
STATUTORY INSTRUMENTS

1992 No. 3295

**The Animals and Animal Products
(Import and Export) Regulations 1992**

PART I

INTRODUCTION

Title, commencement, interpretation and extent

1.—(1) These Regulations may be cited as the Animals and Animal Products (Import and Export) Regulations 1992 and shall come into force on 1st January 1993.

(2) In these Regulations, unless the context otherwise requires, any expressions used have the meaning they bear in Council Directive [90/425/EEC](#) concerning veterinary and zootechnical checks applicable in intra-Community trade in certain live animals and products with a view to the completion of the single market⁽¹⁾ and Council Directive [91/496/EEC](#) laying down the principles governing the organisation of veterinary checks on animals entering the Community from third countries⁽²⁾, both of which have been amended in accordance with Schedule 1;

“border inspection post” means a place specified in Schedule 2;

“Divisional Veterinary Officer” means the veterinary inspector appointed for the time being by the Minister to receive information about the anticipated date of arrival of imported animals or animal products for the area in which the place of destination in Great Britain is situated;

“import” means import into Great Britain;

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

“local authority” means—

- (a) in England and Wales, as respects each London borough (except in relation to imported live animals), metropolitan district or non-metropolitan county, the council of that borough, district or county;
- (b) as respects the City of London, and for all London boroughs in relation to imported live animals, the Common Council;
- (c) in Scotland, the regional or islands council;

“Minister” means, in relation to England, the Minister of Agriculture, Fisheries and Food and, in relation to Scotland or to Wales, the Secretary of State;

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

(1) OJNo. L224, 18.8.90, p 29 as read with the provisions in Schedule 1.

(2) OJ No. L268, 24.9.91, p 56 as read with the provisions in Schedule 1.

“veterinary inspector” means a person appointed by the Minister for the purposes of these Regulations.

(3) Any reference in these Regulations to a Schedule, unless the context otherwise

(4) Any reference in these Regulations to a directive is to that directive as amended.

(5) All notices served under these Regulations shall be in writing and may be made subject to conditions and may be amended, suspended or revoked in writing at any time.

(6) These Regulations do not apply to Northern Ireland.

Exception

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

Enforcement

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

(2) The Minister may direct, in relation to cases of a particular description or a particular case, that any duty imposed on a local authority under paragraph (1) above shall be discharged by the Minister and not by the local authority.

PART II

INTRA-COMMUNITY TRADE

Application of Part II

4. This Part of these Regulations shall apply to trade between member States in live animals and all animal products which are the subject of the directives listed in Schedule 3 or which are specified in Schedule 4, except aquaculture products for human consumption controlled by Council Directive [91/67/EEC](#) concerning the animal health conditions governing the placing on the market of animals and aquaculture products⁽³⁾.

Exports

5. No person shall export or consign for export to another member State any animal or animal product unless—

(a) if it is controlled by one or more of the directives listed in Schedule 3, it complies with the relevant provisions of those directives (including any option permitted by those directives which has been exercised by the member State of destination) and any additional requirements on health conditions of the member State of destination, and, when required by a directive or the member State of destination, is accompanied by an export health certificate signed by a veterinary inspector and any other document required by a directive or by the member State of destination;

(b) in the case of an animal or animal product specified in Schedule 4, it fulfils all the animal health requirements of the member State of destination and, when required by the member

(3) OJ No. L46, 19.2.91, p 1.

State of destination, is accompanied by an export health certificate signed by a veterinary inspector and any other document required by the member State of destination; and

- (c) if it is acquired through a market or consigned through an assembly centre, such market or assembly centre has been approved by the Minister for the purposes of intra-Community trade, and the market or assembly centre complies with the provisions of the directives listed in Schedule 3 relating to markets and assembly centres.

Imports

6. No person shall import from another member State any animal or animal product subject to a directive listed in Schedule 3 and originating in a member State unless it complies with the relevant provisions of that directive, any additional requirements specified in Schedule 3 and any additional legislation applicable in Great Britain.

Transport of animals and animal products

7.—(1) No person shall transport any animal or animal product which is being exported to another member State, or which is being imported from another member State to the address to which it is consigned, unless the animal or animal product is accompanied by the documents required by Article 3(1)(d) of Council Directive [90/425/EEC](#).

(2) No person shall deliver any animal or animal product imported from another member State other than to the address specified in the required documentation unless required to do so by means of a notice served on him by an inspector.

