

**2015 No. 282**

**ANIMALS**

**ANIMAL HEALTH**

**The Non-Commercial Movement of Pet Animals (Amendment)  
Order (Northern Ireland) 2015**

*Made* - - - - *24th June 2015*

*Coming into operation* - *23rd July 2015*

The Department of Agriculture and Rural Development is designated<sup>(a)</sup> for the purposes of section 2(2) of the European Communities Act 1972<sup>(b)</sup> in relation to the common agricultural policy of the European Union and measures in the veterinary and phytosanitary fields for the protection of public health.

The Department makes this Order in exercise of the powers conferred by Articles 5, 19, 24 and 60 of the Diseases of Animals (Northern Ireland) Order 1981<sup>(c)</sup> and section 2(2) of, and paragraph 1A of Schedule 2 to, the European Communities Act 1972<sup>(d)</sup>.

**Citation, commencement and interpretation**

1. This Order may be cited as The Non-Commercial Movement of Pet Animals (Amendment) Order (Northern Ireland) 2015 and shall come into operation on 23rd July 2015.

2. The Interpretation Act (Northern Ireland) 1954<sup>(e)</sup> shall apply to this Order as it applies to an Act of the Northern Ireland Assembly.

**Amendment of the Non-Commercial Movement of Pet Animals Order (Northern Ireland) 2011**

3. The Non-Commercial Movement of Pet Animals Order (Northern Ireland) 2011<sup>(f)</sup> is amended in accordance with articles 4 to 12.

**Amendment of article 2 (Interpretation)**

4.—(1) In paragraph (1) of article 2—

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- (a) S.I. 2000/2812 and S.I. 1999/2027.  
(b) 1972 c. 68 (“the 1972 Act”). Section 2(2) was amended by the Legislative and Regulatory Reform Act 2006 (c. 51), section 27(1)(a), and the European Union (Amendment) Act 2008 (c. 7), Part 1 of the Schedule.  
(c) S.I. 1981/1115 (N.I. 22) as amended by S.I.1984/702 (N.I. 2) Art. 17, S.I. 1994/1891 (N.I. 6) Arts. 20 and 23, S.R. 1994 No. 161, S.R. 2004 No. 362 and 2006 No. 41 and Diseases of Animals Act (Northern Ireland) 2010 (c. 1) Section 19  
(d) Paragraph 1A of Schedule 2 was inserted by section 28 of the Legislative and Regulatory Reform Act 2006, and amended by the European Union (Amendment) Act 2008, Part 1 of the Schedule, and S.I. 2007/1388.  
(e) 1954 c.33 (N.I.)  
(f) S.R. 2011 No. 440

- (a) after the definition of “carrier” insert—
    - ““the Commission Implementing Regulation” means Commission Implementing Regulation (EU) No 577/2013 on the model identification documents for the non-commercial movement of dogs, cats and ferrets, the establishment of lists of territories and third countries and the format, layout and language requirements of the declarations attesting compliance with certain conditions provided for in Regulation (EU) No 576/2013 of the European Parliament and of the Council(a);”,
  - (b) after the definition of “Decision 2007/25/EC” insert—
    - ““declaration” means a declaration given in accordance with Article 12(1)(c), Article 25(3) or Article 30(3) of the Pets Regulation;”,
  - (c) in the definition of “health certificate”, for “Article 8(2)” substitute “Article 26 or Article 31”, and
  - (d) for the definition of “the Pets Regulation” substitute—
    - ““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) 998/2003(b);”.
- (2) In paragraph (4) of article 2—
- (a) omit the word “and” immediately preceding sub-paragraph (b), and
  - (b) omit sub-paragraph (b).

**Amendment of article 3 (Designation)**

5. For article 3 substitute—
- “3. The Department is the competent authority for the purposes of—
    - (a) Articles 3(g) and (h), 10(3)(b), 22(3), 23, 32(1)(b)(i), 33(2), 34 and 35 of the Pets Regulation,
    - (b) Article 2(1) of Decision 2007/25/EC, and
    - (c) article 10 of this Order”.

**Amendment of article 5 (Controls on rabies and certain other diseases of mammals)**

- 6.—(1) In paragraph (1)(a) of article 5, omit “or B”.
- (2) For paragraph (1)(c) of article 5, substitute—
- “(c) is an animal of a species listed in Part B of Annex I to the Pets Regulation and is brought into Northern Ireland from another member State.”.

