

**2007 No. 327**

**ANIMALS**

**ANIMAL HEALTH**

**The Animals and Animal Products (Import and Export)  
(Circuses and Avian Quarantine) Regulations (Northern Ireland)  
2007**

*Made* - - - - - *9th July 2007*

*Coming into operation* - *31st July 2007*

The Department of Agriculture and Rural Development being a Department designated(a) for the purposes of section 2(2) of the European Communities Act 1972(b) in relation to the common agricultural policy of the European Community in exercise of the powers conferred on it by the said section 2(2) and in exercise of the powers conferred on it by section 56(1), (2) and (5) of the Finance Act 1973(c) and with the consent of the Department of Finance and Personnel, makes the following Regulations.

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Animals and Animal Products (Import and Export) (Circuses and Avian Quarantine) Regulations (Northern Ireland) 2007 and shall come into operation on 31st July 2007.

(2) The Interpretation Act (Northern Ireland) 1954(d) shall apply to these Regulations as it applies to an Act of the Northern Ireland Assembly.

**Amendment to the Animals and Animal Products (Import and Export) Regulations (Northern Ireland) 2006**

2. The Animals and Animal Products (Import and Export) Regulations (Northern Ireland) 2006(e) are amended as provided in these Regulations.

3.—(1) Regulation 2 is amended as follows.

(2) In paragraph (1)—

(a) in the definition of “border inspection post” for Commission Decision 97/778/EEC substitute—

““Commission Decision 2001/881/EC(f)””.

---

(a) S.I. 2000/2812

(b) 1972 c 68

(c) 1973 c 51

(d) 1954 c. 33 (N.I.)

(e) S.R. 2006 No. 401 amended by S. R. 2007 No 224

(f) O.J. No. L326, 11.12.2001, p. 44 as last amended by Commission Decision 2007/276/EC (O.J. No L116, 4.5.2007, p.34)

- (b) for the definition of “captive bird”, substitute—
    - ““captive birds” means birds as defined in Article 3(a) of Commission Regulation (EC) No. 318/2007<sup>(a)</sup>”;
  - (c) for the definitions of “quarantine centre” and “quarantine facility”, substitute—
    - ““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 purposes of Article 11 of Commission Regulation (EC) No. 318/2007;”
  - (d) in the definition of “quarantine manager” for “regulation 17(11)” substitute “regulation 17(12)”.
- (3) In paragraph (3)—
- (a) omit the definition of “Commission Decision 2000/666/EC”; and
  - (b) after the definition of “Commission Regulation (EC) No. 282/2004”, insert—
    - ““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;”.
- (4) In paragraph (4), for “Commission Decision 2000/666/EC”, substitute “Commission Regulation (EC) No. 318/2007.”.
4. After regulation 5(7) insert—
- (8) For the purposes of Commission Regulation (EC) No. 1739/2005 laying down animal health requirements for the movement of circus animals between member States<sup>(b)</sup> the Department is the competent authority, and may charge such fee as it considers will enable it to meet the expenses incurred by it when registering a circus or animal act under Article 4 of that Regulation.
  - (9) 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 Department.
  - (10) A demand under paragraph (9) may be addressed to the applicant concerned at his last known address, whether or not it is his address for business.
  - (11) An operator may not 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).
  - (12) In paragraph (11), “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.”.
- 5.—(1) In regulation 13—
- (2) in paragraph (1) for “Schedule 3” substitute—
    - ““Schedule 5””.
6. In regulation 15, for paragraph (6) substitute—
- “(6) A person may not 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.”.
7. In regulation 16—
- (a) at paragraph (1), for sub-paragraph (c), substitute—
    - “(c) it is accompanied by the original animal health certificate issued in accordance with Article 5(e) of the Commission Regulation (EC) No. 318/2007.”.
  - (b) at paragraph (2), substitute—

---

(a) O.J. No. L84, 24.3.2007, p. 7  
 (b) O.J. No. L279, 22.10.2005, p. 47

“(2) The importer or his agent shall at the expense of the importer ensure that—

- (a) the captive bird is conveyed from the border inspection post referred to in paragraph (1) 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 captive 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).”.

