membership fee each year, and shall pay any re-inspection fee when it becomes due.

7. In order to ensure that operators and their establishments continue to meet the requirements for membership of the Scheme, and generally to ensure compliance with the Directive —

(a) a veterinary inspector (whether employed by Defra or not) shall carry out an annual veterinary inspection of the establishment; and

(b) a veterinary inspector employed by Defra shall carry out any additional inspections (in so far as not provided for under paragraph 8) which the Secretary of State considers necessary.

8. Without prejudice to any action which may be taken under paragraph 9, where, at the annual veterinary inspection of an operator's establishment, that operator or his establishment do not appear

**Status:** Point in time view as at 29/07/2010.

**Changes to legislation:** There are currently no known outstanding effects for the The Animals and Animal Products (Import and Export) (England) Regulations 2006 (revoked). (See end of Document for details)

to the Secretary of State to meet the requirements either for membership of the Scheme or of the Directive, a veterinary inspector employed by Defra shall carry out such additional inspections (“re-inspections”) as the Secretary of State considers necessary to ensure compliance on the part of that operator and his establishment with those requirements, in which case a re-inspection fee shall—

- (a) be charged for each such re-inspection; and
- (b) become due upon the receipt by the operator concerned of an invoice for that fee.

9. The Secretary of State—

- (a) shall suspend, revoke or restore membership in accordance with Chapter IV of Annex II to the Directive (references to “withdrawal” in that Chapter shall be read as references to “revocation” for the purposes of this paragraph);
- (b) may suspend or revoke membership if—
  - (i) an establishment is in breach of any of the requirements regarding facilities in Chapter II of Annex II to the Directive;
  - (ii) the operator or the establishment is in breach of any of the requirements in point 1 of Chapter I of Annex II to the Directive;
  - (iii) ownership or control of an establishment changes; or
  - (iv) the operator has not paid the annual membership fee or if a re-inspection fee remains unpaid 30 days after becoming due.

## PART II E+W+S

### REGISTRATION FEE

1. The Secretary of State shall—

- (a) determine the registration fee on the basis of the cost attributable to each application of the items listed in paragraph 3; and
- (b) publish the current registration fee on Defra's website <sup>M26</sup>.

#### **Marginal Citations**

**M26** [www.defra.gov.uk](http://www.defra.gov.uk).

2. The registration fee shall be payable to the Secretary of State in respect of each establishment for which an application is made and shall be non-refundable.

3. The items referred to in paragraph 1(a) are—

- (a) the salaries and fees, together with overtime payments and employers' national insurance and superannuation contributions, of—
  - (i) any person involved directly in processing applications for membership of the Scheme;
  - (ii) any person engaged in managing the processing of such applications; and
  - (iii) any veterinary inspector who carries out a veterinary inspection at an applicant establishment;
- (b) recruiting and training the staff referred to in sub-paragraph (a);

**Status:** Point in time view as at 29/07/2010.

**Changes to legislation:** There are currently no known outstanding effects for the *The Animals and Animal Products (Import and Export) (England) Regulations 2006 (revoked)*. (See end of Document for details)

- (c) travel and related incidental expenses incurred in processing applications for membership (including inspecting establishments), except where incurred by a person attending his normal place of work;
- (d) office accommodation, equipment and services for the staff referred to in sub-paragraph (a), including depreciation of office furniture and equipment and the cost of information technology and stationery;
- (e) provision of protective clothing and equipment used in inspecting establishments, and laundering, cleansing or disinfecting that protective clothing;
- (f) provision of payroll and personnel services in connection with the employment of the staff referred to in sub-paragraph (a); and
- (g) any other incidental expenses incurred in connection with the processing of applications for membership of the Scheme.

### **PART III E+W+S**

#### **ANNUAL MEMBERSHIP FEE**

1. There shall be two rates for the annual membership fee: a higher rate, which includes the cost of an annual veterinary inspection by a veterinary inspector employed by Defra, and a lower rate which does not include the cost of such an inspection.
2. The lower rate shall be payable—
  - (a) the first time the annual membership fee is paid (the cost of the first annual veterinary inspection having been included in the registration fee); and
  - (b) in subsequent years where the operator of the establishment has elected for the annual veterinary inspection to be carried out by a veterinary inspector who is not employed by Defra.
3. The Secretary of State shall—
  - (a) determine the two rates of the annual membership fee on the basis of the cost attributable to each establishment of the items listed in paragraph 5; and
  - (b) publish the current rates of the annual membership fee on Defra's website.
4. The annual membership fee shall be payable to the Secretary of State in respect of each establishment and shall be non-refundable.
5. The items referred to in paragraph 3(a) are (subject to paragraph 6)—
  - (a) salaries and fees, together with overtime payments and employers' national insurance and superannuation contributions, of—
    - (i) any person directly involved in the administration of the Scheme (including corresponding with and responding to queries from members, producing guidance, and arranging inspections of establishments);
    - (ii) any person engaged in managing the administration of the Scheme;
    - (iii) any veterinary inspector employed by Defra who carries out the annual veterinary inspection of an establishment or additional inspections during the year ;
  - (b) recruiting and training the staff referred to in sub-paragraph (a);
  - (c) travel and related incidental expenses incurred in the administration of the Scheme (including veterinary inspections of establishments), except where incurred by a person attending his normal place of work;