Registration of dealers

8.—(1) If required to do so by a notice served on him by the Minister, a dealer engaging in intra-Community trade in animals or animal products shall register as such and shall give to the Minister such undertakings as to compliance with these Regulations as shall be specified in the notice.

(2) Any person who has received a notice under the preceding paragraph shall keep a record of all deliveries of animals and animal products and, where a consignment is divided up or subsequently marketed, of the subsequent destination of the animals or animal products, and shall keep such records for 12 months from the arrival of the consignment.

Inspection and checking at destination

9.—(1) A veterinary inspector shall have power to inspect, at their place of destination, all animals and animal products imported into Great Britain from another member State, so as to ensure that the requirements (including requirements on documentation) of the relevant provisions of the directives listed in Schedule 3 have been complied with, or, in the case of animals and animal products specified in Schedule 4, the animal health conditions applicable to imports into Great Britain have been complied with.

(2) In addition to the powers in paragraph (1) above, an inspector shall have power to inspect animals and animal products and accompanying documents anywhere and at any time if he has information leading him to suspect an infringement of the directives listed in Schedule 3 or, for those animals and animal products specified in Schedule 4, of the animal health conditions applicable to imports into Great Britain.

(3) Any powers exercised under Regulation 27 below shall only be exercised in accordance with this regulation in relation to an import from another member State until it reaches its place of destination and at its place of destination.

Duties on consignees

10.—(1) No person shall accept a consignment of animals or animal products (other than registered horses accompanied by an identification document provided for by Directive [90/427/EEC](#) on the zootechnical and genealogical conditions governing intra-Community trade in equidae⁽⁴⁾) unless the importer or consignee has notified to the Divisional Veterinary Officer in writing, at least 24 hours in advance, the nature of the consignment, its anticipated date of arrival and the place of destination.

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

Duties on consignees relating to animals

11.—(1) Where animals are consigned to a market or assembly centre approved by the Minister for the purposes of intra-Community trade, the operator of the market or assembly centre shall ensure that no animal is admitted unless it complies with Article 3(1) of Council Directive [90/425/EEC](#).

(2) Where animals are consigned to a slaughterhouse under the supervision of an official veterinary surgeon appointed under the provisions of Council Directive [64/433/EEC](#) on health conditions for the production and marketing of fresh meat⁽⁵⁾, the latter shall ensure that no animal is slaughtered unless it complies with Article 3(1) of Council Directive [90/425/EEC](#).

(3) If, in carrying out inspections under the preceding paragraph, the official veterinary surgeon establishes that animals imported from another member State are accompanied by incorrect certification or cannot readily be identified, he shall forthwith notify the Divisional Veterinary Officer, who shall examine the animals and shall either—

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

(4) Where paragraphs (1) and (2) above do not apply, any person who markets any animal consigned to him from another member State, or divides up batches of such animals for distribution or marketing—

- (a) shall check, before the batch is divided up or marketed, that all the animals comply with the relevant provisions of the directives listed in Schedule 3, or for those animals and animal products specified in Schedule 4, with the animal health conditions applicable to imports into Great Britain, with respect to identification marks and accompanying documentation;
- (b) shall forthwith notify the Divisional Veterinary Officer of any irregularity or anomaly, and
- (c) if there is a breach of Article 3(1)(d) of Council Directive [90/425/EEC](#), shall isolate the animals in question until the Divisional Veterinary Officer has authorised their release in writing.

Illegal consignments

12.—(1) If a veterinary inspector knows of or suspects the presence of agents responsible for a disease referred to in Schedule 5 or of a zoonosis, a disease or any cause likely to constitute a serious hazard to animals or humans in animals or animal products imported from another member State, or that those animals or animal products have come from a region contaminated by an epizootic disease, he may by notice served on the person appearing to him to have charge of those animals or products, require that person—

⁽⁴⁾ OJ No. L224, 18.8.90, p 55.

⁽⁵⁾ OJ No. L121, 28.7.64, p 2012 (Special edition 1963-64p, 185; relevant amending instrument is Council Directive [91/497/EEC](#) (OJ No. L268, 24.9.91, p 69).