**Amendment of article 6 (Rabies)**

7. In article 6, for “Article 5 or 8” substitute “Article 6 or 10”.

**Insertion of Part 2A (Microchipping of pet animals)**

8. After article 10 (Controls on highly pathogenic avian influenza), insert the following Part—

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(a) OJ No L 178, 28.06.2013, p. 109-148.  
 (b) OJ No L 178, 28.06.2013, p. 1-26.

## “PART 2A

### Microchipping of Pet Animals

#### Minimum qualifications for microchipping of pet animals

**10A.**—(1) No person may implant a microchip in an animal of the species listed in Part A of Annex I to the Pets Regulation for the purposes of a non-commercial movement unless—

- (a) they are a veterinary surgeon or a veterinary nurse acting under the direction of a veterinary surgeon,
- (b) they are a student of veterinary surgery or student veterinary nurse and in either case acting under the direction of a veterinary surgeon,
- (c) they have been satisfactorily assessed on a training course approved by the competent authority for that purpose, or
- (d) before the 29th December 2014 they received training on implantation which included practical experience of implanting a microchip.

(2) In this Article—

“microchip” has the same meaning as “transponder” in the Pets Regulation;

“student veterinary nurse” and “veterinary nurse” have the meanings given by Schedule 3 of the Veterinary Surgeons Act 1966(a);

“student of veterinary surgery” has the same meaning as in regulation 3 of the Schedule to the Veterinary Surgeons (Practice by Students) Regulations Order of Council 1981(b);

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

#### Amendment of article 11 (Landing of assistance dogs)

**9.**—(1) In paragraph (1) of article 11, for the words “community air carrier” substitute “Community air carrier or a Union carrier.”.

(2) For paragraph (2) of article 11, substitute—

“(2) In this article—

“Community air carrier” has the meaning given by Article 2 of Regulation (EC) No 1107/2006 of the European Parliament and of the Council concerning the rights of disabled persons and persons with reduced mobility when travelling by air(c), and for the purposes of travelling by air “recognised assistance dog” shall be interpreted in accordance with that Regulation;

“Union carrier” has the meaning given by Article 3 of Regulation (EU) No 1177/2010 of the European Parliament and of the Council concerning the rights of passengers when travelling by sea and inland waterway and amending Regulation (EC) No 2006/2004(d), and for the purposes of travelling by sea and inland waterway “recognised assistance dog” shall be interpreted in accordance with that Regulation”.

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(a) 1966 c. 36. Paragraph 6 of Schedule 3 of the Veterinary Surgeons Act 1966 was inserted by S.I. 1991/1412, substituted by S.I. 2002/1479 and amended by S.I. 2008/1824, paragraph 18 of the Schedule. Paragraph 7 of Schedule 3 of the Veterinary Surgeons Act 1966 was inserted by S.I. 2002/1479.

(b) S.I. 1981/988. Regulation 3 was substituted by the Schedule of S.I. 1995/2397.

(c) OJ No L 204, 26.07.2006, p. 1-9.

(d) OJ No L 334, 17.12.2010, p. 1-16.

**Amendment of article 12 (Powers of inspectors)**

10. In paragraph (1) of article 12, after “the Pets Regulation,” insert “the Commission Implementing Regulation,”.

**Amendment of article 13 (Offences)**

11.—(1) In paragraph (d) of article 13, for “(including information contained in a passport or health certificate)” substitute “(including information contained in a passport, health certificate or declaration)”.

(2) In paragraph (e) of article 13, for “(including a passport or health certificate)” substitute “(including a passport, health certificate or declaration)”.

**Consequential Amendments**

12. The Schedule (Consequential Amendments) has effect.

Sealed with the Official Seal of the Department of Agriculture and Rural Development on 24th June 2015



*Geraldine Fee*  
A senior officer of the  
Department of Agriculture and Rural Development

## Consequential Amendments

## PART 1

Rabies (Importation of Dogs, Cats and Other Mammals) Order (Northern Ireland)  
1977**Amendment of the Rabies (Importation of Dogs, Cats and Other Mammals) Order (Northern Ireland) 1977**

1. The Rabies (Importation of Dogs, Cats and Other Mammals) Order (Northern Ireland) 1977(a) is amended in accordance with this Part.

