
STATUTORY INSTRUMENTS

1992 No. 3298

**The Products of Animal Origin
(Import and Export) Regulations 1992**

PART V

GENERAL

Enforcement powers

22.—(1) An authorised officer of the Minister or of a local authority 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 business premises for the purposes of ascertaining whether there is or has been on the premises any breach of animal or public health conditions relating to the importation of products of animal origin, or whether there are any products on the premises in respect of which an offence may have been committed under these Regulations; and in this regulation “premises” includes any place, installation, vehicle, ship, vessel, boat, craft, hovercraft or aircraft.

(2) In enforcing these Regulations, an authorised officer of the Minister or of a local authority shall have the right to—

- (a) carry out inspections of premises, installations, means of transport, plant and equipment used for or relating to products of animal origin, cleaning and maintenance products, procedures used for the production and processing of products of animal origin and the marking and labelling and presentation of those products;
- (b) carry out checks on whether staff comply with the requirements of regulations relating to animal and public health;
- (c) take samples to establish whether or not these Regulations are being complied with, and detain products of animal origin pending the analysis of those samples by notice served on the person in charge of the products;
- (d) examine documentary or computer material relevant to their powers;
- (e) take with him a representative of the European Commission who is acting as an inspector for the purposes of Council Directives [89/662/EEC](#) or [90/675/EEC](#).

(3) If a justice of the peace, or in Scotland the sheriff, on sworn information in writing, is satisfied that there is reasonable ground for entry into any premises for any of the purposes of this regulation and either—

- (a) that admission to the premises has been refused, or a refusal is apprehended, and that notice of the intention to apply has been given to the occupier; or
- (b) that an application for admission, or the giving of such a notice, would defeat the object of the entry, or that the case is one of urgency, or that the premises are unoccupied or the occupier temporarily absent,

the justice or sheriff may by warrant signed by him, and valid for one month, authorise the authorised officer to enter the premises, if need be by reasonable force.

Serious threats to health in other countries

23.—(1) This Regulation shall apply where the Minister or the Secretary of State learns, either under the procedures set out in Article 9 of Council Directive [89/662/EEC](#) or Article 19 of Council Directive [90/675/EEC](#) or through any other means of the presence in any other country of a disease referred to in Council Directive [82/894/EEC](#), 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 or Secretary of State may, for the purpose of preventing the spread of disease in Great Britain, by a declaration to be published in such manner as he thinks fit, give notice of the existence of any disease or zoonosis or other cause likely to constitute a serious hazard in another country, the area affected, and the types of products of animal origin affected.

(3) Upon such declaration being made any product of animal origin entering Great Britain which is the subject of the declaration shall be in breach of the animal or public health conditions relating to the import of the product.

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

Notification of decisions

24. 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.

Returns

25. Local authorities shall send to the Minister (or, in Scotland and Wales, the Secretary of State)

- (a) details, categorised by country of origin and including a description of the product concerned, of consignments checked by them which have been refused, re-dispatched, destroyed or authorised for use other than for human consumption, and the reason for such action;
- (b) a list of all samples taken by them for the purposes of laboratory analysis, and the results of such analysis;
- (c) the total number of consignments checked by them, and the total weight of the consignments categorised by product and by country of origin.

Obstruction

26.—(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

27.—(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

28.—(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 26(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 conviction on indictment, to a fine or to imprisonment for a term not exceeding two years or to both;
- (b) on summary conviction, to a fine not exceeding the statutory maximum or to imprisonment not exceeding three months or to both.

Disapplication

29.—(1) The provisions listed in Part I of Schedule 4 shall not apply to products of animal origin to which these Regulations apply.

(2) The provisions listed in Part II of Schedule 4 shall not apply to products of animal origin to which these Regulations apply imported from other member States.