
STATUTORY RULES OF NORTHERN IRELAND

2011 No. 438

The Trade in Animals and Related Products
Regulations (Northern Ireland) 2011

PART 1

INTRODUCTION

Citation and commencement

1. These Regulations may be cited as the Trade in Animals and Related Products Regulations (Northern Ireland) 2011 and shall come into operation on 1st January 2012.

Commencement Information

II Reg. 1 in operation at 1.1.2012, see [reg. 1](#)

Interpretation

2.—(1) In these Regulations—

“the Agency” means the Food Standards Agency;

“animal” means an animal of any kind, including a bird, fish or invertebrate;

“authorised officer” means a person who is authorised by the Department, a district council, or the Agency either generally or specifically, to act in matters arising under these Regulations, whether or not that person is an officer of the Department, a district council or the Agency;

^{F1} ...

^{F2} ...

“the Department” means the Department of Agriculture and Rural Development;

“enforcement authority” has the meaning given in regulation 31;

“equidae” means wild or domesticated animals of the equine (including zebras) or asinine species or the offspring or crossings of those species;

[^{F3}“genetic material” means any germinal product that includes semen, oocytes and embryos intended for artificial reproduction and hatching eggs;]

[^{F4}“health certificate” includes the equivalent of a health certificate in electronic form;

“importer” means the natural or legal person who presents animals or products for importation from outside [^{F5}Northern Ireland];

“intensified official controls” means those controls carried out in accordance with Article 65(4) of the EU Regulation;

“official controls” means activities performed in accordance with Article 2(1) of the EU Regulation;]

“official veterinary surgeon” means a veterinary surgeon appointed by the Department in accordance with regulation 12(1)(a);

[^{F6}“premises” includes any place, vehicle, trailer, container, stall, moveable structure, ship or aircraft;]

[^{F7}“the published nomenclature list” means the list of products published and amended from time to time by the Secretary of State, specifying products by reference to the relevant nomenclature for the purposes of determining the selection of consignments that must be submitted to veterinary checks at a border inspection post.]

[^{F8}(1A) In these Regulations—

- (a) “the EU Regulation” is a reference to Regulation (EU) 2017/625 of the European Parliament and of the Council on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products;
- (b) “Regulation (EU) No. 2016/1012” is a reference to Regulation (EU) No. 2016/1012 on zootechnical and genealogical conditions for the breeding, trade in and entry into the Union of purebred breeding animals, hybrid breeding pigs and the germinal products thereof;
- (c) any reference to a “border inspection post” is to be read as a reference to a “border control post” as defined in regulation 11; and
- (d) any reference to a “CVED” is to be read as a reference to a “CHED” as defined in regulation 10.]

(2) All references in Schedule 2 to European Union instruments are references to those instruments as amended from time to time.

[^{F9}(2B) For the purposes of any reference to a Directive in these Regulations, any EU instrument to which that Directive refers, or to which any EU instrument referred to by that Directive refers, and which is a reference to that instrument as it has effect from time to time, is to be read as a reference to the instrument as it has effect immediately before exit day.]

(3) The Interpretation Act (Northern Ireland) 1954(1) shall apply to these Regulations as it applies to an Act of the Assembly.

Textual Amendments

- | | |
|-----------|---|
| F1 | Words in reg. 2(1) omitted (14.12.2019) by virtue of The Official Controls (Animals, Feed and Food) Regulations (Northern Ireland) 2019 (S.R. 2019/227) , regs. 1, 20(2)(a) |
| F2 | Word in reg. 2(1) omitted (14.12.2019) by virtue of The Official Controls (Animals, Feed and Food) Regulations (Northern Ireland) 2019 (S.R. 2019/227) , regs. 1, 20(2)(b) |
| F3 | Words in reg. 2(1) substituted (14.12.2019) by The Official Controls (Animals, Feed and Food) Regulations (Northern Ireland) 2019 (S.R. 2019/227) , regs. 1, 20(2)(c) |
| F4 | Words in reg. 2(1) inserted (14.12.2019) by The Official Controls (Animals, Feed and Food) Regulations (Northern Ireland) 2019 (S.R. 2019/227) , regs. 1, 20(2)(d) |
| F5 | Words in reg. 2(1) substituted (31.12.2020) by The Animals (Health, Identification, Trade and Veterinary Medicines) (Amendment) (EU Exit) Regulations (Northern Ireland) 2020 (S.R. 2020/353) , regs. 1(3), 8(2) |
| F6 | Words in reg. 2(1) substituted (14.12.2019) by The Official Controls (Animals, Feed and Food) Regulations (Northern Ireland) 2019 (S.R. 2019/227) , regs. 1, 20(2)(e) |

- F7** Words in reg. 2(1) substituted (31.12.2020) by The Trade in Animals and Animal Products (Legislative Functions) and Veterinary Surgeons (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/1225), regs. 1(3), **21(2)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F8** Reg. 2(1A) inserted (14.12.2019) by The Official Controls (Animals, Feed and Food) Regulations (Northern Ireland) 2019 (S.R. 2019/227), regs. 1, **20(2)(g)**
- F9** Reg. 2(2B) inserted (31.12.2020) by The Trade in Animals and Animal Products (Legislative Functions) and Veterinary Surgeons (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/1225), regs. 1(3), **21(2)(b)**; 2020 c. 1, Sch. 5 para. 1(1)

Commencement Information

- I2** Reg. 2 in operation at 1.1.2012, see **reg. 1**

[^{F10}Exceptions for pet animals

- 3.—(1) These Regulations do not apply in relation to pet animals where—
- (a) the movement is a non-commercial movement, and
 - (b) in the case of cats, dogs and ferrets—
 - (i) the pet animal is accompanying the owner or authorised person, or
 - (ii) where more than five pet animals are accompanying the owner or authorised person, the conditions set out in Article 5(2) of the Pets Regulation are fulfilled.
- (2) In this regulation—
- “authorised person”, “non-commercial movement” and “owner” have the meaning given by Article 3 of the Pets Regulation;
- “the Pets Regulation” means Regulation (EU) No 576/2013 of the European Parliament and of the Council on the non-commercial movement of pet animals and repealing Regulation (EC) No 998/2003;
- [^{F11}“pet animal” has the same meaning as in Article 4(11) of Regulation (EU) 2016/429 on transmissible animal diseases;]
- “accompanying” has the same meaning as in the Pets Regulation.]

Textual Amendments

- F10** Reg. 3 substituted (23.7.2015) by The Non-Commercial Movement of Pet Animals (Amendment) Order (Northern Ireland) 2015 (S.R. 2015/282), art. 1, **Sch. para. 11**
- F11** Words in reg. 3(2) substituted (14.12.2019) by The Official Controls (Animals, Feed and Food) Regulations (Northern Ireland) 2019 (S.R. 2019/227), regs. 1, **20(3)**

International agreements

4. Trade with [^{F12}the Faroe Islands, Greenland,] Iceland, Liechtenstein, Norway and Switzerland under any agreement between those countries and the European Union is treated as trade between member States for the purposes of these Regulations.

