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STATUTORY INSTRUMENTS

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**2004 No. 853**

The Animals and Animal Products  
(Import and Export) Regulations 2004

PART 1

*Introduction*

**Title, application, commencement and interpretation**

1.—(1) These Regulations may be cited as the Animals and Animal Products (Import and Export) Regulations 2004; they apply in relation to England only and come into force on 13th April 2004.

(2) In these Regulations—

any expressions used have the meaning they bear in—

- (a) 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
- (b) 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 by the legislation listed in Schedule 1;

“assembly centre” means holdings, collection centres and markets at which cattle, pigs, sheep or goats originating from different holdings are grouped together to form consignments of animals intended for intra-Community trade or which are used in the course of intra-Community trade, and which are approved by the Secretary of State in accordance with regulation 12;

“border inspection post” means, in relation to a species of animal, a place specified in relation to that species in Schedule 2;

“dealer” means any person who buys and sells animals commercially either directly or indirectly, who has a regular turnover of those animals and who within 30 days of purchasing animals resells or relocates them to other premises not within his ownership;

“European international instruments” means—

- (a) the Act of Accession to the European Communities of the Kingdom of Denmark, Ireland, the Kingdom of Norway and the United Kingdom of Great Britain and Northern Ireland(**3**);
- (b) the Decision on the conclusion of the Agreement on the European Economic Area between the European Communities, their member States and the Republic of Austria,

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(1) OJ No. L224, 18.8.90, p.29, as amended by and as read with the provisions listed in Schedule 1.

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

(3) OJ No. L73, Special Edition, 27.3.72.

the Republic of Finland, the Republic of Iceland, the Principality of Liechtenstein, the Kingdom of Norway, the Kingdom of Sweden, and the Swiss Confederation<sup>(4)</sup>;

- (c) the Act concerning the conditions of accession of the Kingdom of Norway, the Republic of Austria, the Republic of Finland and the Kingdom of Sweden and the adjustments to the Treaties on which the European Union is founded<sup>(5)</sup>; and
- (d) (as from 1st May 2004) the Act concerning the conditions of accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic and the adjustments to the Treaties on which the European Union is founded<sup>(6)</sup>.

“herd” or “flock” means a group of animals kept as an epidemiological unit;

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

“local authority” means—

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

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

“required consignment documentation” means any certificates or other documents which are required by these Regulations to accompany the consignment;

“veterinary inspector” means a person appointed as a veterinary inspector by the Secretary of State.

(3) Any reference in these Regulations to an instrument in a Schedule includes all provisions relating to it listed in that Schedule.

(4) A notice, approval or declaration under these Regulations shall be in writing, may be made subject to conditions and may be amended, suspended or revoked in writing at any time.

### **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 enforced by the local authority.

(2) The Secretary of State may direct, in relation to cases of a particular description, or a particular case, that she, and not the local authority, shall discharge any duty imposed on a local authority under paragraph (1).

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(4) OJ No. L1, 3.1.94, p.1.

(5) OJ No. C241, 29.8.94, p.21, as amended by OJ No. L12, 1.1.95, p.1.

(6) OJ No. L236, 23.9.03, p.33.

## PART 2

### *Intra-Community Trade*

#### **Application of Part 2**

4. This Part shall apply to trade between member States in live animals and animal products which are the subject of an instrument in Part I of Schedule 3, 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 aquaculture animals and products)(7).

#### **Exports**

5.—(1) No person shall export or consign for export to another member State any animal or animal product controlled under one or more of the instruments in Part I of Schedule 3 unless—

- (a) it complies with the relevant provisions of those instruments (including any option which has been exercised by the member State of destination);
- (b) when required by such instrument, it is accompanied by—
  - (i) an export health certificate signed by a veterinary inspector (or, where specified in an instrument, signed by a veterinary surgeon nominated by the exporter); or
  - (ii) any other document required by the instrument;
- (c) when required by such instrument, any notification of a disease on the holding from which the animal has been consigned has been made within the time and in the manner (if any) specified in the instrument; and
- (d) if the animal is acquired through or transits an assembly centre, that centre has been approved by the Secretary of State in accordance with regulation 12 for the purposes of intra-Community trade and complies with the provisions of Article 11 of Council Directive [64/432/EEC](#).