- (a) immediately to detain them (and, in the case of animals, keep them isolated from any other animals), at such place as may be specified in the notice, and to take such further action in relation to them as may be so specified for the purpose of preventing the introduction or spreading of disease into or within Great Britain, or
 - (b) without delay, to slaughter them, or slaughter and destroy them, or cause them to be slaughtered, or slaughtered and destroyed, or, in the case of products, destroy them or cause them to be destroyed, in accordance with such conditions as may be specified in the notice.
- (2) Subject to the provisions of paragraph (3) below, if an inspector knows or suspects that an animal or animal product does not comply with the provisions of Article 3 of Council Directive [90/425/EEC](#), he may, if animal health and welfare considerations so permit, give the consignor or his representatives by way of notice the choice of—
- (a) where the cause of non-compliance is the presence in animals of excessive residues, maintenance of the animals under supervision until all relevant legislation on residues is complied with and, in the event of failure to comply with that legislation, application of the measures provided for in that legislation, or
 - (b) slaughtering the animals or destroying the products in accordance with such conditions as may be specified in the notice, or
 - (c) returning the animals or products to the member State of despatch, with the authorisation of the competent authority of the member State of despatch and with prior notification to any member State of transit.
- (3) If the only way the consignment fails to comply with legislation is irregularity in documentation, an inspector shall not cause the animals to be returned to the country of despatch without first giving the consignor or his representative a notice requiring him to produce the correct documentation within 7 days and to detain the animal or animal product in accordance with such conditions as may be specified in the notice.
- (4) In the event of a notice not being complied with an inspector may seize or cause to be seized any animal or animal product to which it relates, and arrange for the requirements of the notice to be complied with.
- (5) The consignor, his representative and the person responsible for the animals and products shall be jointly and severally liable for the costs of any action taken under this regulation.

PART III

THIRD COUNTRIES

Application

13. This Part of these Regulations shall apply in respect of animals imported into Great Britain—
- (a) from anywhere other than a member State, and
 - (b) from another member State if the animals originated in a country which is not a member State and all the checks provided for in Council Directive [91/496/EEC](#) have not been carried out.

Official veterinarians

14. The Minister of Agriculture, Fisheries and Food shall from time to time designate such veterinary inspectors to act as official veterinarians as shall be necessary for the purposes of this Part of the Regulations and may revoke such designation at any time.

Importation

15.—(1) No person shall import any animal

- (a) either for entry into Great Britain or for export to another member State unless the conditions in Article 5 of Council Directive [91/496/EEC](#) and Articles 3, 4 and 5 of Council Directive [91/628/EEC](#) on the protection of animals during transport⁽⁶⁾ are complied with as well as any additional legislation applicable in Great Britain, or
- (b) for immediate re-export, either directly or indirectly, outside the European Economic Community unless such transit has been previously authorised in writing by the Minister and the conditions in Article 9 of Council Directive [91/496/EEC](#) have been complied with.

(2) No person shall import any animal to which a decision listed in Schedule 6 applies from the country referred to in that decision except in accordance with the provisions of those decisions, including any options exercised by the Minister under those decisions.

Places of import

16.—(1) No person shall import any animal except at a border inspection post and in accordance with any conditions imposed in Schedule 2 relating to that border post, except that animals specified in Schedule 1 to the Rabies (Importation of Dogs, Cats and Other Mammals) Order 1974⁽⁷⁾ may also be imported at places permitted under that Order.

(2) If animals are imported at any place other than a place permitted under paragraph (1) above, an inspector may, by notice in writing, require the person appearing to him to be in charge of the consignment to detain and isolate the animals in accordance with the notice and the following provisions of this Regulation shall have effect.

(3) Following examination of the animals by a veterinary inspector, the veterinary inspector may serve a further notice on the person appearing to him to be in charge of the consignment either releasing the animals from restriction or requiring the animals to be slaughtered or slaughtered and destroyed or re-exported outside the European Economic Community.

(4) In the event of a notice not being complied with, an inspector may seize the animal or cause it to be seized and arrange for the requirements of the notice to be complied with.

(5) The consignor, his representative and the person responsible for the animals shall be jointly and severally liable for the costs of any action taken under this regulation.

Import procedure

17.—(1) No person shall import any animal unless he has given one working day's notice in writing of his intention to do so, specifying the number, nature and estimated time of arrival of the animal, to the official veterinarian of the border inspection post through which the animal is to be imported.

(2) On importation, the importer or his agent shall convey the animal, under the supervision of the enforcement authority, directly to the border inspection post examination area or, where the decisions listed Schedule 6 or the animal health conditions applicable to imports so require, to a quarantine centre as provided for in the second indent of the first sub-paragraph of Article 10(1) of Council Directive [91/496/EEC](#).