Textual Amendments

- F12** Words in reg. 4 inserted (14.12.2019) by The Official Controls (Animals, Feed and Food) Regulations (Northern Ireland) 2019 (S.R. 2019/227), regs. 1, **20(4)** and (31.12.2020) by The Trade in Animals

and Animal Products (Legislative Functions) and Veterinary Surgeons (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/1225), regs. 1(3), **21(3)**; 2020 c. 1, Sch. 5 para. 1(1)

Commencement Information

I3 Reg. 4 in operation at 1.1.2012, see **reg. 1**

PART 2

MOVEMENT [^{F13}TO OR FROM] MEMBER STATES

Textual Amendments

F13 Words in Pt. 2 heading substituted (14.12.2019) by The Official Controls (Animals, Feed and Food) Regulations (Northern Ireland) 2019 (S.R. 2019/227), regs. 1, **20(5)**

[^{F14}Movement of animals or genetic material to or from member States]

5.—[^{F15}(1) No animal or genetic material may be sent to or brought from a member State unless it is accompanied by an original health certificate.

(1A) No animal product may be sent to or brought from a member State, unless it is accompanied by a relevant document.]

(2) The consignee of an incoming consignment shall keep the certificate for 12 months from the date of delivery of the consignment.

Textual Amendments

F14 Reg. 5 heading substituted (14.12.2019) by The Official Controls (Animals, Feed and Food) Regulations (Northern Ireland) 2019 (S.R. 2019/227), regs. 1, **20(6)(a)**

F15 Reg. 5(1)(1A) substituted for reg. 5(1) (14.12.2019) by The Official Controls (Animals, Feed and Food) Regulations (Northern Ireland) 2019 (S.R. 2019/227), regs. 1, **20(6)(b)**

Commencement Information

I4 Reg. 5 in operation at 1.1.2012, see **reg. 1**

Preparation of a health certificate

6.—(1) In order to prepare a health certificate for the consignment of an animal [^{F16}, animal product or genetic material to a] member State, the person intending to despatch the consignment shall apply to the Department or a person authorised by the Department for a uniquely numbered certificate.

(2) The certificate shall then be completed by a person authorised to do so by the Department, in accordance with the instructions sent by the Department with the certificate.

(3) The person completing the certificate shall ensure that the conditions specified in the certificate are fulfilled and that all necessary examinations have been carried out.

(4) If everything is in order the person shall sign the certificate.

(5) A person shall not sign a certificate unless authorised to do so by the Department.

(6) A person shall not sign a certificate knowing it to be false, or believing it not to be true.

Textual Amendments

- F16** Words in [reg. 6\(1\)](#) substituted (14.12.2019) by [The Official Controls \(Animals, Feed and Food\) Regulations \(Northern Ireland\) 2019 \(S.R. 2019/227\)](#), regs. 1, [20\(7\)](#)

Commencement Information

- I5** Reg. 6 in operation at 1.1.2012, see [reg. 1](#)

[^{F17}Notification of movement of animals and genetic material to and from member States]

7.—(1) No animal or genetic material shall be consigned to [^{F18}a] member State unless the consignor or their representative has notified the competent authority of the member State of destination, at least [^{F19}one working day before the expected arrival of the consignment].

(2) No animal, (other than registered horses accompanied by identification documentation provided for by Council Directive 90/427/EEC (on the zootechnical and genealogical conditions governing intra-Community trade in equidae) [^{F20}, as last amended by Council Directive 2008/73/EC,] or genetic material shall be brought into Northern Ireland from [^{F21}a] member State unless the person bringing in the consignment has notified the Department, at least 24 hours in advance of the intended arrival of the consignment.

Textual Amendments

- F17** [Reg. 7 heading](#) substituted (14.12.2019) by [The Official Controls \(Animals, Feed and Food\) Regulations \(Northern Ireland\) 2019 \(S.R. 2019/227\)](#), regs. 1, [20\(8\)\(a\)](#)
- F18** Word in [reg. 7\(1\)](#) substituted (14.12.2019) by [The Official Controls \(Animals, Feed and Food\) Regulations \(Northern Ireland\) 2019 \(S.R. 2019/227\)](#), regs. 1, [20\(8\)\(b\)\(i\)](#)
- F19** Words in [reg. 7\(1\)](#) substituted (14.12.2019) by [The Official Controls \(Animals, Feed and Food\) Regulations \(Northern Ireland\) 2019 \(S.R. 2019/227\)](#), regs. 1, [20\(8\)\(b\)\(ii\)](#)
- F20** Words in [reg. 7\(2\)](#) inserted (11.4.2019) by [The Animal Health and Welfare \(Amendment\) Regulations \(Northern Ireland\) 2019 \(S.R. 2019/82\)](#), reg. 1, [Sch. 5 para. 21](#)
- F21** Word in [reg. 7\(2\)](#) substituted (14.12.2019) by [The Official Controls \(Animals, Feed and Food\) Regulations \(Northern Ireland\) 2019 \(S.R. 2019/227\)](#), regs. 1, [20\(8\)\(c\)](#)

Commencement Information

- I6** Reg. 7 in operation at 1.1.2012, see [reg. 1](#)

Additional requirements in specific cases

8. Part I of Schedule 3 makes additional requirements for specific cases.

Commencement Information

- I7** Reg. 8 in operation at 1.1.2012, see [reg. 1](#)

PART 3

IMPORTATION FROM A THIRD COUNTRY

Scope of this Part

^{F22}9. This Part applies in relation to the importation into Northern Ireland from a country outside the European Union of any animal or product [^{F23}subject to official controls at border control posts].

Textual Amendments

F22 By The Trade in Animals and Animal Products (Legislative Functions) and Veterinary Surgeons (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/1225), regs. 1(3), **21(4)**; 2020 c. 1, Sch. 5 para. 1(1), it is provided that (31.12.2020) the words "the published nomenclature list" are substituted for the words "Commission Decision 2007/275/EC"

F23 Words in reg. 9 substituted (14.12.2019) by The Official Controls (Animals, Feed and Food) Regulations (Northern Ireland) 2019 (S.R. 2019/227), regs. 1, **20(9)**

Commencement Information

18 Reg. 9 in operation at 1.1.2012, see **reg. 1**

[^{F24}Meaning and use of Common Health Entry Document “CHED”

10.—(1) A “Common Health Entry Document” (“CHED”) means a document or an electronic equivalent in the format specified in Commission Implementing Regulation (EU) 2019/1715 laying down rules for the functioning of the information management system for official controls and its system components.

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

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

(4) Where a CHED is required the operator responsible for the consignment must comply with the provisions of Article 56 of the EU Regulation.

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

Textual Amendments

F24 Reg. 10 inserted (14.12.2019) by The Official Controls (Animals, Feed and Food) Regulations (Northern Ireland) 2019 (S.R. 2019/227), regs. 1, **20(10)**

Importation

^{F25}10.

Textual Amendments

- F25** Reg. 10 revoked (31.7.2014) by [The Trade in Animals and Related Products \(Amendment\) Regulations \(Northern Ireland\) 2014 \(S.R. 2014/196\)](#), regs. 1, **3(2)**

[^{F26}Border Control Posts

11.—(1) A border control post is a place, together with the facilities contained at that place, that has been designated by the Department in accordance with Article 59 and listed by the European Commission in accordance with Article 60 for the performance of the official controls set out in Article 47(1) of the EU Regulation.