(2) If an inspector has reasonable cause to suspect that a person intends to export animals or animal products in contravention of this regulation he may by notice served on the consignor, his representative or the person appearing to him to be in charge of the animals or animal products, prohibit that exportation and require the person on whom the notice is served to take the animals or animal products to such place as may be specified in the notice and to take such further action in relation to them as may be specified in the notice.

(3) In the event of a notice served under paragraph (2) not being complied with, an inspector may seize any animal or animal product to which it relates and arrange for the requirements of the notice to be complied with.

(4) No person shall export to another member State any animal to which the provisions of Articles 6, 7, 9 and 10 of Council Directive [92/65/EEC](#) (laying down animal health requirements governing trade in and imports into the Community of animals, semen, ova and embryos not subject to animal health requirements laid down in specific Community rules referred to in Annex A(1) to Council Directive [90/425/EEC](#))(8) apply unless the animal originates from—

- (a) a holding which has been registered with the Secretary of State and the owner or person in charge of that holding has given to the Secretary of State undertakings in accordance with Article 4 of Council Directive [92/65/EEC](#); or

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(7) OJ No. L46, 19.2.91, p.1, as amended by and as read with the provisions listed in paragraph 8 of Part I of Schedule 3.

(8) OJ No. L268, 14.9.92, p.54, as amended by and as read with the provisions listed in paragraph 10 of Part I of Schedule 3.

- (b) a body, institute or centre which has been approved by the Secretary of State in accordance with regulation 9(1) and which conforms with the requirements of Annex C to Council Directive [92/65/EEC](#).

## **Imports**

6.—(1) No person shall import from another member State (either for entry into the UK or by way of transit to another member State) any animal or animal product subject to an instrument in Part I of Schedule 3 unless it complies with the relevant provisions of that instrument.

(2) Where an animal subject to an instrument in Part I of Schedule 3 is imported from another member State (either for entry into the UK or by way of transit to another member State), the importer, and the person in charge of the animal, if different, shall comply with all the relevant provisions of that instrument until it arrives at its place of destination or leaves England, as the case may be.

(3) Where cattle, pigs, sheep or goats are imported from another member State for slaughter in England and are taken to an assembly centre, the importer shall ensure that they are removed from the assembly centre directly to a slaughterhouse and slaughtered there, in the case of sheep and goats within 5 days of their arrival at the assembly centre, and in the case of cattle and pigs within 3 days of their arrival at the assembly centre.

(4) Where an animal to which paragraph (3) relates is not slaughtered within the specified period, an inspector may, by notice served on the person appearing to him to be in charge of the animal, require the animal to be slaughtered as may be specified in the notice.

(5) Where an animal is imported from another member State for slaughter, other than an animal taken to an assembly centre, it must be taken directly and without undue delay to a slaughterhouse, and if it is not taken directly and without undue delay to a slaughterhouse, an inspector may, by notice served on the person appearing to him to be in charge of the animal, require the animal to be taken to such slaughterhouse as may be specified in the notice.

(6) If a notice served under either paragraph (4) or (5) is not complied with, an inspector may seize the animal and arrange for the requirements of the notice to be complied with.

## **Transport of animals and animal products**

7.—(1) No person shall transport any animal or animal product in intra-Community trade unless it 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 consignment documentation unless required to do so by means of a notice served on him by an inspector; and, if an animal or animal product is delivered to an address other than that specified in the required consignment documentation and not in compliance with a notice served by an inspector, an inspector may serve a notice on the person appearing to him to be in charge of the animal or animal product requiring that person to transport it, at that person's expense, to the address specified in the required consignment documentation.

(3) In the event of a notice served under paragraph (2) not being complied with an inspector may seize any animal or animal product to which it relates and arrange for the requirements of the notice to be complied with.

(4) In the case of the transport of cattle or pigs, the provisions of Part II of Schedule 3 shall have effect, and any failure to comply with those provisions may lead to the amendment, suspension or revocation of an authorisation to transport those animals granted under article 12 of the Welfare of Animals (Transport) Order 1997(9) in accordance with Schedule 9 to that Order.

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(9) S.I. [1997/1480](#), to which there are amendments not relevant to these Regulations.

## Dealers

8.—(1) Dealers in cattle, pigs, sheep or goats, engaging in intra-Community trade shall comply with Part III of Schedule 3.