**Status:** Point in time view as at 29/07/2010.

**Changes to legislation:** There are currently no known outstanding effects for the *The Animals and Animal Products (Import and Export) (England) Regulations 2006 (revoked)*. (See end of Document for details)

- (d) office accommodation, equipment and services for staff referred to in sub-paragraph (a), including depreciation of office furniture and equipment and the cost of information technology and stationery;
- (e) provision of protective clothing and equipment, where applicable, used in carrying out inspections of establishments, and laundering, cleansing or disinfecting that protective clothing;
- (f) provision of payroll and personnel services in connection with the employment of staff referred to in sub-paragraph (a); and
- (g) any other incidental expenses incurred in connection with the administration of the Scheme.

6. The items listed in paragraph 5 shall not include any expense or cost which relates to the administration of, travel for the purposes of, and attendance at, re-inspections in so far as that expense or cost is recoverable under Part IV of this Schedule.

## PART IV **E+W+S**

### RE-INSPECTION FEE

1. The re-inspection fee provided for under paragraph 8, Part I of this Schedule shall be composed of—

- (a) a charge for the veterinary inspector's time spent at the operator's establishment carrying out the re-inspection, the rate for which charge shall be £45 per hour or part thereof; and
- (b) a charge for mileage, that is, for each mile travelled by the veterinary inspector to and from the operator's establishment in order to carry out the re-inspection, the rate for which charge shall be 33 pence per mile.

2. The Secretary of State may, using such criteria as he considers appropriate in all the circumstances, reduce the charge for mileage under paragraph 1(b) in respect of any particular re-inspection in order to avoid an over-recovery of mileage costs incurred for a journey in the course of which other official activity is undertaken in addition to that re-inspection.

## SCHEDULE 5 **E+W+S**

Regulation 9(4)

### Approval of Laboratories under the Poultry Health Scheme

## <sup>F33</sup>PART I **U.K.**

### APPROVAL

#### Textual Amendments

**F33** Sch. 5 Pt. I substituted (1.7.2007) by [The Animals and Animal Products \(Import and Export\) \(England\) \(Laboratories, Circuses and Avian Quarantine\) Regulations 2007 \(S.I. 2007/1621\)](#), regs. 1, **14(2)**

1. The Secretary of State may approve any laboratory that he considers to be suitable for the purposes of carrying out Mycoplasma or Salmonella testing under the Poultry Health Scheme.

2. The operator of a laboratory approved under paragraph 1 shall pay the annual approval fee each year.
3. The annual approval fee is the fee provided for in Part II.
4. An inspector shall carry out inspections and quality assurance testing as the Secretary of State considers necessary.
5. In so far as such costs have not been taken into account in determining the annual approval fee, the Secretary of State may make a charge at the inspector rate for an inspector's time in carrying out inspections at laboratories.
6. The Secretary of State—
  - (a) may charge a fee for the provision of samples for quality assurance testing for the purposes of—
    - (i) assessing an application for an approval under this Schedule;
    - (ii) assessing whether an approved laboratory remains suitable for approval (in so far as such costs have not been taken into account in determining the annual approval fee); and
    - (iii) assessing whether suspension of such an approval should be lifted; and
  - (b) shall publish on the Defra website the current fees which may be charged under this paragraph.
7. A fee charged under paragraphs 4, 5 or 6 shall be paid by the operator of the laboratory concerned and payment shall be due upon written demand.]

## PART II E+W+S

### ANNUAL APPROVAL FEE

- [<sup>F34</sup>1. The Secretary of State—
- (a) shall determine the annual approval fee on the basis of the cost attributable to each laboratory of the items listed in paragraph 3;
  - (b) may determine different annual approval fees depending on whether the approval relates to:
    - (i) bacteriological testing for *Mycoplasma* only;
    - (ii) serological testing for *Mycoplasma* only;
    - (iii) bacteriological testing for *Salmonella* only;
    - (iv) serological testing for *Salmonella* only; or
    - (v) a combination of (i) to (iv); and
  - (c) shall publish the current annual approval fee or fees on the Defra website.]