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

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

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

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

(5) In this regulation, “the relevant authority” means—

- (a) in relation to animals and genetic material, the Department; or
- (b) in relation to products, the Department or the district council as the case may be.]

Textual Amendments

- F26** Reg. 11 and heading substituted (14.12.2019) by [The Official Controls \(Animals, Feed and Food\) Regulations \(Northern Ireland\) 2019 \(S.R. 2019/227\)](#), regs. 1, **20(11)**

Modifications etc. (not altering text)

- C1** Reg. 11 excluded (18.11.2013) by [The African Horse Sickness Regulations \(Northern Ireland\) 2013 \(S.R. 2013/244\)](#), regs. 1, **4(b)** (with reg. 4)

Appointment of official veterinary surgeons and authorised officers

12.—(1) The Department shall appoint—

- (a) suitably trained veterinary surgeons to be official veterinary surgeons;
- (b) such appropriately trained assistants for each official veterinary surgeon appointed under sub-paragraph (a),

for any border inspection post authorised to import animals.

- ^{F27}(2) A district council shall appoint—
- (a) an authorised officer to carry out the regulatory functions in relation to fish and fishery products at each border inspection post in [^{F28}its] district;
 - (b) such appropriately trained assistants for each authorised officer appointed under subparagraph (a),

if the approval for the border inspection post permits the importation of [^{F29}any fishery products, aquatic invertebrates, live bivalve molluscs, live echinoderms, live tunicates and live marine gastropods intended for human consumption].

(3) An authorised officer appointed under paragraph (2) shall have all the powers of an official veterinary surgeon in relation to those products referred to in paragraph (2).

(4) The appointment under paragraph (2) may be made by the Department rather than the district council if the approval for the border inspection post only permits the importation of animal by-products.

Textual Amendments

- F27** By [The Trade in Animals and Animal Products \(Legislative Functions\) and Veterinary Surgeons \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/1225\)](#), regs. 1(3), **21(5)**; 2020 c. 1, Sch. 5 para. 1(1), it is provided that (31.12.2020) the words "Chapter 3 (fish and crustaceans, molluscs and other aquatic invertebrates) of the published nomenclature list" are substituted for the words "Chapter 3 of Annex I to Commission Decision 2007/275/EC"
- F28** Word in [reg. 12\(2\)\(a\)](#) substituted (31.7.2014) by [The Trade in Animals and Related Products \(Amendment\) Regulations \(Northern Ireland\) 2014 \(S.R. 2014/196\)](#), regs. 1, **3(3)**
- F29** Words in [reg. 12\(2\)](#) substituted (14.12.2019) by [The Official Controls \(Animals, Feed and Food\) Regulations \(Northern Ireland\) 2019 \(S.R. 2019/227\)](#), regs. 1, **20(12)**

Commencement Information

- I9** Reg. 12 in operation at 1.1.2012, see [reg. 1](#)

Place of importation

13. An animal or product shall not be imported into Northern Ireland other than at a border inspection post designated for that animal or product.

Commencement Information

- I10** Reg. 13 in operation at 1.1.2012, see [reg. 1](#)

Notification of importation

14.—^{F30}(1) The person responsible for a consignment of animals or products must notify the border control post of destination of the expected date of its arrival at the border control post at least one working day before it is due to arrive; but where the person can provide evidence of a logistical constraint preventing such notification, that the requirement may be satisfied by notification of its expected time of arrival at least four hours in advance.]

- ^{F31}(2)
- (3) The notification shall be made by submitting the CVED with Part I completed.

[^{F32}(4) In the case of a transshipment of products from one border control post to another, the person responsible for the consignment must notify the official veterinary surgeon at the border control post of destination of—

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

Textual Amendments

- F30** Reg. 14(1) substituted (14.12.2019) by [The Official Controls \(Animals, Feed and Food\) Regulations \(Northern Ireland\) 2019 \(S.R. 2019/227\)](#), regs. 1, **20(13)(a)**
- F31** Reg. 14(2) omitted (14.12.2019) by virtue of [The Official Controls \(Animals, Feed and Food\) Regulations \(Northern Ireland\) 2019 \(S.R. 2019/227\)](#), regs. 1, **20(13)(b)**
- F32** Reg. 14(4) substituted (14.12.2019) by [The Official Controls \(Animals, Feed and Food\) Regulations \(Northern Ireland\) 2019 \(S.R. 2019/227\)](#), regs. 1, **20(13)(c)**

Commencement Information

- I11** Reg. 14 in operation at 1.1.2012, see [reg. 1](#)

Procedure on importation

[^{F33}15.—(1) When the consignment has been unloaded, the person responsible for the consignment must with reasonable expedition arrange for it, together with the [^{F34}relevant health certificate published by the Department of Agriculture, Environment and Rural Affairs], to be presented at the border control post inspection facilities to enable official controls in accordance with—

- (a) Chapter 5 of the EU Regulation, together with relevant implementing and delegated acts, and
- (b) the checks required by Article 37(1) of Regulation (EU) 2016/1012 of the European Parliament and of the Council of 8 June 2016 on zootechnical and genealogical conditions for the breeding, trade in and entry into the Union of purebred breeding animals, hybrid breeding pigs and the germinal products thereof.

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

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

- (a) the consignment complies with the [^{F35}conditions of trade relevant to it in any retained EU law or European Union] instrument listed in Schedule 2;
- (b) the importation is not prohibited under paragraph (4); and
- (c) the correct fee for the checks has been or will be paid.

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

- (a) the animals are from a territory or part of a territory of a third country not included in the lists drawn up in accordance with legislation of the European Union for the species concerned or from which imports are prohibited under that legislation;

- (b) the animals are suffering from or are suspected to be suffering from or infected by a contagious disease or a disease presenting a risk to human or animal health;
 - (c) the exporting third country has not complied with the requirements provided for in legislation of the European Union;
 - (d) the animals are not in a fit state to continue their journey; or
 - (e) the veterinary certificate or document accompanying the animals does not meet the requirements of legislation of the European Union relating to importation.
- (5) If there are no legislative requirements relating to the consignment, the official veterinary surgeon must not issue a CHED unless the importation has been authorised in writing under this paragraph by—
- (a) the Food Standards Agency for any product for which only public health requirements apply; or
 - (b) the Department for any other product.
- (6) An authorisation under paragraph (5)(a) may only be granted if the Agency is satisfied that the consignment does not pose a risk to human health.
- (7) An authorisation under paragraph (5)(b) may only be granted if the Department is satisfied that the consignment does not pose a risk to the animal health status of the United Kingdom.
- (8) The official veterinary surgeon must retain evidence of authorisation or refusal of a consignment for a period of three years from the date of the importation.]