(3) No person shall remove any animal from a quarantine centre or border inspection post unless there has been provided by the official veterinarian a certificate in the form required under Council Directive [91/496/EEC](#) that all necessary veterinary checks have been carried out in accordance with Articles 4(1) and (2)(a), (b) and (d) and 8 and 9 of Council Directive [91/496/EEC](#) to his satisfaction.

(6) OJ No. L340, 11.12.91, p 17.

(7) S.I. [1974/2211](#) to which there are amendments not relevant to these Regulations.

(4) No person shall remove any animal from Customs temporary storage arrangements unless the certificate provided under paragraph (3) above has been provided to an officer of Her Majesty's Customs and Excise and the removal has been authorised by him, and except to the address specified in the required documentation unless required to do so by means of a notice served on him by an inspector.

Payment of fees

18. The official veterinarian shall not authorise the release of animals from a quarantine centre or border inspection post unless he is satisfied that all veterinary checks for which a charge is made have been paid for, and that, where relevant, a deposit covering any cost provided for in Article 9.1.a, 9.2, the second and third indents of Article 10.1, Article 10.6 and Article 12.2 of Council Directive [91/496/EEC](#) has been lodged.

Consignments constituting a danger to health

19. Where checks at the quarantine centre or border inspection post reveal that a consignment of animals is likely to constitute a danger to animal or human health, the official veterinarian shall immediately seize and destroy the consignment, and the costs of such action shall be payable by the importer or his representative.

Illegal consignments

20.—(1) Where checks at the quarantine centre or border inspection post reveal that the animals do not comply with Article 5 of Council Directive [91/496/EEC](#) or Articles 3, 4 or 5 of Council Directive [91/628/EEC](#), a veterinary inspector shall, by notice served on the person appearing to him to have charge of those animals, require that person to—

- (a) shelter, feed and water and, if necessary, treat the animals; or
- (b) place them in quarantine or isolate the consignment at such place as may be specified in the notice, and to take such other action in relation to the animals as may be necessary for the purpose of preventing the introduction or spreading of disease into or within Great Britain; or
- (c) re-dispatch them outside the territory of the European Economic Community, where animal health or welfare considerations so permit, within such period as may be specified in the notice.

(2) Before exercising any of the powers in paragraph (1) above the veterinary inspector shall consult the importer or his representative.

(3) If the animals are re-dispatched in accordance with paragraph (1)(c) above, the official veterinarian shall cancel the veterinary certificate or document accompanying the rejected consignment.

(4) If in the opinion of the veterinary inspector re-dispatch is not possible, in particular for reasons of the welfare of animals, he by notice served on the person appearing to him to have charge of the animals—

- (a) may, after ante-mortem examination, authorise slaughter of the animals for human consumption if so doing would comply with all relevant legislation;
- (b) must otherwise order the slaughter of the animals for purposes other than human consumption or order the destruction of the carcasses, specifying the conditions regarding control of the use of the products obtained.

(5) In the event of a notice not being complied with a veterinary inspector may seize or cause to be seized any animal to which it relates, and arrange for the requirements of the notice to be complied with.

(6) The importer or his representative shall be liable for the costs incurred in measures under this regulation, but shall be entitled, after deduction of costs, to the proceeds of any sale.

Arrival at the place of destination

21. On their arrival at the place of destination, animals for breeding and production shall be detained at the premises by the person having control of those premises, and he shall not release them from those premises unless authorised in writing by an authorised officer of the Minister.

PART IV

IMPORTS WHERE CHECKS HAVE BEEN CARRIED OUT IN ANOTHER MEMBER STATE

Application

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

Imports

23. No person shall import any animal to which this Part applies unless it is accompanied by the certificate of examination and the authenticated copy of the original health certificate issued at the point of importation into the European Economic Community under Article 7.1 of Council Directive [91/496/EEC](#).

Import procedure

24. The provisions of Regulations 7 to 12, 15(2) and 21 of these Regulations shall apply to animals to which this Part applies as they apply to animals originating within the European Economic Community.

PART V

GENERAL

Outbreaks of disease in other states

25.—(1) This Regulation shall apply where the Minister learns of or has reasonable grounds to suspect, either under the procedures set out in Article 10 of Council Directive [90/425/EEC](#) or Article 18 of Council Directive [91/496/EEC](#), or through any other means, the presence in any other state of a disease referred to in Schedule 5, a zoonosis or any other disease or phenomenon liable to present a serious threat to public or animal health.