#### Textual Amendments

- F34** Sch. 5 Pt. 2 para. 1 substituted (1.7.2007) by [The Animals and Animal Products \(Import and Export\) \(England\) \(Laboratories, Circuses and Avian Quarantine\) Regulations 2007 \(S.I. 2007/1621\)](#), regs. 1, **14(3)**

2. The annual approval fee shall be payable to the Secretary of State in respect of each approved laboratory and shall be non-refundable.

**Status:** Point in time view as at 29/07/2010.

**Changes to legislation:** There are currently no known outstanding effects for the *The Animals and Animal Products (Import and Export) (England) Regulations 2006 (revoked)*. (See end of Document for details)

3. The items referred to in paragraph 1(a) are—
- (a) the salaries and fees, together with overtime payments and employers' national insurance and superannuation contributions, of—
    - (i) any person directly involved in the administration of the approval of laboratories;
    - (ii) any person engaged in the management or administration of this work; and
    - (iii) any veterinary inspector who carries out inspections of laboratories;
  - (b) recruiting and training the staff referred to in sub-paragraph (a);
  - (c) travel and related incidental expenses incurred in the administration of the approval of laboratories (including carrying out inspections), except where incurred by a person attending his normal place of work;
  - (d) office accommodation, equipment and services for staff involved in the administration of approval of laboratories, including depreciation of office furniture and equipment and the cost of information technology and stationery;
  - (e) provision of protective clothing and equipment used in carrying out inspections of establishments, and laundering that protective clothing;
  - (f) provision of quality assurance testing samples, assessment of the results and provision of advice about the results;
  - (g) provision of payroll and personnel services in connection with the employment of staff involved in the administration of approval of laboratories; and
  - (h) any other incidental expenses incurred in connection with the administration of the approval of laboratories.

SCHEDULE 6 **E+W+S**

Regulation 13(1)

List of Diseases

**E+W+S**

Foot and mouth disease

**E+W+S**

Classical swine fever

**E+W+S**

African swine fever

**E+W+S**

Swine vesicular disease

**E+W+S**

Newcastle disease

**E+W+S**

Rinderpest

**E+W+S**

Peste des petits ruminants

**E+W+S**

Vesicular stomatitis

**E+W+S**

Bluetongue

**E+W+S**

African horse sickness

**E+W+S**

Equine encephalomyelitis (of all types, including Venezuelan equine encephalomyelitis)

**E+W+S**

Teschen disease

**E+W+S**

Avian influenza

**E+W+S**

Sheep and goat pox

**E+W+S**

Lumpy skin disease

**E+W+S**

Rift valley fever

**E+W+S**

Contagious bovine pleuropneumonia

**E+W+S**

Bovine spongiform encephalopathy

**E+W+S**

Infectious haematopoietic necrosis



**Status:** Point in time view as at 29/07/2010.

**Changes to legislation:** There are currently no known outstanding effects for the *The Animals and Animal Products (Import and Export) (England) Regulations 2006 (revoked)*. (See end of Document for details)

**E+W+S**

Viral haemorrhagic septicaemia

**E+W+S**

Dourine

**E+W+S**

Equine infectious anaemia

**E+W+S**

Glanders

**E+W+S**

Infectious Salmon anaemia

**E+W+S**

Small hive beetle (*Aethina tumida*)

**E+W+S**

Tropilaelaps mite

[<sup>F35</sup>SCHEDULE 7 **E+W+S**

Regulation 16

EU legislation in relation to imports from third countries

**Textual Amendments**

**F35** Sch. 7 substituted (29.7.2010) by [The Animals and Animal Products \(Import and Export\) \(England\) \(Amendment\) Regulations 2010 \(S.I. 2010/1760\)](#), regs. 1(c), **5**

**PART I **E+W+S****

Instruments specifying Third Countries and territories in Third Countries from which Member States may authorise certain imports

**Cloven-hoofed animals and elephants and zoo ungulates **E+W+S****

**1. Commission Regulation (EC) No 206/2010** laying down lists of third countries, territories or parts thereof authorised for the introduction into the EU of certain animals and fresh meat and the veterinary certification requirements.

### **Poultry** E+W+S

2. [Commission Regulation \(EC\) No 798/2008](#) laying down a list of third countries, territories, zones or compartments from which poultry and poultry products may be imported into and transit through the Community and the veterinary certification requirements.

### **Captive birds** E+W+S

3. [Commission Regulation \(EC\) No 318/2007](#) of 23 March 2007 laying down animal health conditions for imports of certain birds into the Community and the quarantine conditions thereof.

### **Shellfish and finfish** E+W+S

4. [Commission Regulation \(EC\) No 1251/2008](#) implementing Council Decision [2006/88/EC](#) as regards conditions and certification requirements for the placing on the market and the import into the Community of aquaculture animals and products thereof and laying down a list of vector species.

