
STATUTORY INSTRUMENTS

2004 No. 853

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

PART 2

Intra-Community Trade

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⁽¹⁾, 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

⁽¹⁾ S.I.1997/1729.

- (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.
- (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.