**Amendment of article 3 (Interpretation)**

2.—(1) In paragraph (1) of article 3—

- (a) for the definition of “the Pets Regulation” substitute—  
““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) 998/2003(b);”, and
- (b) for the definition of “the Pets Regulation quarantine end date” substitute—  
““the Pets Regulation quarantine end date” means the earliest of either—
- (a) in the case of—
- (i) a cat or ferret subject to Article 6 of the Pets Regulation, the date on which the animal satisfies the requirements of that Article,
  - (ii) a cat or ferret subject to Article 10 of the Pets Regulation, the date on which the animal satisfies the requirements of that Article,
  - (iii) a dog subject to Article 6 of the Pets Regulation and Article 7 of the supplementary Regulation, the date on which the dog satisfies the requirements of both Articles,
  - (iv) a dog subject to Article 6 of the Pets Regulation but exempt from Article 7 of the supplementary Regulation, the date on which the dog satisfies the requirements of Article 6 of the Pets Regulation,
  - (v) a dog subject to Article 10 of the Pets Regulation and Article 7 of the supplementary Regulation, the date on which the dog satisfies the requirements of both Articles, or
- (b) where the animal has satisfied the requirements applicable to it under subparagraphs (a)(i) to (v) above, but does not satisfy the requirements in relation to rabies under Article 6(b) or Article 10(b) and (c) of the Pets Regulation as appropriate, the date of the expiry of a period of four months beginning with the date on which the animal is detained for the purposes of isolation in quarantine.”.

(2) After paragraph 1 of article 3, insert—

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(a) S.R. 1977 No. 113; as amended by S.R. 1977 No. 256, S.R. 1994 No. 402, S.R. 2000 No. 10, S.R. 2005 No. 275, S.R. 2011 No. 438, S.R. 2011 No. 440 and partial disapplication by S.R. 2006 No. 401

(b) OJ No L 178, 28.06.2013, p. 1-26.

“(1A) For the purposes of the definition of “the Pets Regulation quarantine end date” in paragraph (1), “the supplementary Regulation” means Commission Delegated Regulation (EU) No 1152/2011 supplementing Regulation (EC) No 998/2003 of the European Parliament and of the Council as regards preventative measures for the control of *Echinococcus multilocularis* infection in dogs(a).”.

**Amendment of article 4 (Prohibition on landing of animals)**

3. In paragraph (2)(c)(i) of article 4, for “Article 5” substitute “Article 6”.

**Amendment of article 5 (Detention and isolation in quarantine)**

4. In paragraphs (2B)(a), (2C) and (3) of article 5, for “Article 5 or 8” in each place it occurs, substitute “Article 6 or 10”.

**Amendment of article 6 (Vaccination of animals in quarantine)**

5. In paragraph (3) of article 6, for “Article 5 or 8” substitute “Article 6 or 10”.

**Amendment of article 8 (Control of animals passing through Northern Ireland)**

6. In paragraph (8) of article 8, for “Article 5 or 8” substitute “Article 6 or 10”.

**Amendment of article 12 (Detention of animals on board vessels in harbour)**

7. In paragraphs (5A)(a) and (b), and paragraphs (9A)(a) and (b), of article 12, for “Article 5 or 8” in each place it occurs, substitute “Article 6 or 10”.

**Amendment of article 13 (Action in case of illegal landing or breach of quarantine)**

8. In paragraphs (1A), (3A)(a) and (b) of article 13, for “Article 5 or 8” in each place it occurs, substitute “Article 6 or 10”.

**Amendment of article 14 (Power to destroy imported animals)**

9. In paragraph (2) of article 14—
- (a) for “Article 8” substitute “Article 6 or 10”, and
  - (b) for “Article 14(c)” substitute “Article 35(1)(c)”.

## PART 2

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

**Amendment of the Trade in Animals and Related Products Regulations (Northern Ireland) 2011**

10. The Trade in Animals and Related Products Regulations (Northern Ireland) 2011(b) are amended in accordance with this Part.

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(a) OJ No L 296, 15.11.2011, p6. The repeal of Regulation (EC) No 998/2003 has no effect and this Regulation remains in force under Article 43(3) of Regulation (EU) No 576/2013.