### **Bees** E+W+S

5. [Commission Regulation \(EC\) No 206/2010](#) laying down lists of third countries, territories or parts thereof authorised for the introduction into the EU of certain animals and fresh meat and the veterinary certification requirements.

### **Equidae** E+W+S

6. Commission Decision [2004/211/EC](#) establishing the list of third countries and parts of territory thereof from which Member States authorise imports of live equidae and semen, ova and embryos of the equine species.

7. Commission Decision [2010/57/EU](#) laying down health guarantees for the transit of equidae being transported through the territories listed in Annex I to Council Directive [97/78/EC](#).

### **Cats, dogs and ferrets** E+W+S

8. Commission Decision [2005/64/EC](#) implementing Council Directive [92/65/EEC](#) as regards import conditions for cats, dogs and ferrets for approved bodies, institutes or centres.

## **PART II** E+W+S

### Detailed provisions

### **Cloven-hoofed animals and elephants and zoo ungulates** E+W+S

9. [Commission Regulation \(EC\) No 206/2010](#) laying down lists of third countries, territories or parts thereof authorised for the introduction into the EU of certain animals and fresh meat and the veterinary certification requirements.

### **Zoo ungulates** E+W+S

10. Council Directive [2004/68/EC](#) laying down health rules for the importation into and transit through the Community of certain live ungulate animals.

*Status: Point in time view as at 29/07/2010.*

*Changes to legislation: There are currently no known outstanding effects for the The Animals and Animal Products (Import and Export) (England) Regulations 2006 (revoked). (See end of Document for details)*

### **General provisions for equidae** E+W+S

11. Council Directive [90/426/EEC](#) on health conditions governing the movement of equidae and their import from third countries.

12. Commission Decision [2004/211/EC](#) establishing the list of third countries and parts of territory thereof from which Member States authorise imports of live equidae and semen, ova and embryos of the equine species.

### **Temporary admission of registered horses** E+W+S

13. Commission Decision [92/260/EEC](#) on animal health conditions and veterinary certification for temporary admission of registered horses.

### **Registered horses for racing etc, upon re-entry** E+W+S

14. Commission Decision [93/195/EEC](#) on animal health conditions and veterinary certification for the re-entry of registered horses for racing, competition and cultural events after temporary export.

### **Equidae for slaughter** E+W+S

15. Commission Decision [93/196/EEC](#) on animal health conditions and veterinary certification for imports of equidae for slaughter.

### **Registered equidae and equidae for breeding and production** E+W+S

16. Commission Decision [93/197/EEC](#) on animal health conditions and veterinary certification on imports of registered equidae and equidae for breeding and production.

### **Poultry** E+W+S

17. Council Directive [2009/158/EC](#) on animal health conditions governing intra-Community trade in, and imports from third countries of, poultry and hatching eggs.

18. [Commission Regulation \(EC\) No 798/2008](#) laying down a list of third countries, territories, zones or compartments from which poultry and poultry products may be imported into and transit through the Community and the veterinary certification requirements.

### **Other specified animals, semen, ova and embryos** E+W+S

19. Council Directive [92/65/EEC](#) laying down animal health requirements governing trade in and imports into the Community of animals, semen, ova and embryos not subject to animal health requirements laid down in specific Community rules referred to in Council Directive [90/425/EEC](#).

### **Captive birds** E+W+S

20. [Commission Regulation \(EC\) No 318/2007](#) of 23 March 2007 laying down animal health conditions for imports of certain birds into the Community and the quarantine conditions thereof.

### **Cats, dogs and ferrets** E+W+S

21. Commission Decision [2005/64/EC](#) implementing Council Directive [92/65/EEC](#) as regards import conditions for cats, dogs and ferrets for approved bodies, institutes or centres.

## Live animals from New Zealand **E+W+S**

22. Commission Decision [2003/56/EC](#) on health certificates for the importation of live animals and animal products from New Zealand.

## Zootechnical conditions **E+W+S**

23. Council Directive [94/28/EC](#) laying down the principles relating to the zootechnical and genealogical conditions applicable to imports from third countries of animals, their semen, ova and embryos, and amending Directive [77/504/EEC](#) on pure-bred breeding animals of the bovine species.

## Transmissible spongiform encephalopathies **E+W+S**

24. Regulation (EC) No [999/2001](#) of the European Parliament and of the Council laying down rules for the prevention, control, and eradication of certain transmissible spongiform encephalopathies.

25. Commission Decision [2007/453/EC](#) establishing the BSE status of Member States or third countries or regions thereof according to the BSE risk.]