Textual Amendments

- F33** Reg. 15 substituted (14.12.2019) by [The Official Controls \(Animals, Feed and Food\) Regulations \(Northern Ireland\) 2019 \(S.R. 2019/227\)](#), regs. 1, **20(14)**
- F34** Words in reg. 15(1) substituted (31.12.2020) by [The Trade in Animals and Animal Products \(Legislative Functions\) and Veterinary Surgeons \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/1225\)](#), regs. 1(3), **21(6)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F35** Words in reg. 15(3)(a) substituted (31.12.2020) by [The Trade in Animals and Animal Products \(Legislative Functions\) and Veterinary Surgeons \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/1225\)](#), regs. 1(3), **21(6)(b)**; 2020 c. 1, Sch. 5 para. 1(1)

[^{F36} Removal from the border control post

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

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

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

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

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

Textual Amendments

F36 Reg. 16 and heading substituted (14.12.2019) by [The Official Controls \(Animals, Feed and Food\) Regulations \(Northern Ireland\) 2019 \(S.R. 2019/227\)](#), regs. 1, **20(15)**

[^{F37}Supervision and monitoring consignments

17. Where a consignment is required to be taken under supervision from a border control post to a specific destination in [^{F38}Northern Ireland] or a member State—

- (a) the movement must be under customs supervision if it is specified in the CHED; and
- (b) on arrival, the occupier of the destination premises must immediately notify the Department and district council of its arrival.]

Textual Amendments

F37 Reg. 17 and heading substituted (14.12.2019) by [The Official Controls \(Animals, Feed and Food\) Regulations \(Northern Ireland\) 2019 \(S.R. 2019/227\)](#), regs. 1, **20(16)**

F38 Words in reg. 17 substituted (31.12.2020) by [The Animals \(Health, Identification, Trade and Veterinary Medicines\) \(Amendment\) \(EU Exit\) Regulations \(Northern Ireland\) 2020 \(S.R. 2020/353\)](#), regs. 1(3), **8(3)**

Destination outside [^{F39}Northern Ireland]

18.—(1) This regulation relates to a consignment brought into Northern Ireland but intended for an ultimate destination outside [^{F40}Northern Ireland].

(2) In the case of an animal consigned to a destination outside the European Union, the person notifying its arrival shall provide documentary evidence that the country of destination will accept the animal, and the official veterinary surgeon at the border inspection post may refuse to accept the animal if this is not provided.

[^{F41}(3) Products that arrive at a border control post for an ultimate destination outside [^{F42}Northern Ireland], and which are subject to animal health check requirements in the relevant legislation listed in Schedule 2, may be taken directly from the border control post to a destination outside [^{F42}Northern Ireland] without a CHED, so long as the products do not remain for more than three days at an airport border control post and 30 days at a sea port border control post.]

[^{F43}(3A) Products that are not subject to import check requirements, and which arrive at a border control post for an ultimate destination outside [^{F44}Northern Ireland], may be taken directly from the border control post to their destination without a CHED, so long as the products do not remain at the border control post for more than 90 days.]

(4) If the consignment is intended to be sent to a destination in the European Union, and the importation of the product into the European Union is not permitted, the official veterinary surgeon shall reject the consignment.

Textual Amendments

- F39** Words in [reg. 18](#) heading substituted (31.12.2020) by [The Animals \(Health, Identification, Trade and Veterinary Medicines\) \(Amendment\) \(EU Exit\) Regulations \(Northern Ireland\) 2020 \(S.R. 2020/353\)](#), regs. 1(3), **8(4)(a)**
- F40** Words in [reg. 18\(1\)](#) substituted (31.12.2020) by [The Animals \(Health, Identification, Trade and Veterinary Medicines\) \(Amendment\) \(EU Exit\) Regulations \(Northern Ireland\) 2020 \(S.R. 2020/353\)](#), regs. 1(3), **8(4)(b)**
- F41** [Reg. 18\(3\)](#) substituted (14.12.2019) by [The Official Controls \(Animals, Feed and Food\) Regulations \(Northern Ireland\) 2019 \(S.R. 2019/227\)](#), regs. 1, **20(17)(a)**
- F42** Words in [reg. 18\(3\)](#) substituted (31.12.2020) by [The Animals \(Health, Identification, Trade and Veterinary Medicines\) \(Amendment\) \(EU Exit\) Regulations \(Northern Ireland\) 2020 \(S.R. 2020/353\)](#), regs. 1(3), **8(4)(c)**
- F43** [Reg. 18\(3A\)](#) inserted (14.12.2019) by [The Official Controls \(Animals, Feed and Food\) Regulations \(Northern Ireland\) 2019 \(S.R. 2019/227\)](#), regs. 1, **20(17)(b)**
- F44** Words in [reg. 18\(3A\)](#) substituted (31.12.2020) by [The Animals \(Health, Identification, Trade and Veterinary Medicines\) \(Amendment\) \(EU Exit\) Regulations \(Northern Ireland\) 2020 \(S.R. 2020/353\)](#), regs. 1(3), **8(4)(d)**

Commencement Information

- I12** [Reg. 18](#) in operation at 1.1.2012, see [reg. 1](#)

Unchecked consignments

- 19.**—(1) The Department or district council shall seize any consignment—
- brought into Northern Ireland other than through a border inspection post approved for that animal, product or genetic material;
 - ^{F45}(b) removed from a border control post without a CHED or the authority of the official veterinary surgeon or the authorised officer (as the case may be) at the post; or
 - transported from the border control post to a destination other than that specified in the entry document.]
- (2) Where the Department or district council suspects that a consignment does not satisfy the conditions in the legislation in Schedule 2 relating to that animal, product or genetic material—
- it may ^{F46}detain or,] seize, or cause the consignment to be ^{F46}detained or] seized, pending investigation; and
 - any costs incurred shall be at the expense of the person responsible for the consignment.

Textual Amendments

- F45** [Reg. 19\(1\)\(b\)\(c\)](#) substituted (14.12.2019) by [The Official Controls \(Animals, Feed and Food\) Regulations \(Northern Ireland\) 2019 \(S.R. 2019/227\)](#), regs. 1, **20(18)**
- F46** Words in [reg. 19\(2\)\(a\)](#) inserted (31.7.2014) by [The Trade in Animals and Related Products \(Amendment\) Regulations \(Northern Ireland\) 2014 \(S.R. 2014/196\)](#), regs. 1, **3(5)**

Commencement Information

- I13** [Reg. 19](#) in operation at 1.1.2012, see [reg. 1](#)

Action following failure of checks or seizure – products

[^{F47}20.—(1) This regulation applies to any consignment of a product if the checks at a border control post show that the consignment does not comply with the rules referred to in Article 1(2) of the EU Regulation.

(2) The official veterinary surgeon or the authorised officer (as appropriate) must, after consultation with the importer or importer's representative, place the consignment under detention and refuse its entry into [^{F48}Northern Ireland].

(3) The official veterinary surgeon or the authorised officer (as appropriate) may order the person responsible for the consignment—

- (a) to subject the consignment to special treatment in accordance with Article 71(1) and (2) or to any other measure necessary to ensure compliance with the rules referred to in Article 1(2) of the EU Regulation and, where appropriate and provided there is no risk to human or animal health, allocate the consignment for purposes other than those for which it was originally intended;
- (b) where health conditions permit, to require the person in charge of the consignment to re-dispatch the product in accordance with Article 72 of the EU Regulation from the same border control post to a destination outside the European Union agreed with the person responsible for the consignment, using the same means of transport, within a maximum time limit of 60 days from arrival at the border control post; or
- (c) if the person responsible for the consignment gives immediate agreement, re-dispatch is impossible or the 60-day time limit has elapsed, to destroy the products.