(2) Dealers in other animals engaging in intra-Community trade, if required to do so by a notice served by the Secretary of State, shall register as such with the Secretary of State and shall give such undertakings as to compliance with these Regulations as shall be specified in the notice.

(3) The Secretary of State shall keep a register of dealers registered under paragraph (2).

(4) Any person who has registered under paragraph (2) shall keep a record of—

(a) all deliveries of animals; and

(b) where a consignment is divided up or subsequently marketed, the subsequent destination of the animals,

and shall keep such records for 12 months from the arrival of the consignment.

## Approval of centres and teams

9.—(1) For the purposes of Articles 5 and 13 of Council Directive [92/65/EEC](#), the Secretary of State shall approve any body, institute or centre which has applied for approval in accordance with Article 13 of that Directive and which conforms with the requirements of Annex C to that Directive.

(2) The Secretary of State shall suspend, withdraw or restore the approval referred to in paragraph (1) in accordance with point 6 of Annex C to that Directive.

(3) For the purposes of Article 11 of Council Directive [92/65/EEC](#), the Secretary of State shall approve any semen collection centre or embryo collection team which has applied to the Secretary of State for approval in accordance with Article 11 of that Directive and which meets the conditions applicable to it in respect of approval and the performance of its duties as required by Article 11 of and Annex D to that Directive.

## Inspection and checking at destination

10.—(1) A veterinary inspector shall have power to inspect, at their place of destination, all animals and animal products imported into England from another member State, so as to ensure that the requirements (including requirements on documentation) of the relevant provisions of the instruments in Part I of Schedule 3 and any additional requirements specified in Part I of Schedule 3 have been complied with.

(2) An inspector shall have power to inspect anywhere and at any time all animals and animal products imported from another member State, as well as all accompanying documents, if he has information leading him to suspect an infringement of the instruments in Part I of Schedule 3 or of any additional requirements specified in Part I of Schedule 3.

## Duties on consignees

11.—(1) No person shall accept a consignment of animals or animal products (other than registered horses accompanied by an identification document provided for by Council Directive [90/427/EEC](#) on the zootechnical and genealogical conditions governing intra-Community trade in equidae<sup>(10)</sup> unless the importer or consignee has notified to an authorised inspector 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.

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(10) OJ No. L224, 1.8.90, p.55, as amended by and as read with the provisions listed in paragraph 15 of Part I of Schedule 3.

(3) The authorised inspector referred to in paragraph (1) shall be the inspector authorised by the Secretary of State to receive information about the anticipated date of arrival of imported animals or animal products for the area in which the place of destination is situated.

### **Assembly centres and slaughterhouses**

**12.**—(1) Any person operating an assembly centre shall do so in accordance with this regulation.

(2) The assembly centre shall be approved by the Secretary of State and given a number, and approval shall only be given if the Secretary of State is satisfied that—

- (a) the centre complies with the requirements of paragraphs (a) to (d) of Article 11(1) of Council Directive [64/432/EEC](#); and
- (b) the operator of the assembly centre has agreed to comply with the requirements for the operation of the centre which an inspector has specified in an operational agreement as being the requirements the inspector believes are necessary to ensure the centre is capable of being operated in accordance with the second indent of Article 3(2) of Council Directive [90/425/EEC](#).

(3) The operator of an assembly centre shall admit to those premises only animals that are identified and come from herds or flocks that are eligible for intra-Community trade.

(4) Where animals are consigned to an assembly centre, the operator of the assembly centre shall—

- (a) ensure that no animal is admitted unless it complies with Article 3(1) of Council Directive [90/425/EEC](#); and
- (b) record on a register—
  - (i) the name of the owner, the registration number of the transporter and the licence number of the lorry delivering or collecting animals from the centre;
  - (ii) in the case of cattle, sheep and goats, the origin, date of entry and exit, number and identification of the animals and the proposed destination as well as the information in paragraph (i); and
  - (iii) in the case of pigs, the registration number of the holding of origin or of the herd of origin and the proposed destination as well as the information in paragraph (i),

and shall preserve the register for a minimum of three years.