## SCHEDULE 8 **E+W+S**

Regulation 19

### [<sup>F36</sup>Quarantine of Captive Birds

#### Textual Amendments

**F36** Sch. 8 substituted (1.7.2007) by [The Animals and Animal Products \(Import and Export\) \(England\) \(Laboratories, Circuses and Avian Quarantine\) Regulations 2007 \(S.I. 2007/1621\)](#), regs. 1, 16, **Sch.**

## PART I **E+W+S**

### APPROVALS

1. The Secretary of State—
  - (a) may, if he is satisfied in all the circumstances that it is appropriate to do so, grant to a quarantine manager an approval in respect of a quarantine centre or a quarantine facility for which the quarantine manager has charge and which at least meets the minimum conditions set out in Annex IV to [Commission Regulation \(EC\) No. 318/2007](#);
  - (b) shall comply with Chapter 3 of that Annex in relation to the suspension, revocation or reinstatement of such an approval.
2. The Secretary of State shall give reasons in writing—
  - (a) for refusing an application for an approval;
  - (b) for attaching conditions to an approval.
3. Notice of a revocation or suspension of an approval shall—
  - (a) take effect when it is served, unless otherwise stated in the notice;
  - (b) state—
    - (i) the reasons for the revocation or suspension, and

**Status:** Point in time view as at 29/07/2010.

**Changes to legislation:** There are currently no known outstanding effects for the The Animals and Animal Products (Import and Export) (England) Regulations 2006 (revoked). (See end of Document for details)

- (ii) the time and date when it is to take effect;
- (c) be served upon the quarantine manager—
  - (i) in person, or by leaving it at the quarantine centre or quarantine facility concerned; or
  - (ii) by post addressed to the quarantine manager at the quarantine centre or quarantine facility concerned, in which case it shall be deemed to be served at noon on the second day after posting it; and
- (d) be copied to the importer, and so far as is practicable, if the importer is not the owner of the birds concerned, to the owner, of captive birds kept at the quarantine centre or quarantine facility at the date the revocation or suspension is to take effect.

4. Where an approval is revoked or is to be revoked and the continuation of quarantine at the quarantine centre or quarantine facility concerned would in the opinion of a veterinary inspector cause a significant public or animal health risk, he may issue directions by notice as to the movement or disposal of birds held in quarantine at the time the notice of revocation is stated to take effect, and such notice shall be served and copied to any importer and owner concerned as if it were a notice to which paragraph 3(c) and (d) applied.

## PART II E+W+S

### Charges in relation to approvals of avian quarantine centres and facilities, official supervision, sampling and laboratory testing

#### General charging provisions E+W+S

5. Using such criteria as he considers appropriate in all the circumstances to avoid an over-recovery of costs for which a charge is made under this Schedule, the Secretary of State may make a reduced charge, if during a veterinary inspector's attendance at a quarantine centre or quarantine facility he undertakes official activity for which a charge may be made to another party under this Schedule.

6. A demand for payment of charges made under this Schedule may be addressed to the importer or quarantine manager concerned, as appropriate, at his last known address, whether or not it is his address for business.

#### Charges relating to approvals E+W+S

7.—(1) The Secretary of State may make a charge in connection with the granting, suspension, amendment or revocation of an approval under regulation 19 and this Schedule in accordance with this paragraph.

(2) A fee (“the approval administration fee”) may be charged in relation to the receipt and processing of an application for —

- (a) an approval;
- (b) the lifting of the suspension of an approval; or
- (c) the lifting of or amendment of conditions attached to an approval.

(3) The Secretary of State shall from time to time determine the fee for each type of application described in sub-paragraph (2) and shall publish the current fee on the Defra website.

(4) The approval administration fee for any type of application shall represent costs and expenses which the Secretary of State reasonably considers attributable to the receipt and processing of an application of that type.

(5) The inspector rate may be charged for time spent by a veterinary inspector inspecting premises to assess compliance with the minimum approval conditions.

(6) The Secretary of State may make a charge at no more than the inspector rate determined for the purposes of this paragraph for time spent by a veterinary inspector travelling to or from premises for purposes of inspecting them to assess compliance with the minimum approval conditions.

(7) Charges and fees under this paragraph shall be paid by the quarantine manager and shall be due upon written demand.

(8) In this paragraph—

- (a) “approval” means an approval as provided for in regulation 19 and this Schedule;
- (b) “minimum approval conditions” means the minimum conditions set out in Annex IV to [Commission Regulation \(EC\) No. 318/2007](#).

### **Charges for official veterinary supervision and sampling** E+W+S

**8.—**(1) The Secretary of State shall make a charge at the inspector rate for time spent by a veterinary inspector at a quarantine centre or quarantine facility in relation to any consignment of captive birds placed in quarantine pursuant to regulation 19—

- (a) carrying out official veterinary supervision; or
- (b) taking samples.

