

1979 No. 267

ANIMALS

Diseases of Animals (Export Health Certificates) Order
(Northern Ireland) 1979

Made 2nd August 1979

Coming into operation 20th August 1979

The Department(a) of Agriculture, in exercise of the powers conferred on it by section 24A(b) of the Diseases of Animals Act (Northern Ireland) 1958(c), and of every other power enabling it in that behalf, hereby makes the following Order:

Citation and commencement

1. This Order may be cited as the Diseases of Animals (Export Health Certificates) Order (Northern Ireland) 1979 and shall come into operation on 20th August 1979.

Interpretation

2. In this Order—

“appropriate health certificate” has the meaning assigned to it in Article 3(3);

“bovine animal” means bull, cow, ox, heifer or calf;

“Community” means European Economic Community;

“Community provisions” means any provision of the Directives of the European Economic Community referred to in the Schedule;

“district council” means a council established under the Local Government Act (Northern Ireland) 1972(d);

“fresh poultry meat” means meat or offal fit for human consumption which has not undergone any preserving process (other than chilling or freezing) and which is derived from any poultry;

“importing Member State” means a Member State to which it is intended to export from Northern Ireland any fresh poultry meat, bovine animals or swine;

“Member State” means a state other than the United Kingdom which is a member of the European Economic Community;

“official veterinary surgeon” means a veterinary surgeon designated by the Department for the purposes of the European Communities Poultry Meat (Hygiene) Regulations (Northern Ireland) 1977(e);

“poultry” means domestic fowls, turkeys, geese, ducks and guinea fowls;

“veterinary surgeon” means a person registered in the register of veterinary surgeons under section 2 of the Veterinary Surgeons Act 1966(f).

(a) Formerly Ministry: see 1973 c. 36 s. 40 and Sch. 5 para. 8(1)

(b) As inserted by S.R. & O. (N.I.) 1972 No. 351 (p. 1740) Art. 3 and Sch. 4 para. 2

(c) 1958 c. 13 (N.I.)

(d) 1972 c. 9 (N.I.)

(e) S.R. 1977 No. 165 (I, p. 947)

(f) 1966 c. 36

Export health certificates

3.—(1) Subject to paragraph (4) the exportation from Northern Ireland to a Member State of fresh poultry meat, bovine animals and swine, is prohibited unless there is in force in relation to that fresh poultry meat or those bovine animals or swine an appropriate health certificate signed in the case of bovine animals and swine by a veterinary inspector and in the case of fresh poultry meat by an official veterinary surgeon.

(2) No person shall export from Northern Ireland to a Member State any fresh poultry meat, bovine animals or swine unless that fresh poultry meat is, or those bovine animals or swine are, accompanied by an appropriate health certificate signed as aforesaid.

(3) In this Article "appropriate health certificate" means:—

- (a) in the case of bovine animals intended for any purpose other than immediate slaughter, a health certificate which is in the form of Model I of Annex F to Council Directive No. 64/432/EEC(g) as amended(h) (hereinafter referred to as "the said Directive as amended") and which complies with the requirements relating to health certificates set out in Article 3(2)(i) of the said Directive as amended;
- (b) in the case of bovine animals intended for immediate slaughter, a health certificate which is in the form of Model II of Annex F to the said Directive as amended and which complies with the requirements relating to health certificates set out in Article 3(2)(i) of the said Directive as amended;
- (c) in the case of swine intended for any purpose other than immediate slaughter, a health certificate which is in the form of Model III of Annex F to the said Directive as amended and which complies with the requirements relating to health certificates set out in Article 3(2)(i) of the said Directive as amended;
- (d) in the case of swine intended for immediate slaughter, a health certificate which is in the form of Model IV of Annex F to the said Directive as amended and which complies with the requirements relating to health certificates set out in Article 3(2)(i) of the said Directive as amended; or
- (e) in the case of fresh poultry meat, a health certificate which is in the form of the Model in Annex IV to Council Directive No. 71/118/EEC(i) as amended(j) and which complies with the requirements relating to health certificates set out in Chapter XI of Annex I to that Directive (amended as aforesaid).

(4) The provisions of paragraphs (1) and (2) shall not apply to the exportation from Northern Ireland to a Member State of:—

- (a) fresh poultry meat, bovine animals or swine, on the importation of which the importing Member State is authorised by Community provisions to impose, and has imposed, conditions other than those laid down by those Community provisions and compliance with which conditions is certified by a veterinary inspector or, as the case may be, an

(g) OJ No. 121, 29.7.64, p. 1977

(h) The relevant amendments are Council Directives Numbers: 66/600/EEC, OJ No. 192, 27.10.66, p. 3294; 71/285/EEC, OJ No. L179, 9.8.71, p. 1; 72/445/EEC, OJ No. L298, 31.12.72, p. 49; 77/98/EEC, OJ No. L26, 31.1.77, p. 81

(i) OJ No. L55, 8.3.71, p. 23

(j) The relevant amendment is Council Directive No. 75/431/EEC, OJ No. L192, 24.7.75, p. 6

official veterinary surgeon in the health certificate required by that Member State; and

- (b) fresh poultry meat which can be shown to the satisfaction of an inspector or an officer of Customs and Excise to have been imported into Northern Ireland from a country which is not a Member State.