(5) Where animals are consigned to a slaughterhouse under the supervision of an official veterinary surgeon appointed under the provisions of regulation 8 of the Fresh Meat (Hygiene and Inspection) Regulations 1995(**11**) or regulation 8 of the Poultry Meat, Farmed Game Bird Meat and Rabbit Meat (Hygiene and Inspection) Regulations 1995(**12**), the official veterinary surgeon shall ensure that no animal is slaughtered unless it complies with Article 3(1) of Council Directive [90/425/EEC](#).

(6) 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 a veterinary inspector authorised by the Secretary of State to receive such notification, 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 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.

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(11) S.I. [1995/539](#), to which there are amendments not relevant to these Regulations.

(12) S.I. [1995/540](#), to which there are amendments not relevant to these Regulations.

(7) Where paragraphs (4) and (5) 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 any animal is marketed or any batch is divided up, that all the animals comply with the relevant provisions of an instrument in Part I of Schedule 3, with respect to identification marks and required consignment documentation;
- (b) shall immediately notify any irregularity or anomaly to a veterinary inspector authorised by the Secretary of State to receive such notification; and
- (c) if there is a breach of Article 3(1)(d) of Council Directive [90/425/EEC](#)(13), shall isolate the animals in question until a veterinary inspector authorised by the Secretary of State to do so has authorised their release in writing.

### **Illegal consignments**

**13.**—(1) If a veterinary inspector knows of or suspects the presence of agents responsible for a disease referred to in Schedule 4 or of a zoonosis, any other 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 serve a notice in accordance with paragraph (2) on the person appearing to him to be in charge of those animals or products.

(2) The notice shall require that person—

- (a) immediately to detain the imported animal product, imported animal or any animal which has been in contact with such imported animal (and, in the case of detained animals, whether imported or animals which have been in contact with imported animals, keep them isolated from 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 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 England; or
- (b) without delay, to slaughter them, or slaughter and destroy them, or, in the case of products, destroy them, in accordance with such conditions as may be specified in the notice.

(3) Subject to the provisions of paragraph (4), 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 representative or the person appearing to him to be in charge of those animals or products by way of notice the choice of—

- (a) where the cause of non-compliance is the presence in animals of residues in excess of that permitted under regulation 9 of and Schedule 1 to the Animals and Animal Products (Examination for Residues and Maximum Residue Limits) Regulations 1997(14), maintaining the animals under supervision until the residue levels fall to the levels permitted by the legislation and, in the event of the residue levels not falling to the permitted levels, requiring him to take whatever action is specified 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.

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(13) OJ No. L224, 18.8.90, p.29, as amended by and as read with the provisions listed in Schedule 1.

(14) S.I. [1997/1729](#).

(4) If the consignment fails to comply only by reason of an irregularity in respect of the required consignment documentation, the inspector shall not serve a notice under paragraph (3) unless—

- (a) he has given the consignor, his representative or the person appearing to him to be in charge of those animals or products a notice requiring him to produce the required consignment documentation within 7 days and to detain the animal or animal product in accordance with such conditions as may be specified in the notice; and
- (b) the required consignment documentation has not been produced within that time.

(5) In the event of any notice served under this regulation not being complied with an inspector may seize any animal or animal product to which it relates, and arrange for the requirements of the notice to be complied with.

## PART 3

### *Third Countries*

#### **Application of Part 3**

**14.**—(1) This Part shall apply in respect of animals imported into England—

- (a) from anywhere other than a member State, and
- (b) from another member State if the animal 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**

**15.** The Secretary of State shall from time to time designate such veterinary inspectors to act as official veterinarians as shall be necessary for the purposes of this Part and may revoke such designation at any time.

#### **Importation**

**16.**—(1) No person shall import any animal—

- (a) either for entry into the UK or for export to another member State unless the conditions in Article 4 of Council Directive [91/496/EEC](#) are complied with; or
- (b) for immediate re-export, either directly or indirectly, outside the European Community unless such transit has been previously authorised in writing by the Secretary of State and the conditions in Article 9 of Council Directive [91/496/EEC](#) have been complied with.

(2) No person shall import any animal except from a country or territory specified under the instruments in Part I of Schedule 5.

(3) No person shall import any animal to which an instrument in Part II of Schedule 5 applies unless it complies with the relevant provisions of that instrument and any additional requirements specified in that Part.

(4) Where an animal is imported for slaughter, it must be taken directly and without undue delay to a slaughterhouse, and if it is not taken directly and without undue delay to a slaughterhouse, an inspector may by notice served on the person appearing to him to be in charge of the animal, require the animal to be taken to such slaughterhouse as may be specified in the notice.