(2) The Secretary of State may make a charge at no more than the inspector rate determined for the purposes of this paragraph for time spent by a veterinary inspector travelling to or from premises to carry out official veterinary supervision or take samples.

(3) The Secretary of State may make a charge for the administrative costs of official supervision and the taking of samples (“the consignment administration fee”).

(4) The Secretary of State shall—

- (a) from time to time determine the consignment administration fee in relation to consignments of different types and sizes as representing the costs and expenses which the Secretary of State reasonably considers attributable to the administration of official supervision and the taking of samples in relation to a type or size of consignment, including the recovery of costs provided for under this Part; and
- (b) publish the current fee on the Defra website.

(5) Charges under this paragraph shall be paid by the importer and shall be due upon written demand.

### **Charges for testing of samples by the official laboratory** E+W+S

**9.—**(1) The Secretary of State may make a charge for the testing of samples.

(2) The Secretary of State shall—

- (a) from time to time determine the fee for each type of test as representing the costs and expenses which the Secretary of State reasonably considers attributable to the undertaking by the official laboratory of a test of that type; and
- (b) publish the current fee on the Defra website.

(3) Charges under this paragraph shall be paid by the importer and shall be due upon written demand.

(4) In this paragraph “testing of samples” means testing and analysis of samples carried out by the official laboratory pursuant to Articles 12 to 15 of and Annex VI to [Commission Regulation \(EC\) No. 318/2007](#), and includes the removal of tissue *post mortem*.]

**Status:** Point in time view as at 29/07/2010.**Changes to legislation:** There are currently no known outstanding effects for the *The Animals and Animal Products (Import and Export) (England) Regulations 2006 (revoked)*. (See end of Document for details)[<sup>F37</sup>SCHEDULE 8A E+W+S

## Community legislation in relation to exports to third countries

**Textual Amendments**

**F37** Sch. 8A inserted (17.11.2007) by [The Animals and Animal Products \(Import and Export\) \(England\) \(Amendment\) Regulations 2007 \(S.I. 2007/3277\)](#), regs. 1, **2(8)**

**Bluetongue susceptible animals E+W+S**

**1.** Instrument: Commission Regulation (EC) No. 1266/2007 on implementing rules for Council Directive 2000/75/EC as regards the control, monitoring, surveillance and restrictions on movements of certain animals of susceptible species in relation to bluetongue (OJ No. L283, 27.10.2007, p. 37).

Relevant provisions in that instrument: Articles 7(1), 7(2), 7(4), 8(1), 8(3), 8(4)(a) and (b), 8(6) and 9, and Annex III.]

## SCHEDULE 9 E+W+S

Regulation 35(3)

## Legislation that does not apply

<b>Title</b>	<b>Reference</b>	<b>Extent</b>
The Diseases of Fish Act 1937	1937 c 33	Section 1
The Hares (Control of Importation) Order 1965	SI 1965/2040	The whole Order
The Rabies (Importation of Dogs, Cats and Other Mammals) Order 1974 as amended	SI 1974/2211 as amended by SI 1977/361, 1984/1182, 1986/2062, 1990/2371, 1993/1813, 1994/1405, 1994/1716, 1999/3443, 2000/1298, 2000/1641, 2001/6, 2002/1011, 2002/2850, and 2004/2364.	The Order shall continue to apply to all carnivores, primates and bats. It shall continue to apply to the importation of all other animals unless such animals are imported by way of trade and can be shown to have been born on the holding of origin and kept in captivity since birth.
The Importation of Animals Order 1977	SI 1977/944	Articles 3, 4(7), 4(8), 5(1) to (3), 7(1), 8 to 14, 16, 17, 18(1) (b), 18(3), 19 to 21, 23, 24 and 25(2) except that article 3 shall continue to apply to ruminating animals and swine other than animals which are the subject of Council Directive <a href="#">64/432/EEC</a> .



The Importation of Birds, Poultry and Hatching Eggs Order 1979	SI 1979/1702	[ <sup>F38</sup> Articles 4 to 7, 9(3) to (6), 10 to 12 except that article 4 shall continue to apply to all birds (including domestic fowl) and their hatching eggs other than— (a) those subject to the provisions of Council Directive <a href="#">90/539/EEC</a> (excluding domestic fowl), (b) those birds and their hatching eggs traded within the Community which are subject to the provisions of Council Directive 92/65; and (c) captive birds whose import is provided for in Article 4 of <a href="#">Commission Regulation (EC) No. 318/2007</a> .]
The Importation of Embryos, Ova and Semen Order 1980 as amended by the Importation of Embryos, Ova and Semen (Amendment) Order 1984	SI 1980/12 as amended by SI 1984/1326	The whole Order except that article 4 shall continue to apply to embryos, ova and semen (as defined in that Order) other than— (f) bovine semen which is the subject of Council Directive <a href="#">88/407/EEC</a> ; (g) bovine embryos which are the subject of Council Directive <a href="#">89/556/EEC</a> ; (h) porcine semen which is the subject of Council Directive <a href="#">90/429/EEC</a> ; (i) equine ova and embryos which are the subject of Commission Decision <a href="#">95/294/EC</a> ; (j) (e) equine semen which is the subject of Commission Decision <a href="#">95/307/EC</a> ; (k) ovine and caprine semen, ova and embryos which are the subject of Commission Decision <a href="#">95/388/EC</a> ; and (l) porcine ova and embryos which are the subject of

