
STATUTORY INSTRUMENTS

1996 No. 3124

**The Products of Animal Origin
(Import and Export) Regulations 1996**

**PART I
INTRODUCTORY**

Title, commencement, interpretation and extent

1.—(1) These Regulations may be cited as the Products of Animal Origin (Import and Export) Regulations 1996 and shall come into force—

- (a) save in relation to regulations 11 and 12, on 1st January 1997; and
- (b) in relation to regulations 11 and 12, on 1st April 1997.

(2) In these Regulations, unless the context otherwise requires, any expressions used in Directive 89/662 and Directive 90/675 have the same meanings as in those directives, and—

“aquaculture product” means a product controlled pursuant to Council Directive [91/67/EEC](#) concerning the animal health conditions governing the placing on the market of aquaculture products and animals⁽¹⁾;

“bivalve molluscs” means filter-feeding lamellibranch molluscs;

“border inspection post” means any place in Great Britain which is specified in the part of the Annex to Decision 95/357 which relates to the United Kingdom;

“customs warehouse” has the same meaning as in Council Regulation [\(EEC\) No. 2913/92](#) establishing the Community Customs Code⁽²⁾;

“Decision 95/357” means Commission Decision [95/357/EC](#) drawing up a list of border inspection posts agreed for veterinary checks on products and animals from third countries, detailed rules concerning the checks to be carried out by the veterinary experts of the Commission and repealing Decision [94/24/EC](#)⁽³⁾, as read in accordance with Schedule 1;

“Directive 82/894” means Council Directive [82/894/EEC](#) on the notification of animal diseases within the Community⁽⁴⁾, as read in accordance with Schedule 1;

“Directive 89/662” means Council Directive [89/662/EEC](#) concerning veterinary checks in intra-Community trade with a view to the completion of the internal market⁽⁵⁾, as read in accordance with Schedule 1;

“Directive 90/425” means 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 internal market⁽⁶⁾, as read in accordance with Schedule 1;

(1) OJ No. L46, 12.2.91, p.1.

(2) OJ No. L302, 19.10.92, p.1.

(3) OJ No. L211, 6.9.95, p.43.

(4) OJ No. L378, 31.12.82, p.58.

(5) OJ No. L395, 30.12.89, p.13.

(6) OJ No. L224, 18.8.90, p.29.

“Directive 90/667” means Council Directive [90/667/EEC](#) laying down the veterinary rules for the disposal and processing of animal waste, for its placing on the market and for the prevention of pathogens in feedingstuffs of animal or fish origin and amending Directive [90/425/EEC](#)(7), as amended by Directive 92/118;

“Directive 90/675” means Council Directive [90/675/EEC](#) laying down the principles governing the organisation of veterinary checks on products entering the Community from third countries(8), as read in accordance with Schedule 1;

“Directive 92/118” means Council Directive [92/118/EEC](#) laying down animal and public health requirements governing trade in and imports into the Community of products not subject to the said requirements laid down in specific Community rules referred to in Annex A(I) to Directive [89/662/EEC](#) and, as regards pathogens, to Directive [90/425/EEC](#)(9), as read in accordance with Schedule 3;

“Divisional Veterinary Manager” means a veterinary surgeon appointed by the Minister to be responsible for an animal health division;

“establishment” means any undertaking which produces, stores or processes products of animal origin;

“fishery products” has the same meaning as in the Food Safety (Fishery Products) Regulations 1992(10);

“free zone” and “free warehouse” have the same meaning as in Article 166 of Council Regulation (EEC) No. 2913/92 establishing the Community Customs Code;

“health conditions” includes conditions relating to both animal health and public health;

“the hygiene Regulations” means the Fresh Meat (Hygiene and Inspection) Regulations 1995(11), the Wild Game Meat (Hygiene and Inspection) Regulations 1995(12) and the Poultry Meat, Farmed Game Bird Meat and Rabbit Meat (Hygiene and Inspection) Regulations 1995(13);

“import” means import into Great Britain;

“local authority” means—

(a) in relation to England—

(i) where there is a Port Health Authority, that authority;

(ii) where there is not a Port Health Authority,

(aa) as respects each district or London borough the council of that district or London borough;

(bb) as respects the City of London, the Common Council; and

(cc) as respects the Isles of Scilly, the Council of the Isles of Scilly;

(b) in relation to Scotland, a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994(14); and

(c) in relation to Wales—

(i) where there is a Port Health Authority, that authority;

(ii) where there is not a Port Health Authority, as respects each county or county borough, the council of that county or county borough;

“the Minister” means the Minister of Agriculture, Fisheries and Food;

(7) OJ No. L363, 27.12.90, p.51.