(5) In the event of a notice served under paragraph (4) not being complied with an inspector may seize any animal to which it relates and arrange for the requirements of the notice to be complied with.

## Places of import

17.—(1) No person shall import any animal except at a border inspection post specified in Schedule 2 for that species of animal, except that animals specified in Schedule 1 to the Rabies (Importation of Dogs, Cats and Other Mammals) Order 1974(15) 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), an inspector may by notice 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 Community.

(4) In the event of a notice served under paragraph (2) or (3) not being complied with, an inspector may seize the animal and arrange for the requirements of the notice to be complied with.

## Import procedure

18.—(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 instruments in Schedule 5 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 he has been provided by the official veterinarian with 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), 4(2)(a), 4(2)(b), 4(2)(d), 8 and 9 of that Directive to his satisfaction.

(4) No person shall remove any animal from Customs temporary storage arrangements—

(a) unless the certificate provided under paragraph (3) has been produced by that person to an officer of Her Majesty's Customs and Excise and the removal has been authorised by that officer;

(b) to any place other than the address specified in the required consignment documentation, unless he has been required to remove it to another place by means of a notice served on him by an inspector.

(5) Where a check involves the taking of a sample for testing and the test result is not immediately available, the official veterinarian may by notice served on the owner or the person appearing to him to be in charge of an animal release that animal from the border inspection post, and require that person to keep the animal in accordance with such conditions as may be specified in the notice until the test results are available; and if the test reveals that the animal does not comply with the provisions of Article 5 of Council Directive 91/496/EEC then the provisions of regulation 21 shall apply as they apply at a border inspection post.

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(15) S.I. 1974/2211; relevant amendment is S.I. 1994/1716.

(6) In the event of a notice served under paragraph (4) or (5) not being complied with a veterinary inspector may seize any animal to which it relates, and arrange for the requirements of the notice to be complied with.

### **Payment of fees**

**19.** 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**

**20.** Where checks at the quarantine centre or border inspection post or the test results referred to in regulation 18(5) reveal that an animal or a consignment of animals is likely to constitute a danger to animal or human health, the official veterinarian shall immediately seize and destroy the animal or consignment (as the case may be) and the costs of such action shall be payable by the importer or his representative.

### **Illegal consignments**

**21.—(1)** Where checks at the quarantine centre or border inspection post reveal that the animals do not comply with the provisions of Article 5 of Council Directive [91/496/EEC](#) or Articles 3, 4 or 5 of Council Directive [91/628/EEC\(16\)](#), a veterinary inspector shall, by notice served on the person appearing to him to be in charge of those animals, require that person to—

- (a) shelter, feed and water and, if necessary, treat the animals;
- (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 England; or
- (c) re-despatch them outside the territory of the European 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) the veterinary inspector shall consult the importer or his representative.

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

(4) If in the opinion of the veterinary inspector re-despatch is not possible, in particular for reasons of the welfare of animals, he shall serve a notice on the person appearing to him to be in charge of the animals in accordance with the following paragraph.

(5) A notice served under the preceding paragraph may authorise slaughter of the animals for human consumption if the animals comply with all legislative requirements which must be complied with before slaughter for human consumption is permitted but, if this is not possible, shall either—

- (a) order the slaughter of the animals for purposes other than human consumption, or
- (b) order the slaughter of the animals and destruction of the carcasses, specifying in each case the conditions regarding control of the use of the products obtained.

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(16) OJ No. L340, 11.2.91, p.17, as last amended by OJ No. L122, 16.5.2003, p.1.

(6) In the event of a notice served under paragraph (1) or (4) not being complied with a veterinary inspector may seize any animal to which it relates, and arrange for the requirements of the notice to be complied with.

(7) 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**

**22.** 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 Secretary of State.

#### **Post-import controls**

**23.**—(1) Where a veterinary inspector knows or suspects that import conditions have not been complied with or there is doubt as to the identity of an animal, he may carry out any veterinary checks on that animal that he deems appropriate.

(2) If the checks confirm that import conditions were not complied with, then the provisions of regulation 21 shall apply as they apply at a border inspection post and, in the case of the exercise of a power to place the animals in quarantine or to isolate them, a veterinary inspector may additionally require the placing in quarantine or isolation of other animals which have been in contact with the imported animals.