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**Changes to legislation:** There are currently no known outstanding effects for the *The Animals and Animal Products (Import and Export) (England) Regulations 2006 (revoked)*. (See end of Document for details)

		Commission Decision <a href="#">95/483/EC</a> .
The Diseases of Fish Regulations 1984	SI 1984/455	Regulations 2 and 5
The Importation of Bovine Semen Regulations 1984	SI 1984/1325	The whole instrument
The Shellfish and Specified Fish (Third Country Imports) Order 1992	SI 1992/3301	The whole Order

#### Textual Amendments

**F38** Words in Sch. 9 substituted (1.7.2007) by [The Animals and Animal Products \(Import and Export\) \(England\) \(Laboratories, Circuses and Avian Quarantine\) Regulations 2007 \(S.I. 2007/1621\)](#), regs. 1, **17**

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations revoke and re-make with changes the *Animals and Animal Products (Import and Export) (England) Regulations 2005 (S.I. 2005/2002)* (“the 2005 Regulations”).

They implement Council Directive [90/425/EEC](#) (concerning veterinary and zootechnical checks applicable in intra-Community trade in certain live animals and products with a view to the completion of the internal market) (OJ No. L224, 18.8.90, p. 29) and Council Directive [91/496/EEC](#) (laying down the principles governing the organisation of veterinary checks on animals entering the Community from third countries) (OJ No. L268, 24.9.91, p. 56).

They continue to include the following provisions—

Intra-Community trade

With respect to intra-Community trade, the Regulations make it an offence to export, import or transport for intra-Community trade any animal or animal product to which Directive [90/425/EEC](#) applies except in accordance with the provisions of regulations 5, 6 and 7 which give effect to the veterinary check and transport requirements for such trade under Directive [90/425/EEC](#). Part I of Schedule 3 lists individual instruments governing trade of specific types, identifying relevant provisions and specifying any additional requirements which must be complied with pursuant to regulations 5 and 6.

These Regulations provide a statutory basis for the Poultry Health Scheme, which is a means of approving and monitoring poultry establishments engaging in intra-Community trade of poultry and hatching eggs. The approval and monitoring of such establishments is a requirement of Council Directive [90/539/EEC](#). Regulation 5(5) prohibits exports unless the commodities originate from an establishment which is a member of the Poultry Health Scheme and conforms to the requirements of Directive [90/539/EEC](#). Schedule 4 sets out how the fees for membership and registration are calculated and provides for re-inspection fees. It also provides for powers for suspension or revocation of membership under specified circumstances.

The Regulations set out the procedures and requirements for the registration of dealers in animals and animal products (regulation 8), and the approval of centres and teams engaging in intra-

Community trade in animals and animal products (regulation 9). Regulation 9, with Schedule 5, provides for approval of laboratories to carry out specified poultry health tests. Powers in regulation 10 provide for checks on intra-community trade at the place of destination as required under Directive 90/425. The Regulations also place duties on consignees of animals and animal products (regulation 11), and provide for the approval of assembly centres (regulation 12). They specify the procedure to be followed in the case of illegal consignments (regulation 13).

#### Imports from third countries

These Regulations prohibit the importation of any animal from a third country unless the conditions of Council Directive [91/496/EEC](#) are complied with and the relevant provisions of numerous EU instruments, and any additional requirements, identified in Part II of Schedule 7 are complied with (regulation 16). Regulation 16, with Part I of Schedule 7 prescribes the third countries from which animals may be imported. Regulation 17, with Schedule 2, specifies the places at which animals may be imported through Border Inspection Posts. The procedure for importation is provided for in regulation 18, and the payment of fees in that connection at regulation 20. Procedures to be followed where a consignment constitutes a danger to health or is otherwise illegal are set out in regulations 21 and 22. Regulation 23 requires that, at the place of destination, certain animals (elephants and other Artiodactyla) may not be released until authorised by an authorised officer of the Secretary of State. Post-import controls are provided for in regulation 24.

Part 4 makes provision for imports from third countries which undergo the requisite veterinary border checks on arrival at another member State.