(2) In the circumstance described in paragraph (1) above, the Minister may, for the purpose of preventing the introduction or spreading of disease into or within Great Britain, by a declaration to be published in such manner as he thinks fit, give notice of the existence in another state of any disease

or zoonosis or other cause likely to constitute a serious hazard, the area subject to the outbreak, and the types of animal or animal product affected.

(3) Upon such declaration being made, the entry into Great Britain of any animal or animal product which is the subject of the declaration shall be in breach of the conditions of import in these Regulations.

(4) A declaration made under this regulation may specify conditions under which the animal or animal product which is the subject of the declaration may be imported.

Notification of decisions

26. If the consignor or his representative so requests, any decision taken refusing entry or varying the conditions of entry shall be forwarded to him in writing by the person taking the decision, giving the reasons for the decision and the details of his right of appeal against the decision, including the relevant time limits.

Powers of inspectors

27.—(1) Subject to Regulation 9 above, an inspector shall, on producing, if required to do so, some duly authenticated document showing his authority, have the right at all reasonable hours to enter any land or premises for the purposes of ascertaining whether there is or has been on the premises any contravention of these Regulations; and in this regulation “premises” includes any place, installation, vehicle, ship, vessel, boat, craft, hovercraft or aircraft.

(2) An inspector shall have powers to carry out all checks and examinations necessary for the enforcement of Council Directive [90/425/EEC](#) and Council Directive [91/496/EEC](#), and in particular may—

- (a) carry out inspections of any processes used for the marking and identification of animals, any premises and any installation;
- (b) carry out checks on whether staff are complying with the requirements of the -directives listed in Schedule 3 relating to animal products;
- (c) take samples (and, if necessary, send the samples for laboratory testing) from —
 - (i) animals held with a view to being sold, put on the market or transported;
 - (ii) products held with a view to being stored or sold, put on the market or transported;
 - (iii) animals or animal products being transported in the course of intra-Community trade;
 - (iv) animals at a border inspection post in the case of third country imports;
 - (v) animals or animal products at the place of destination in the case of an import from another member State;
- (d) examine documentary or data processing material relevant to the checks carried out under these Regulations;
- (e) take with him a representative of the European Commission acting for the purposes of Council Directives [90/425/EEC](#) or [91/496/EEC](#).

Obstruction

28.—(1) No person shall—

- (a) intentionally obstruct any person acting in the execution of these Regulations,

- (b) without reasonable cause, fail to give to any person acting in the execution of these Regulations any assistance or information which that person may reasonably require of him for the purposes of his functions under these Regulations, or
- (c) furnish to any person acting in the execution of these Regulations any information which he knows to be false or misleading.

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

Offences by bodies corporate

29.—(1) Where a body corporate is guilty of an offence under these Regulations, and that offence is proved to have been committed with the consent or connivance of, or to have been attributable to any neglect on the part of—

- (a) any director, manager, secretary or other similar officer of the body corporate, or
- (b) any person who was purporting to act in any such capacity,

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

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

(3) Where an offence under these Regulations is committed in Scotland by a Scottish partnership and is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, a partner, he as well as the partnership shall be guilty of the offence and be liable to be proceeded against and punished accordingly.

Penalties

30.—(1) A person contravening any provision of these Regulations or any notice served under them shall be guilty of an offence.

(2) A person guilty of an offence under Regulation 28(1)(a) or (b) above shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale or to imprisonment for a term not exceeding three months or to both.

(3) A person guilty of any other offence under these Regulations shall be liable—

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

Disapplication of provisions

31. The provisions of the legislation listed in Schedule 7 shall not apply to imports from another member State of animals and animal products to which a directive listed in Schedule 3 applies, or to imports of an animal to which a decision listed in Schedule 6 applies from the country subject to that decision, to the extent specified in column 3 of that Schedule.

Revocations

32. The Exportation of Pigeons Order 1983(8) and the Diseases of Animals (Export Health Certificates) Order 1985(9) are hereby revoked.

In witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 22nd December 1992.

L.S.

Scottish Office
23rd December 1992

John Selwyn Gummer
Hector Monro
Minister of Agriculture, Fisheries and
Food
Parliamentary Under Secretary of State,