(b) S.R. 2011 No. 438, as amended by S.R. 2014 No. 196

### **Amendment of regulation 3 (Exceptions for pet animals)**

11. For regulation 3, substitute—

#### **“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(a);

“pet animal” means an animal of a species listed in Annex I of the Pets Regulation;

“accompanying” has the same meaning as in the Pets Regulation.”.

## **PART 3**

The Welfare of Animals at the Time of Killing Regulations (Northern Ireland) 2014

### **Amendment of The Welfare of Animals at the Time of Killing Regulations (Northern Ireland) 2014**

12. The Welfare of Animals at the Time of Killing Regulations (Northern Ireland) 2014(b) are amended in accordance with this Part.

### **Amendment of regulation 16 (Review by the competent authority)**

13. After regulation 16(4), insert—

“(5) A person who is aggrieved by the final determination of the competent authority under paragraph (4) may, within 21 days of the notification of the determination, appeal against that determination to a court of summary jurisdiction.”.

#### **EXPLANATORY NOTE**

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

This Order amends the Non-Commercial Movement of Pet Animals Order (Northern Ireland) 2011 (“the 2011 Order”) to update the enforcement provisions and import requirements for pet animals entering Northern Ireland as a result of 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 (OJ No L 178, 28.06.2013, p.1-26) (“the Pets Regulation”).

This Order also makes consequential amendments to the Rabies (Importation of Dogs, Cats and Other Mammals) Order (Northern Ireland) 1977 (“the 1977 Order”), the Trade in Animals and

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(a) OJ No L 178, 28.06.2013, p. 1-26.

(b) S.R. 2014 No. 107

Related Products Regulations (Northern Ireland) 2011 (“the 2011 Regulations”), and The Welfare of Animals at the Time of Killing Regulations (Northern Ireland) 2014 (“the 2014 Regulations”).

Article 4 amends article 2 (Interpretation) of the 2011 Order to update references in definitions and to insert new definitions.

Article 5 amends article 3 (Designation) of the 2011 Order to update the designation of the competent authority to the relevant provisions of the Pets Regulation.

Article 6 amends article 5 (Controls on rabies and certain other diseases of mammals) of the 2011 Order to update references to the Pets Regulation and to update the exemptions to the provisions of the 1977 Order.

Article 7 amends article 6 (Rabies) of the 2011 Order to update references to the Pets Regulation.

Article 8 inserts a new Part 2A (Microchipping of pet animals) and article 10A (Minimum qualifications for microchipping of pet animals) into the 2011 Order for the microchipping of dogs, cats and ferrets for the purposes of pet travel between Member States and third countries.

Article 9 amends article 11 (Landing of assistance dogs) of the 2011 Order updating the definitions and providing for the landing in Northern Ireland of recognised assistance dogs being brought into Northern Ireland by sea or inland waterway on a Union carrier.

Article 10 amends article 12 (Powers of inspectors) to make the competent authority responsible for the enforcement of the replacement Pets Regulation and the Commission Implementing Regulation (EU) No 577/2013 on the model identification documents for the non-commercial movement of dogs, cats and ferrets, the establishment of lists of territories and third countries and the format, layout and language requirements of the declarations attesting compliance with certain conditions provided for in Regulation (EU) No 576/2013 of the European Parliament and of the Council (OJ No L 178, 28.06.2013, p. 109-148) (“the Commission Implementing Regulation”).

Article 11 amends article 13 (Offences) to clarify that certain existing offences will apply in relation to pet owners’ declarations regarding non-commercial movement.

Part 1 of the Schedule amends the 1977 Order to update the references to the Pets Regulation and inserts a new maximum quarantine period of four months for ‘Part A’ pet animals that have satisfied all preventative health measures other than those required in relation to rabies.

Part 2 of the Schedule amends the 2011 Regulations to provide for when the trade import requirements apply to pet animals.

Part 3 of the Schedule amends the 2014 Regulations to include provision for a person who is aggrieved by the final determination of the competent authority to appeal against that determination.

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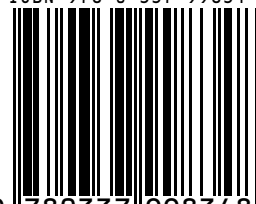
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