## **PART 4**

### *Imports Where Checks Have Been Carried Out in Another Member State*

#### **Application of Part 4**

**24.** This Part shall apply in respect of animals imported into England and which originate outside the European 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**

**25.** 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 Community under Article 7(1) of Council Directive [91/496/EEC](#).

#### **Import procedure**

**26.** The provisions of regulations 7 to 13, 16(2) and (3), 22 and 23 of these Regulations shall apply in relation to animals to which this Part applies.

## PART 5

### *General*

#### **Outbreaks of disease in other states**

27.—(1) This regulation shall apply where the Secretary of State learns of or has reasonable grounds to suspect, either under the procedures set out in Article 10 of Council Directive [90/425/EEC](#)(17) 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 4, a zoonosis or any other disease or phenomenon liable to present a serious threat to public or animal health.

(2) In the circumstances described in paragraph (1), the Secretary of State may, for the purpose of preventing the introduction or spreading of disease into or within England, by declaration suspend, or impose conditions upon, the entry into England of any animal or animal product from the whole or any part of that state.

(3) Such a declaration shall be published in such manner as the Secretary of State thinks fit.

(4) Where a declaration is in force suspending the entry of any animal or animal product, no person shall bring that animal or animal product into England if it is dispatched from, or originates from, the state or part thereof specified in the declaration.

(5) Where a declaration is in force imposing conditions on the entry into England of any animal or animal product, no person shall bring that animal or animal product into England if it originates in the state or part thereof specified in the declaration unless the animal or animal product complies with the conditions specified in the declaration.

#### **Notification of decisions**

28. If the consignor or his representative, or the importer 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**

29.—(1) Subject to regulation 10, 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, road or rail 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 instruments in Part I of 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;

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(17) OJ No. L224, 18.8.90, p.29, as amended by and as read with the provisions listed in Schedule 1.

- (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; or
- (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; and
- (e) take with him a representative of the European Commission acting for the purposes of Council Directives [90/425/EEC](#) or [91/496/EEC](#).

### **Recovery of expenses**

**30.** The consignor, his representative and the person in charge of any animal or animal product shall be jointly and severally liable for any reasonable expenses arising out of or in connection with the exercise of any power conferred on an inspector by these Regulations relating to those animals or animal products.

### **Obstruction**

**31.—**(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) 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**

**32.—**(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), “director” in relation to a body corporate whose affairs are managed by its members, means a member of the body corporate.

### **Penalties**

**33.—**(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 31(1)(a) or (b) 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**

**34.** The provisions of the legislation listed in Schedule 6 shall not apply to imports from another member State of animals and animal products to which an instrument in Part I of Schedule 3 applies, or to imports of an animal to which an instrument in Schedule 5 applies from the country subject to that instrument, to the extent specified in column 3 of the table given in Schedule 6.

### **Revocations**

- 35.** The following Regulations are revoked in so far as they apply in England—
- (a) The Animals and Animal Products (Import and Export) (England and Wales) Regulations 2000(**18**);
  - (b) Animals and Animal Products (Import and Export) (England and Wales) (Amendment) Regulations 2000(**19**);
  - (c) Animals and Animal Products (Import and Export) (England and Wales) (Amendment) (No. 1) Regulations 2000(**20**);
  - (d) Animals and Animal Products (Import and Export) (England and Wales) (Amendment) (No. 2) Regulations 2000(**21**);
  - (e) Animals and Animal Products (Import and Export) (England and Wales) (Amendment) (No. 3) Regulations 2000(**22**);
  - (f) Animals and Animal Products (Import and Export) (England and Wales) (Amendment) (England) Regulations 2002(**23**); and
  - (g) Animals and Animal Products (Import and Export) (England and Wales) (Amendment) (England) (No. 2) Regulations 2002(**24**).

*Whitty*  
Parliamentary Under Secretary of State,  
Department for Environment, Food and Rural  
Affairs

20th March 2004

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(18) S.I. 2000/1673.  
(19) S.I. 2000/2266.  
(20) S.I. 2000/2524.  
(21) S.I. 2000/2900.  
(22) S.I. 2000/3128.  
(23) S.I. 2002/467.  
(24) S.I. 2002/956.