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

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

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

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

(7) The importer or the importer's representative is liable for the costs incurred in any measures taken under paragraphs (2) to (6), but is entitled to payment of a sum equal to the value of the product after deduction of these costs.

(8) The importer or the importer's representative may immediately, within one working day after notification of the non-compliance, make written representations to the Department regarding any decision taken under this regulation, and any such representations must be considered and a written response must be given by the Department within one working day of receiving such representations.]

Textual Amendments

F47 Reg. 20 substituted (14.12.2019) by [The Official Controls \(Animals, Feed and Food\) Regulations \(Northern Ireland\) 2019 \(S.R. 2019/227\)](#), regs. 1, **20(19)**

F48 Words in reg. 20(2) substituted (31.12.2020) by [The Animals \(Health, Identification, Trade and Veterinary Medicines\) \(Amendment\) \(EU Exit\) Regulations \(Northern Ireland\) 2020 \(S.R. 2020/353\)](#), regs. 1(3), **8(5)**

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

[^{F49}21. If the official controls at the border control post indicate that the consignment is likely to constitute a danger to animal or human health, the official veterinary surgeon or the authorised officer (as the case may be) must immediately place the consignment under official detention and order that the person responsible for the consignment destroy it or arrange special treatment in accordance with Article 71 of the EU Regulation at that person's expense.]

Textual Amendments

F49 Reg. 21 substituted (14.12.2019) by [The Official Controls \(Animals, Feed and Food\) Regulations \(Northern Ireland\) 2019 \(S.R. 2019/227\)](#), regs. 1, **20(20)**

Serious or repeated infringements and breach of maximum residue limits

[^{F50}22.—(1) If the official veterinary surgeon or the authorised officer (as appropriate) suspects that products entering [^{F51}Northern Ireland] from a particular third country, part of a third country or establishment in a third country have been the subject of serious contraventions of any import requirement, or contraventions that form part of a series, or where those checks reveal that maximum residue levels have been exceeded, this regulation applies to the next ten consignments or a net weight of 300 tonnes, whichever is the lowest, imported from that third country, or (as the case may be) the particular part of a third country or establishment to which the suspicion relates.

(2) If the official veterinary surgeon or the authorised officer (as appropriate) has reason to suspect fraudulent or deceptive practices by an operator responsible for a consignment the Department may apply intensified official controls.

(3) The official veterinary surgeon or the authorised officer (as appropriate) must carry out a physical check on the suspected non-compliant consignment and take appropriate measures in accordance with Section 3 of Chapter 5 of Title II.

(4) The person responsible for the consignment must lodge with the official veterinary surgeon a deposit or guarantee sufficient to assure payment of all charges, including the taking of samples, and tests or analysis.]

Textual Amendments

F50 Reg. 22 substituted (14.12.2019) by [The Official Controls \(Animals, Feed and Food\) Regulations \(Northern Ireland\) 2019 \(S.R. 2019/227\)](#), regs. 1, **20(21)**

F51 Words in reg. 22(1) substituted (31.12.2020) by [The Animals \(Health, Identification, Trade and Veterinary Medicines\) \(Amendment\) \(EU Exit\) Regulations \(Northern Ireland\) 2020 \(S.R. 2020/353\)](#), regs. 1(3), **8(5)**

Action following failure of checks or seizure – animals

[^{F52}23.—(1) If the checks at a border control post show that an animal does not comply with the rules referred to in Article 1(2) of the EU Regulation relating to that animal, or where such checks reveal an irregularity, the official veterinary surgeon must initially place the animal under detention,

isolation or quarantine, as appropriate, where it must be kept, cared for or treated under appropriate conditions pending further official decision on the fate of the animal.

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

- (a) to shelter, feed and water, and if necessary, treat the animal;
- (b) if necessary, to place it in quarantine or isolate it for so long as is necessary to ensure that there is no risk to human or animal health; or
- (c) to re-dispatch the animal in accordance with Article 72 of the EU Regulation without delay.

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

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

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

- (a) is such as to ensure compliance with the import check requirements of the EU Regulation and any relevant Implementing Regulations and Delegated Regulations made under it;
- (b) does not pose a risk to human or animal health; and
- (c) does not disrupt official control operations.

(6) The importer or the importer's representative is liable for the costs incurred in these measures but is entitled to payment of a sum equal to the slaughter value of the animal after deduction of these costs.]

Textual Amendments

F52 [Reg. 23](#) substituted (14.12.2019) by [The Official Controls \(Animals, Feed and Food\) Regulations \(Northern Ireland\) 2019 \(S.R. 2019/227\)](#), regs. 1, **20(22)**

Appeals

^{F53}**24.**

Textual Amendments

F53 [Reg. 24](#) omitted (14.12.2019) by virtue of [The Official Controls \(Animals, Feed and Food\) Regulations \(Northern Ireland\) 2019 \(S.R. 2019/227\)](#), regs. 1, **20(23)**

Additional requirements in specific cases

25. Part 2 of Schedule 3 makes additional requirements for specific cases.

Commencement Information

I14 [Reg. 25](#) in operation at 1.1.2012, see [reg. 1](#)

Exclusions

26. The provisions of this Part do not apply in the cases specified in Schedule 4.

Commencement Information

I15 Reg. 26 in operation at 1.1.2012, see [reg. 1](#)

Re-importation of [^{F54} animals and] products

27.—^{F55}(1) An official veterinary surgeon at a border control post must authorise the re-importation of consignments of the categories of animals and products referred to in points (a) and (b) of Article 47(1) originating from, and returning to, the Union following a refusal of entry by a third country provided that—

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

^{F56}(1A) In paragraph (1), “Commission Regulation (EU) 142/2011” means Commission Regulation (EU) 142/2011 implementing Regulation (EC) No 1069/2009 of the European Parliament and of the Council laying down health rules as regards animal by-products and derived products not intended for human consumption and implementing Council Directive 97/78/EC as regards certain samples and items exempt from veterinary checks at the border under that Directive.]