(8) OJ No. L373, 31.12.90, p.1.

(9) OJ No. L62, 15.3.93, p.49.

(10) S.I. 1992/3163, as read in accordance with paragraph 1 of Schedule 2.

(11) S.I.1995/539; as amended by the instruments specified in paragraph 6 of Schedule 2.

(12) S.I. 1995/2148, as amended by the instrument specified in paragraph 10 of Schedule 2.

(13) S.I. 1995/540, as amended by the instruments specified in paragraph 7 of Schedule 2.

(14) 1994 c. 39.

“official veterinary surgeon”, except in regulation 13, means a person designated under regulation 2;

“other shellfish” means echinoderms, tunicates or marine gastropods;

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

“product of animal origin”, in relation to intra-Community trade means—

(a) a product controlled pursuant to one of the directives specified in Annex A to Directive 89/662 (except for aquaculture products not intended for human consumption), or

(b) a product covered by Annex B to Directive 89/662;

and in relation to third country trade means those products as well as—

(c) aquaculture products;

(d) semen, embryos, ova and hatching eggs referred to in Directive 90/425;

(e) hay and straw; and

(f) any product controlled by Directive 90/667;

“Regulation 1274/91” means Commission Regulation (EEC) No. 1274/91 introducing detailed rules for implementing Council Regulation (EEC) No. 1907/90 on certain marketing standards for eggs(15) as amended(16).

(3) For the purposes of these Regulations, goods are in customs temporary storage arrangements if they have been presented to Customs under Articles 50 to 53 of Council Regulation (EEC) No. 2913/92 establishing the Community Customs Code.

(4) Any reference in these Regulations to a European Community instrument is a reference to it as amended, modified or otherwise affected by any other such instrument at the time these Regulations were made.

(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) Unless the context otherwise requires, any reference in these Regulations to a numbered regulation or Schedule shall be construed as a reference to the regulation or Schedule bearing that number in these Regulations.

(7) These Regulations (other than regulation 6) shall not apply in the circumstances described in Article 14 of Directive 90/675.

(8) These Regulations do not extend to Northern Ireland.

Designation of official veterinary surgeons

2.—(1) The Minister may designate a veterinary surgeon as an official veterinary surgeon for the purposes of these Regulations.

(2) Subject to paragraphs (3) and (4) below, the Minister may, at any time, revoke or suspend the designation of any person as an official veterinary surgeon if it appears to the Minister that such person is unfit to perform one or more of the functions of an official veterinary surgeon under these Regulations.

(3) Where the Minister revokes or suspends a designation under paragraph (2) above he shall, as soon as possible, give to the person whose designation has been revoked or suspended a notice in writing of the reasons for the revocation or suspension and shall afford him an opportunity of making representations in writing to the Minister with regard to the revocation or suspension or of being heard by a person appointed for the purpose by the Minister.

(15) OJ No. L121, 16.5.91, p.11.

(16) Commission Regulation (EC) No. 3300/93 (OJ No. L296, 1.12.93, p.52).

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(4) A notice given under paragraph (3) above shall inform the person to whom it is given of his right to make representations in writing, of the manner in which and the time (not being less than 21 days from the giving of the notice) within which such representations may be made and of his right to be heard and of the manner in which and the time (not being less than 21 days from the giving of the notice) within which he may apply for an opportunity to be heard; and, in the event of the designated person making any representations (whether orally or in writing) to the Minister under this paragraph, the Minister shall reconsider whether that person is unfit to perform one or more of the functions of an official veterinary surgeon under these Regulations and shall reconsider, as soon as practicable, his decision to revoke or suspend the designation under paragraph (2) above in the light of those representations.

(5) The powers of the Minister under this regulation shall be exercised in Scotland and Wales by the Secretary of State.