8. For regulation 17 substitute—

**“Quarantine of captive birds**

17.—(1) A person may not 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 Department.

(2) Schedule 7 (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 Department as the latter may request to enable it 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 veterinary surgeon 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) (period of quarantine);
  - (iii) 12(2) and (3) (imposing requirements in relation to the use of sentinel birds); and
  - (iv) 15 (requiring action where *Chlamydophila psittaci* is suspected);
- (b) ensure there is surveillance of the captive birds during their quarantine which is adequate for the purposes of that Commission Regulation, and consult with and seek the supervision of a veterinary inspector in respect of any analyses or treatments required under that Commission Regulation;
- (c) ensure compliance with the management requirements in paragraphs 2 to 10, and 12 to 15 of Chapter 2 of Annex IV to that Commission Regulation;

- (d) where any captive bird or sentinel bird dies during quarantine, make its carcase available to the veterinary inspector for examination in the official laboratory.
- (5) A person may not—
- (a) contravene any requirement in paragraphs 4 to 6 of Chapter 2 of Annex IV to Commission Regulation (EC) No. 318/2007 (management requirements for the operation of approved quarantine centres and quarantine facilities);
  - (b) in relation to a captive bird or a sentinel bird which dies during quarantine, remove or dispose of its carcase during the quarantine of captive birds, unless he is authorised to do so by an inspector;
  - (c) release captive birds in breach of Article 16 of Commission Regulation (EC) No. 318/2007 (requiring written authorisation by the official veterinary surgeon 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 Department 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 Department to perform.
- (7) In so far as not provided for under regulation 29, an inspector in the case of sub-paragraphs (a) and (b), and a veterinary inspector in the case of sub-paragraph (c) 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) An 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) The importer of a captive bird shall meet the costs of sampling undertaken during the captive bird's quarantine and shall pay the charges of the official laboratory for testing and analysis of samples (including the post mortem removal of tissue for testing) required under Articles 12(1), 13 (1) and (2) and 14 of Commission Regulation (EC) No. 318/2007 or undertaken in connection with reaching a suspected or confirmed diagnosis of *Chlamydia psittaci* referred to in Article 15 of that Commission Regulation as that laboratory may demand in writing in accordance with paragraphs (10) and, as the case may be, (11) of this regulation.
- (10) For the purposes of sampling and testing required under or in connection with Commission Regulation (EC) No. 318/2007, the Agri-food and Biosciences Institute is designated the official laboratory and may make a charge for carrying out such sampling and testing.
- (11) A demand for payment of charges made by the Agri-food and Biosciences Institute under this regulation may be addressed to the importer concerned at his last known address, whether or not it is his address for business.
- (12) In this regulation and Schedule 7—

- (a) “official veterinary supervision” means the functions of the official veterinary surgeon 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 *Chlamydothyla psittaci*.”.

9. In regulation 19, for paragraphs (2) and (3), substitute—

“(2) An 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 Department 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 *Chlamydothyla psittaci*), an 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.”.

10. In regulation 32, for paragraph (2) substitute—

“(2) The provisions referred to in paragraph (1) are those contained in—

- (a) regulation 5(9);
- (b) regulation 17(9);
- (c) paragraph 6 of Part I of Schedule 3; and
- (d) paragraph 2 of Part I of Schedule 4;”

11. In Part I of Schedule 2, after paragraph 10, insert—

**“Circuses and animal acts**

**10A. Instrument:** Commission Regulation (EC) No. 1739/2005 laying down animal health requirements for the movement of circus animals between member States.

**Relevant provisions in that instrument:** Articles 8(2), 9 and 10(1) and (3).”.

12.—(1) Schedule 6 is amended as follows.

(2) In Part I, for paragraph 3, substitute—

**“Captive Birds**

**3.** Commission Regulation (EC) No. 318/2007, as read with Commission Decision 2006/696/EC laying down a list of third countries from which poultry, hatching eggs, day-old chicks, meat of poultry, ratites and wild game-birds, eggs and egg products and

specified pathogen-free eggs may be imported into and transit through the Community and the applicable veterinary certification conditions, and amending Decisions 93/342/EEC, 2000/585/EC and 2003/812/EC (a).”.