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

(3) The importer shall—

- (a) transport the consignment directly to the establishment of origin in the member State where the certificate was issued, in leak-proof means of transport, identified and sealed by the official veterinary surgeon at the border inspection post so that the seals will be broken whenever the container is opened; or
- ^{F57}(b) dispose of any product comprising the consignment in accordance with Council Regulation (EC) No. 1069/2009 of the European Parliament and of the Council on laying down health rules as regards animal by-products and derived products not intended for human consumption and repealing (EC) No. 1774/2002 (Animal by-products Regulation)]

Textual Amendments

F54 Words in [reg. 27](#) heading inserted (14.12.2019) by [The Official Controls \(Animals, Feed and Food\) Regulations \(Northern Ireland\) 2019 \(S.R. 2019/227\)](#), regs. 1, **20(24)(a)**

F55 [Reg. 27\(1\)](#) substituted (14.12.2019) by [The Official Controls \(Animals, Feed and Food\) Regulations \(Northern Ireland\) 2019 \(S.R. 2019/227\)](#), regs. 1, **20(24)(b)**

F56 [Reg. 27\(1A\)](#) inserted (14.12.2019) by [The Official Controls \(Animals, Feed and Food\) Regulations \(Northern Ireland\) 2019 \(S.R. 2019/227\)](#), regs. 1, **20(24)(c)**

F57 Reg. 27(3)(b) substituted (31.7.2014) by [The Trade in Animals and Related Products \(Amendment\) Regulations \(Northern Ireland\) 2014 \(S.R. 2014/196\)](#), regs. 1, **3(6)**

Commencement Information

I16 Reg. 27 in operation at 1.1.2012, see [reg. 1](#)

Admission of products into warehouses

28. A person shall not bring a consignment of products that does not comply with the import requirements of these Regulations into a warehouse [^{F58}in contravention of Section 2 (customs warehousing) or Section 3 (free zones) of Chapter 3 of Title VII of Regulation (EU) No 952/2013 of the European Parliament and of the Council laying down the Union Customs Code].

Textual Amendments

F58 Words in [reg. 28](#) substituted (11.4.2019) by [The Animal Health and Welfare \(Amendment\) Regulations \(Northern Ireland\) 2019 \(S.R. 2019/82\)](#), reg. 1, **Sch. 5 para. 23**

Commencement Information

I17 Reg. 28 in operation at 1.1.2012, see [reg. 1](#)

PART 4

SAFEGUARD MEASURES

Safeguard measures

[^{F59}29.—(1) Where the Department or the Agency—

- (a) has reasonable grounds for suspecting the existence of a disease, zoonosis, phenomenon or circumstance in a country outside [^{F60}Northern Ireland] such that animals or products originating from the whole or part of the country concerned are liable to pose risk to human or animal health; or
- (b) is of the opinion that there is serious non-compliance with official control rules under the EU Regulation in relation to imports from the European Union, or equivalent official controls rules in countries other than a member State;

the Department or the Agency may publish a written declaration of the special measures necessary in Northern Ireland in order to contain the risk to human or animal health or the risk of non-compliant animals or products entering into [^{F60}Northern Ireland].

(2) The special measures that the Department or the Agency may require include—

- (a) suspension of entry into Northern Ireland of any animal or product originating in or dispatched from the whole or part of the country concerned;
- (b) imposition of conditions requiring that any animal or products—
 - (i) prior to dispatch, or on arrival, are made the subject of specific treatment or controls;
 - (ii) be accompanied by an official certificate, an official attestation, or any other evidence (in any format that may be specified) that any import from the European Union complies with established official control rules under the EU Regulation

and any relevant Implementing Regulations and Delegated Regulations made under it or equivalent rules in other countries;

- (c) such other measures that the Department or the Agency considers necessary to contain the risk.

(3) The declaration must be published in such a manner as the Department or the Agency (as the case may be) thinks fit and may be amended or revoked by further declaration at any time.

(4) No person may import anything in breach of any measures mentioned in any such declaration.]

Textual Amendments

F59 Reg. 29 substituted (14.12.2019) by [The Official Controls \(Animals, Feed and Food\) Regulations \(Northern Ireland\) 2019 \(S.R. 2019/227\)](#), regs. 1, **20(25)**

F60 Words in [reg. 29\(1\)](#) substituted (31.12.2020) by [The Animals \(Health, Identification, Trade and Veterinary Medicines\) \(Amendment\) \(EU Exit\) Regulations \(Northern Ireland\) 2020 \(S.R. 2020/353\)](#), regs. 1(3), **8(5)**

PART 5

ADMINISTRATION

Notices, authorisations and declarations

30.—(1) A notice served, authorisation granted, or declaration made under these Regulations—

- (a) shall be in writing;
- (b) may be made subject to conditions; and
- (c) may be amended, suspended or revoked by a further notice in writing at any time.

(2) Any notice, authorisation or declaration under these Regulations shall be complied with.

Commencement Information

I18 Reg. 30 in operation at 1.1.2012, see [reg. 1](#)

Enforcement authorities

31. The enforcement authorities are the Department, the Agency or a district council within its district.

Commencement Information

I19 Reg. 31 in operation at 1.1.2012, see [reg. 1](#)

Enforcement

32.—(1) At a border inspection post these Regulations are enforced—

- (a) in relation to animals and genetic material by the Department; and
- (b) in relation to products by the Department or the district council as the case may be.

- (2) Outside a border inspection post, in relation to animals they are enforced by—
- (a) the Department;
 - (b) otherwise by the district council in its district.
- (3) Outside a border inspection post, in relation to genetic material they are enforced by the Department.
- (4) Outside a border inspection post, in relation to products they are enforced by—
- (a) the district council (except in relation to animal feed, where it is the Department); or
 - (b) by the Agency at—
 - (i) any cutting plant, game-handling establishment or slaughterhouse, or
 - (ii) premises at which the Agency enforces the Food Hygiene Regulations (Northern Ireland) 2006(2).
- (5) In addition, in relation to products they are enforced by a general customs official in any place where goods are subject to customs supervision by that official [^{F61}under Articles 134 and 135 of Council Regulation (EU) No 952/2013 laying down the Union Customs Code, as last amended by Regulation (EU) 2016/2339].
- (6) The Department may direct, in relation to cases of a particular description or a particular case, that the Department of Agriculture and Rural Development may discharge any duty imposed on a district council under this regulation.

[^{F62}(7) Where an authorised officer, when exercising any statutory function, discovers at any place other than a border inspection post a consignment or product that the officer considers may have been brought in breach of regulation 13, the officer shall detain or seize the consignment or product, or cause the consignment or product to be detained or seized, pending investigation, and any costs incurred shall be at the expense of the person responsible for the consignment or product.]

- (8) In cases where an officer of a district council who is not an authorised officer for the purposes of these Regulations, when exercising any statutory function, discovers at any place other than a ^{F63}... border inspection post, a consignment or product—
- (a) in relation to which the officer considers these Regulations may not have been complied with; or
 - (b) that the officer considers is from a third country and may present a risk to animal or public health,

the officer shall notify an authorised officer and detain the consignment or product until an authorised officer takes charge of it [^{F64}and any costs incurred shall be at the expense of the person responsible for the consignment or product.]

Textual Amendments

- F61** Words in [reg. 32\(5\)](#) substituted (11.4.2019) by [The Animal Health and Welfare \(Amendment\) Regulations \(Northern Ireland\) 2019 \(S.R. 2019/82\)](#), [reg. 1](#), [Sch. 5 para. 24](#)
- F62** [Reg. 32\(7\)](#) substituted (31.7.2014) by [The Trade in Animals and Related Products \(Amendment\) Regulations \(Northern Ireland\) 2014 \(S.R. 2014/196\)](#), [regs. 1](#), [3\(7\)](#)
- F63** Words in [reg. 32\(8\)](#) omitted (31.7.2014) by virtue of [The Trade in Animals and Related Products \(Amendment\) Regulations \(Northern Ireland\) 2014 \(S.R. 2014/196\)](#), [regs. 1](#), [3\(8\)\(a\)](#)
- F64** Words in [reg. 32\(8\)](#) inserted (31.7.2014) by [The Trade in Animals and Related Products \(Amendment\) Regulations \(Northern Ireland\) 2014 \(S.R. 2014/196\)](#), [regs. 1](#), [3\(8\)\(b\)](#)

Commencement Information

I20 Reg. 32 in operation at 1.1.2012, see [reg. 1](#)

Powers of entry

[^{F65}**33**.—(1) An authorised officer may at any reasonable hour during normal working hours without prior notice enter any premises (except any premises used wholly or mainly as a private dwelling) if the officer believes that it is necessary to enter for the purpose of enforcing these Regulations.