#### General provisions

The Regulations also give powers to the Secretary of State to take action in the event of an outbreak of disease in another state (regulation 28) and make provision for the notification of decisions (regulation 29), inspectors' powers of entry (regulation 30) and the recovery of expenses (regulation 31). Obstruction of any person acting in the execution of the Regulations is made an offence (regulation 32), and it is an offence under regulation 34 to contravene the Regulations (excepting certain fees provisions). Penalties are provided for (regulation 34). Disapplication of other legislation relating to the import of animals continues to be provided for (regulation 35, with Schedule 9). Regulation 35 contains transitional provisions (with Part IV of Schedule 8). The revocation of the 2005 Regulations is provided for at regulation 36.

#### **Principal changes made by these Regulations**

New provisions are included to implement (for the first time in these Regulations), Commission Decision [2000/666/EC](#) (OJ No. L 278, 31.10.2000, p. 26), in relation to imports of captive birds. Schedules 3 and 7 have also been revised and updated in order to bring the implementation of Community instruments up-to-date at the time of making.

#### Imports of captive birds from third countries

A new regulation 19 has been inserted to provide for the arrangements for quarantine of captive birds imported from third countries, as required under Commission Decision [2000/666/EC](#). Specific requirements are imposed on quarantine managers as to the running of quarantine centres and facilities under regulation 19(2) and Part II of Schedule 8, and there are general prohibitions applying to any persons in respect of entry to a quarantine centre or facility, and removal of birds and carcasses from quarantine without the authorisation of a veterinary inspector. Regulation 19 also gives inspectors supplementary powers of entry, and powers of inspection and sampling, and provides for the Veterinary Laboratories Agency (an executive agency of Defra) to act as the official laboratory and make charges for laboratory testing carried out in connection with Commission Decision [2000/666/EC](#) as set out in Part III to Schedule 8.

Regulations 16, 18 and 21 (previously regulation 20) have been amended to reflect the implementation in these Regulations of Commission Decision [2000/666/EC](#), in particular, the provisions now in regulation 21(2) to (4) prescribing the measures which must be taken when avian influenza, Newcastle disease or *Chlamydia psittaci* is found in an imported captive bird at a quarantine centre or facility.

**Status:** Point in time view as at 29/07/2010.

**Changes to legislation:** There are currently no known outstanding effects for the *The Animals and Animal Products (Import and Export) (England) Regulations 2006 (revoked)*. (See end of Document for details)

Transitional arrangements are provided for in regulation 35 and Part IV of Schedule 8 in respect of quarantine approvals currently held by avian quarantine centres or facilities and captive bird imports generally. Such imports are currently subject of a temporary ban pursuant to EU legislation. Regulation 16(4) provides that regulation 16(2) and (3), as read with relevant parts of Schedule 7, shall not apply to permit the import of captive birds from third countries until 1st August 2006, when the EU ban is due to be lifted. The disapplication provisions in regulation 35 have been revised to reflect disapplication of the Importation of Birds, Poultry and Hatching Eggs Order 1979 (SI 1979/1702) in relation to imports of captive birds from third countries.

Changes to lists of instruments and “additional requirements” in Schedules 3 and 7

The changes made to Part I of Schedule 3 are in paragraphs 1, 6, 7, 8(1), 9 and 10. The “additional requirement” (d) in paragraph 1, now specifically identifies special conditions on exports of cattle to Germany, Denmark, Italy, Austria, Finland and Sweden.

New paragraphs have been added to Part I of Schedule 7 in relation to the countries from which imports are permitted of bees, captive birds, and cats, dogs and ferrets going to approved bodies, institutes or centres. The list in that Part for cloven hoofed animals, elephants and zoo ungulates has also been described more completely and it and the list for finfish have both been updated. In Part II of Schedule 7, paragraphs 1, 2, 3(4) (previously paragraph 6), 5 (previously paragraph 10), 8 (previously paragraph 11), and 10 (previously paragraph 13) have also been revised and updated. New paragraphs list instruments covering trade in bees, captive birds and cats, dogs and ferrets going to approved bodies, institutes or centres. The repeal of Council Directive [72/462/EEC](#) has necessitated removal of paragraph 1 from Part II of Schedule 7 of the revoked 2005 Regulations. A new paragraph (now paragraph 2) further implements Council Directive [2004/68/EC](#), in relation to zoo ungulates (aspects of the Directive having been implemented in the 2005 Regulations).

No regulatory impact assessment has been produced for these Regulations as the impact on businesses is considered to be minimal.

**Status:**

Point in time view as at 29/07/2010.

**Changes to legislation:**

There are currently no known outstanding effects for the The Animals and Animal Products (Import and Export) (England) Regulations 2006 (revoked).