
STATUTORY INSTRUMENTS

2004 No. 853

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

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](#)(1) 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.

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

(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;
 - (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(2);
- (b) Animals and Animal Products (Import and Export) (England and Wales) (Amendment) Regulations 2000(3);
- (c) Animals and Animal Products (Import and Export) (England and Wales) (Amendment) (No. 1) Regulations 2000(4);
- (d) Animals and Animal Products (Import and Export) (England and Wales) (Amendment) (No. 2) Regulations 2000(5);
- (e) Animals and Animal Products (Import and Export) (England and Wales) (Amendment) (No. 3) Regulations 2000(6);
- (f) Animals and Animal Products (Import and Export) (England and Wales) (Amendment) (England) Regulations 2002(7); and
- (g) Animals and Animal Products (Import and Export) (England and Wales) (Amendment) (England) (No. 2) Regulations 2002(8).

(2) [S.I.2000/1673](#).

(3) [S.I. 2000/2266](#).

(4) [S.I. 2000/2524](#).

(5) [S.I. 2000/2900](#).

(6) [S.I. 2000/3128](#).

(7) [S.I. 2002/467](#).

(8) [S.I. 2002/956](#).