(2) An authorised officer must, if requested to do so, produce a duly authenticated authorisation document.

(3) A Lay Magistrate may sign a warrant to permit an authorised officer to enter any premises, including a dwelling-house, if the Lay Magistrate on sworn complaint in writing is satisfied—

- (a) that there are reasonable grounds to enter those premises for the purpose of enforcing these Regulations; and
- (b) that one or more of the conditions in paragraph (4) are met.

(4) The conditions are—

- (a) that entry to the premises has been, or is likely to be, refused, and notice of the intention to apply for a warrant has been given to the occupier;
- (b) that asking for admission to the premises, or giving such a notice, would defeat the object of the entry;
- (c) that entry is required urgently; or
- (d) that the premises are unoccupied or the occupier is temporarily absent.

(5) A warrant is valid for 30 days from the date of signature by the Lay Magistrate.

(6) An authorised officer entering any premises which are unoccupied or from which the occupier is temporarily absent must leave them as effectively secured against unauthorised entry as they were before entry.

(7) An authorised officer may—

- (a) be accompanied by such other persons (up to a maximum of three) as the officer considers necessary;
- (b) bring onto the premises such equipment as the officer considers necessary.]

Textual Amendments

F65 Reg. 33 substituted (14.12.2019) by [The Official Controls \(Animals, Feed and Food\) Regulations \(Northern Ireland\) 2019 \(S.R. 2019/227\)](#), regs. 1, **20(26)**

Powers of authorised officers

34. An authorised officer may—

- (a) inspect and examine any animal;
- (b) inspect any product, or genetic material, including its packaging, seals, marking, labelling and presentation, and any plant or equipment used for or in connection with it;
- (c) have access to, and inspect and copy any documents or records (in whatever form they are held), and remove them to enable them to be copied;

- (d) have access to, inspect and check the operation of any computer and any associated apparatus used in connection with the records; and may require any computer records to be produced in a form in which they may be taken away;
- (e) seize and retain anything required as evidence in proceedings under these Regulations;
- (f) open any bundle, package, packing case, or item of personal luggage, or require any person in possession of or accompanying the same to open it and inspect the contents;
- (g) take samples of any animal or product for laboratory tests, for checking against any relevant document relating to the animal or product or otherwise for checking compliance with these Regulations or any condition of import enforced by these Regulations.
- [^{F66}(h) require the slaughter of any imported animal which is non-compliant with import or animal welfare requirements in these Regulations or the EU Regulation or any Implementing Regulations and Delegated Regulations made under it, or suspected by the Department of posing a risk to animal or human health;
- (i) require the quarantine of any imported animal that is suspected by the Department of posing a risk to animal or human health.]

Textual Amendments

F66 Reg. 34(h)(i) inserted (14.12.2019) by [The Official Controls \(Animals, Feed and Food\) Regulations \(Northern Ireland\) 2019 \(S.R. 2019/227\)](#), regs. 1, **20(27)**

Commencement Information

I21 Reg. 34 in operation at 1.1.2012, see [reg. 1](#)

[^{F67}Protection of officials acting in good faith

34A.—(1) An authorised officer shall not be personally liable in respect of any act done by that person in the performance or purported performance of the functions within the scope of that person's employment, if the person did that act in the honest and reasonable belief that his duties under these Regulations required or entitled the person to do so.

(2) Paragraph (1) does not relieve an enforcement authority from any liability in respect of acts of its officers.]

Textual Amendments

F67 Reg. 34A inserted (31.7.2014) by [The Trade in Animals and Related Products \(Amendment\) Regulations \(Northern Ireland\) 2014 \(S.R. 2014/196\)](#), regs. 1, **3(9)**

[^{F68}Importation of animals or products constituting a risk to animal or public health

35.—(1) If imported animals or products are suspected by the Department of constituting a serious risk to human or animal health or animal welfare, or, in a case of suspected non-compliance, the animals or products come from a region contaminated by an epizootic disease, the authorised officer may require—

- (a) an investigation in order to confirm or eliminate that suspicion;
- (b) an investigation into the extent of any suspected non-compliance and to establish the import operator's responsibilities;

- (c) intensified official controls on consignments of animals or products from a particular region until such imports are no longer regarded by the officer as constituting such health risk;
 - (d) the official detention of any of the animals or products;
 - (e) appropriate measures to ensure that the person responsible for the animals or products remedies the non-compliance and prevents further occurrences of such non-compliance.
- (2) In a case within paragraph (1)(a), the importer must assist the officer with establishing the region of origin.
- (3) Where the Department is satisfied that imported animals or products constitute a risk to animal or public health, the authorised officer may, following written notice, take any reasonable action to ensure compliance with any rules laid down in accordance with Article 1(2) of the EU Regulation, including—
- (a) taking samples for testing and ordering or performing veterinary treatments on animals;
 - (b) ordering the unloading of animals and their transfer via another means of transport to a specified holding for a specified quarantine period, (whether or not involving the postponement of the slaughter of animals);
 - (c) the slaughter or killing of animals, provided that this is the most appropriate measure to safeguard human health as well as animal health and welfare;
 - (d) restricting or prohibiting the placing on the market, the movement or the export of the animal or product, or requiring its return to the country of dispatch;
 - (e) ordering the importer to increase the frequency and thoroughness of systematic checks and controls before importing further animals or goods from the same region;
 - (f) ordering the isolation or closure, for an appropriate period of time, of all or part of a business operation (including any related internet and on-line sales of products that may constitute a risk to animal or human health) affected by the importation of an animal or product that constitutes a risk to animal or human health;
 - (g) the recall, withdrawal, removal or destruction of products;
 - (h) the treatment of products for human consumption, the alteration of labels or the provision of corrective information to consumers;
 - (i) the temporary suspension or withdrawal of the registration or approval of an affected establishment, plant, holding or means of transport concerned, or of an authorisation of a transporter;
 - (j) the use of products for purposes other than those for which they were originally intended.
- (4) An authorised officer must provide an affected business operator, or its representative, with—
- (a) written notification of the decision concerning the action or measure to be taken in accordance with this regulation, together with the reasons for that decision; and
 - (b) information on any right of appeal against such decision in accordance with regulation 35A.
- (5) In the case of the issue of false or misleading official certificates in Northern Ireland, or where there is evidence of abuse of official certificates, the authorised officer, may take appropriate measures, including—
- (a) the temporary suspension of the certifying officer from certifying any certificates related to any relevant trade;
 - (b) the withdrawal of the authorisation of a person to sign official certificates; and
 - (c) any other measure believed by the officer to be necessary to prevent a reoccurrence of any non-compliance or abuse.]