(3) In Part II, for paragraph 6, substitute—

**“Captive Birds**

**6. Instrument:** Commission Regulation (EC) No. 318/2007, as read with Council Directive 92/65/EEC(b).

Relevant provisions in that instrument: Articles 4, 5 and 8.”.

13. For Schedule 7, substitute the Schedule to these Regulations.

14. For the text in the third column of the second entry in Schedule 8, substitute—

“The whole Order 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 90/539/EEC (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 Commission Regulation (EC) No. 318/2007.”.

**Revocation**

15. The Animals and Animal Products (Import and Export) (Amendment No.2) Regulations (Northern Ireland) 2007(c) are revoked.

Sealed with the Official Seal of the Department of Agriculture and Rural Development on 9th July 2007.

*Elizabeth Redmond*

A senior officer of the Department of Agriculture and Rural Development

Sealed with the Official Seal of the Department of Finance and Personnel on 9th July 2007.

*Adrian Arbuthnot*

A senior officer of the Department of Finance and Personnel

---

(a) O.J. No. L295, 25.10.2006, p.1  
(b) O.J. No. L268, 14.9.1992, p.54  
(c) S.R. 2007 No. 224

## “SCHEDULE 7

regulation 17

## QUARANTINE OF CAPTIVE BIRDS

## PART I

## Approvals

## 1. The Department—

- (a) may, if it 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 Department 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
  - (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

### APPROVAL FEE

**5.** The Department shall determine the approval fee on the basis of the cost of inspection by a Departmental veterinary inspector and associated administrative costs.

**6.** The approval fee shall be payable to the Department in respect of each quarantine centre or quarantine facility for which an application is made and shall be non-refundable.”



## EXPLANATORY NOTE

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

These Regulations amend The Animals and Animal Products (Import and Export) Regulations (Northern Ireland) 2006 (S.R. 2006 No. 401) (“the principal Regulations”).

They apply and enforce Commission Regulation (EC) No. 1739/2005 laying down animal health requirements for the movement of circus animals between member States (O.J. No. L279, 22.10.2005, p. 47). Regulation 5 of the principal Regulations is amended to make provision for the Department’s designation as competent authority for the purpose of Commission Regulation (EC) No. 1739/2005, and for fees to be charged for expenses incurred in registering circuses and animal acts as required under that Commission Regulation (regulation 4). The Commission Regulation is added to the list of instruments imposing conditions on the movement of animals within the Community in Part I of Schedule 2 to the principal Regulations (regulation 11).

These Regulations also apply and enforce Commission Regulation (EC) No. 318/2007 laying down animal health conditions for imports of certain birds into the Community and the quarantine conditions thereof (O.J. No. L84, 24.3.2007, p. 7). Regulation 15(6) of the principal Regulations is amended so that it prohibits the import of captive birds unless they are from an approved breeding establishment within the meaning of Commission Regulation (EC) No. 318/2007 (regulation 6). Regulation 17 of the principal Regulations (“quarantine of captive birds”) is revised to reflect the new requirements for quarantine and to create offences accordingly (regulation 8). Measures to deal with the presence or the suspicion of avian influenza, Newcastle disease, and *Chlamydophila psittaci* are provided for by amendment to regulation 19 of the principal Regulations (regulation 9). The import conditions in relation to captive birds set out in Commission Regulation (EC) No. 318/2007 are applied by introduction of additional paragraphs in Parts I and II of Schedule 6 (regulation 12). Schedule 7 is replaced with new provisions relating to approvals of quarantine centres and facilities, and approval fees (regulation 13).

Regulatory impact assessments have been produced in relation to the arrangements for approvals and charges introduced for avian quarantine and to the movement of circus animals. Copies are available by post from the Trade Section, Animal Health and Welfare Policy Division, Room 732, Dundonald House, Upper Newtownards Road, Belfast, BT4 3SB or can be downloaded via the DARD website, [www.dardni.gov.uk](http://www.dardni.gov.uk)