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STATUTORY INSTRUMENTS

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**2002 No. 1227**

**The Products of Animal Origin (Third  
Country Imports) (England) Regulations 2002**

**PART III**

**PROVISIONS APPLICABLE TO PRODUCTS IN GENERAL**

**Products which fail veterinary checks**

- 21.**—(1) This regulation applies, subject to regulation 22—
- (a) where, following a veterinary check at a border inspection post, the official veterinary surgeon there decides that a product (other than a transit product which fulfils the requirements of Part VI or a product whose destination establishment is referred to in Regulation 15(1)(b)) is a non-conforming product, or that there is some other irregularity in relation to the product; and
  - (b) where, following a veterinary check on a product located away from a border inspection post (other than a transit product which fulfils the requirements of Part VI or a product whose destination establishment is referred to in Regulation 15(1)(b)), an authorised officer decides that the product is a non-conforming product.
- (2) If sub-paragraph 1(a) applies, the official veterinary surgeon shall serve a notice on the person responsible for the product, and if sub-paragraph 1(b) applies, the authorised officer shall serve a notice on the person appearing to him to have charge of the product, requiring him either—
- (a) to redispach the product from the border inspection post, or, if sub-paragraph 1(b) applies, from a border inspection post indicated in the notice, by the mode of transport by which it was introduced into England, to a destination, agreed with the official veterinary surgeon or the authorised officer, located in a third country within a period of sixty days commencing with the day following the service of the notice; or
  - (b) to destroy the product without undue delay by rendering or incineration in accordance with the Animal By-Products Order in the facilities provided for that purpose nearest to the border inspection post or, if sub-paragraph (1)(b) applies, nearest to the location of the product.
- (3) The product must be destroyed in accordance with sub-paragraph (2)(b) where—
- (a) its redispach is precluded on animal or public health grounds by the results of a veterinary check, or by any animal or public health requirement laid down in a Community instrument in force on the date on which these Regulations are made, or is otherwise impossible; or
  - (b) the sixty-day period referred to in sub-paragraph (2)(a) has elapsed; or
  - (c) the person responsible for the product or, if sub-paragraph (1)(b) applies, the owner of the product, agrees immediately to its destruction.
- (4) The person responsible for, or, if sub-paragraph (1)(b) applies, the owner of, a product in respect of which a notice has been served pursuant to paragraph (2) shall ensure that it is stored until

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redispach or destruction under the supervision of the official veterinary surgeon or the authorised officer at such place and under such conditions as he may in the notice direct.

- (5) In paragraph (1)(a) “other irregularity” in relation to a product means—
- (a) its introduction into England from a third country, or its presentation to a border inspection post of destination in England, without notice given pursuant to regulation 17;
  - (b) any false or misleading information contained in a notice given pursuant to regulation 17;
  - (c) any false or misleading information given pursuant to regulation 41 or 45;
  - (d) any error, omission or false or misleading information in a required document, and any discrepancy between a required document and—
    - (i) the notice of the product’s introduction or presentation given pursuant to regulation 17, or
    - (ii) the product itself, or
    - (iii) the seals, stamps, marks or labels on the product, on the consignment which includes the product or on the container holding the product or the consignment;
  - (e) any defect in the product rendering it unfit for the purpose for which, according to the required documents, it is intended;
  - (f) any defect in the seals, stamps, marks or labels referred to in sub-paragraph (5)(d) (iii), including, in the case of a packaged product, any contravention of the labelling requirements laid down for that product in any directive, decision or regulation listed in Schedule 2;
  - (g) in the case of a product intended for import, any indication in the required documents that the product does not comply with the import conditions; and
  - (h) in the case of a non-conforming product which is a transit product, or a product whose destination establishment is referred to in Regulation 15(1)(b), any contravention of the requirements laid down for that non-conforming product in any directive, decision or regulation listed in Schedule 2.
- (6) Any person who is aggrieved by a decision referred to in sub-paragraph (1)(a) or (b) may appeal within one month of the decision to a magistrates’ court by way of complaint for an order and the Magistrates’ Courts Act 1980 <sup>M1</sup> shall apply to the proceedings.
- (7) Pending the determination of an appeal pursuant to paragraph (6), paragraph (4) shall apply to the storage of the product concerned.

#### Marginal Citations

M1 1980 c. 43.

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**Changes and effects yet to be applied to :**

- [Regulations revoked by S.I. 2003/3177 reg. 68Sch. 6](#)

**Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:**

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- Sch. 2 Pt. 1 s. C words substituted by [S.I. 2002/2570 reg. 2\(a\)](#)
- Sch. 2 Pt. 5 s. E inserted by [S.I. 2002/2639 reg. 2\(3\)](#)
- Sch. 2 Pt 9 s. Hpara. 5 omitted by [S.I. 2002/2570 reg. 2\(b\)\(ii\)](#)
- Sch. 2 Pt 9 s. Hpara. 7 omitted by [S.I. 2002/2570 reg. 2\(b\)\(ii\)](#)
- Sch. 2 Pt 9 s. Hpara. 2 substituted by [S.I. 2002/2570 reg. 2\(b\)\(i\)](#)
- reg. 33A substituted for reg.3 by [S.I. 2002/3206 reg. 2\(2\)](#)
- reg 12A added by [S.I. 2003/812 regs 25](#)
- reg. 53(5) inserted by [S.I. 2002/3206 reg. 2\(5\)](#)