Textual Amendments

F68 Reg. 35 and heading substituted (14.12.2019) by [The Official Controls \(Animals, Feed and Food\) Regulations \(Northern Ireland\) 2019 \(S.R. 2019/227\)](#), regs. 1, **20(28)**

[^{F69} Appeals

35A. Any person aggrieved by a decision made under these Regulations may appeal within one month of the decision to a Magistrates' court by way of sworn complaint in writing for an order and the Magistrates' Court (Northern Ireland) Order 1981 applies to the proceedings.]

Textual Amendments

F69 Reg. 35A inserted (14.12.2019) by [The Official Controls \(Animals, Feed and Food\) Regulations \(Northern Ireland\) 2019 \(S.R. 2019/227\)](#), regs. 1, **20(29)**

Obstruction

36.—(1) A person shall not—

- (a) intentionally obstruct any person acting in the execution of these Regulations [^{F70}or the EU Regulation];
- (b) without reasonable cause, fail to give any person acting in execution of these Regulations [^{F70}or the EU Regulation] any assistance or information that that person may reasonably require for the purpose of carrying out functions under these Regulations [^{F70}or the EU Regulation]; or
- (c) furnish to any person acting in the execution of these Regulations [^{F70}or the EU Regulation] any information knowing it to be false or misleading.

(2) Nothing in paragraph 1(b) shall be construed as requiring any person to answer any question or give any information if to do so might incriminate them.

Textual Amendments

F70 Words in reg. 36 inserted (14.12.2019) by [The Official Controls \(Animals, Feed and Food\) Regulations \(Northern Ireland\) 2019 \(S.R. 2019/227\)](#), regs. 1, **20(30)**

Commencement Information

I22 Reg. 36 in operation at 1.1.2012, see [reg. 1](#)

Exchange of information

37.—(1) The enforcement authority may exchange information for the purposes of these Regulations, and may divulge information to the enforcement authorities in England, Scotland and Wales for the purposes of this Part or the equivalent legislation in those jurisdictions.

(2) Paragraph (1) is without prejudice to any other power of the enforcement authority, to disclose information.

(3) No person shall disclose any information received from the enforcement authority under paragraph (1) if—

- (a) the information relates to a person whose identity—
 - (i) is specified in the disclosure; or
 - (ii) can be deduced from the disclosure;
 - (b) the disclosure is for a purpose other than the purposes specified in paragraph (1); and
- this shall include a servant of the Crown.

Commencement Information

I23 Reg. 37 in operation at 1.1.2012, see [reg. 1](#)

Fees

38.—(1) The Department, the district council or the Agency (whichever is responsible under regulation 32) may charge a reasonable fee in relation to any activity relating to trade between member States in animals or genetic material under these Regulations.

(2) The consignor, the consignor’s representative and the person in charge of any animal or genetic material are jointly and severally liable for that fee(3).

Commencement Information

I24 Reg. 38 in operation at 1.1.2012, see [reg. 1](#)

Offences

39. A person contravening any of the provisions of these Regulations specified in Schedule 1 shall be guilty of an offence.

Commencement Information

I25 Reg. 39 in operation at 1.1.2012, see [reg. 1](#)

Penalties

40.—(1) A person guilty of an offence of disclosure in breach of regulation 37(3) (disclosure of information) is liable—

- (a) on summary conviction, to a fine not exceeding the statutory maximum, to imprisonment not exceeding 3 months, or to both;
- (b) on conviction on indictment, to imprisonment for a term not exceeding 2 years, to a fine or to both.

(2) A person guilty of any other offence under these Regulations is liable on summary conviction to a fine not exceeding the statutory maximum or, on conviction on indictment, to a fine.

(3) Fees relating to imports from third countries are established under Regulation (EC) No 882/2004 of the European Parliament and of the Council on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules (O.J. No L 165, 30.4.2004, p. 1)

Commencement Information

I26 Reg. 40 in operation at 1.1.2012, see [reg. 1](#)

Disapplication of existing provisions

41.—(1) The Landing of Carcases and Animal Products Order (Northern Ireland) 1985(4) and The Diseases of Animals (Importation of Bird Products) Order (Northern Ireland) 1996(5) shall not apply to products to which these Regulations apply, except the products referred to in paragraphs 2 and 4 of Schedule 4.

(2) The Artificial Reproduction of Animals (Northern Ireland) Order 1975(6) shall not apply to products to which these Regulations apply, except embryos, ova and semen of the ovine, caprine and bovine species.

Commencement Information

I27 Reg. 41 in operation at 1.1.2012, see [reg. 1](#)

Revocations

42.—(1) The following are revoked—

- (a) the Products of Animal Origin (Import and Export) Regulations (Northern Ireland) 1998(7);
- (b) the Products of Animal Origin (Import and Export) (Amendment) Regulations (Northern Ireland) 2001(8);
- (c) the Animals and Animal Products (Import and Export) Regulations (Northern Ireland) 2006(9);
- (d) the Products of Animal Origin (Third Country Imports) Regulations (Northern Ireland) 2007(10);
- (e) the Products of Animal Origin (Third Country Imports) (Amendment) Regulations (Northern Ireland) 2007(11);
- (f) the Animals and Animal Products (Import and Export) (Circuses and Avian Quarantine) Regulations (Northern Ireland) 2007(12);
- (g) the Animals and Animal Products (Import and Export) (Amendment) Regulations (Northern Ireland) 2008(13);
- (h) the Animals and Animal Products (Import and Export) (Amendment) Regulations (Northern Ireland) 2009(14);

(4) S.R. 1985 No. 161 as amended by S.R. 1995 No. 315

(5) S.R. 1996 No. 81

(6) S.I. 1975 No. 1834 (N.I. 17)

(7) S.R. 1998 No. 45

(8) S.R. 2001 No. 242

(9) S.R. 2006 No. 401

(10) S.R. 2007 No. 199

(11) S.R. 2007 No. 314

(12) S.R. 2007 No. 327

(13) S.R. 2008 No. 53

(14) S.R. 2009 No. 86

Changes to legislation: There are currently no known outstanding effects for the The Trade in Animals and Related Products Regulations (Northern Ireland) 2011. (See end of Document for details)

- (i) the Animals and Animal Products (Import and Export) (Amendment) Regulations (Northern Ireland) 2010(**15**);
 - (j) the Products of Animal Origin (Third Country Imports) (Amendment) Regulations (Northern Ireland) 2010(**16**);
 - (k) the Animals and Animal Products (Import and Export) (Amendment) Regulations (Northern Ireland) 2011(**17**).
- (2) Schedule 5 makes amendments consequential to these Regulations.

Commencement Information

I28 Reg. 42 in operation at 1.1.2012, see [reg. 1](#)

Sealed with the Official Seal of the Department of Agriculture and Rural Development on 21st December 2011



C. McMaster
A senior officer of the Department of Agriculture
and Rural Development

(15) S.R. 2010 No. 380
(16) S.R. 2010 No. 417
(17) S.R. 2011 No. 27

Changes to legislation:

There are currently no known outstanding effects for the The Trade in Animals and Related Products Regulations (Northern Ireland) 2011.