(5) The exception in paragraph (4)(a) shall not apply where the health certificate referred to in that paragraph is required by the importing Member State in addition to, and not in place of, the appropriate health certificate.

Production of certificates etc.

4.—(1) Where any goods to which this Order applies are brought to any place in Northern Ireland for the purpose of being exported to a Member State, the person for the time being in charge thereof shall, on demand made under this Order by an officer of Customs and Excise, a veterinary inspector, an officer of the Department or a member of the Royal Ulster Constabulary, either—

- (a) produce an appropriate health certificate or such a certificate as is referred to in paragraph (a) of Article 3(4) relating to those goods and shall allow a copy of such certificate or an extract therefrom to be taken; or
- (b) in the case of fresh poultry meat, if no such certificate as is referred to in paragraph (a) is produced, show to the satisfaction of an officer of Customs and Excise that that fresh poultry meat was imported into Northern Ireland from a country which is not a Member State;

and shall also, if required, furnish his name and address.

(2) Where demand is made under paragraph (1), and a certificate referred to in sub-paragraph (a) is not produced, and, in the case of fresh poultry meat, an officer of Customs and Excise is not satisfied as to the matter referred to in sub-paragraph (b), the exportation of those goods shall be prohibited.

Application for certificate

5.—(1) Except as provided in paragraph (2), an application for an appropriate health certificate required for the purpose of compliance with any requirement of Article 3 shall be made in writing to the Department in such form as the Department may require in the case of bovine animals and swine not less than 10 days and in the case of fresh poultry meat not less than 24 hours before the day on which the certificate is required by the applicant, or within such lesser period as the Department may at its discretion allow.

(2) In the case of fresh poultry meat from cutting premises licensed by a district council under the European Communities Poultry Meat (Hygiene) Regulations (Northern Ireland) 1977 an application for an appropriate health certificate required for the purpose of compliance with any requirement of Article 3 shall be made in writing to the district council by which the cutting premises are licensed in such form as that district council may require not less than 24 hours before the day on which the certificate is required by the applicant.

Sealed with the Official Seal of the Department of Agriculture for Northern Ireland on 2nd August 1979.

(L.S.)

S. R. Armstrong

Assistant Secretary

SCHEDULE

Article 2

Community Provisions

1. Council Directive No. 64/432/EEC of 26th June 1964 on animal health problems affecting intra-Community trade in bovine animals and swine(k) as amended(l).
2. Council Directive No. 71/118/EEC of 15th February 1971 on health problems affecting trade in fresh poultry meat(m) as amended(n).
3. Council Directive No. 78/54/EEC of 19th December 1977 on extending the derogations granted in respect of protection against swine fever to Denmark, Ireland and the United Kingdom(o).

EXPLANATORY NOTE

(This note is not part of the Order, but is intended to indicate its general purport.)

This Order makes the exportation of bovine animals, swine and fresh poultry meat from Northern Ireland to EEC Member States other than the United Kingdom, subject to the exceptions below, conditional upon the existence of an appropriate health certificate.

Subject to those exceptions no person may export animals or meat to which the Order applies unless there is in force, and the goods are accompanied by, an appropriate health certificate i.e. a certificate in a form set out in Annexes to the relevant EEC Directives which lay down the conditions governing intra-Community trade in bovine animals, swine and fresh poultry meat. The relevant Directives are:—

- (i) Council Directive No. 64/432/EEC on animal health problems affecting intra-Community trade in bovine animals and swine as amended;
- (ii) Council Directive No. 71/118/EEC on health problems affecting trade in fresh poultry meat as amended.

In certain cases Member States are authorised to impose upon the importation of goods to which the Order applies conditions other than those laid down by the Directives. If those conditions involve the use of certification other than that specified in the Directives an appropriate health certificate will not be required in respect of those goods. Similarly, an appropriate health certificate will not be required in respect of fresh poultry meat which has been previously imported into the United Kingdom from a country which is not a Member State.

A contravention of this Order is an offence under section 45 of the Diseases of Animals Act (Northern Ireland) 1958.

(k) OJ No. 121, 29.7.64, p. 1977

(l) The relevant amendment is Council Directive No. 77/98/EEC, OJ No. L26, 31.1.77, p. 81

(m) OJ No. L55, 8.3.71, p. 23.

(n) The relevant amendment is Council Directive No. 75/431/EEC, OJ No. L192, 24.7.75, p. 6

(o) OJ No. L16, 20.1.78, p. 22