
STATUTORY INSTRUMENTS

2005 No. 2002

The Animals and Animal Products (Import and Export) (England) Regulations 2005

PART 1

Introduction

Title, application, commencement and interpretation

1.—(1) These Regulations may be cited as the Animals and Animal Products (Import and Export) (England) Regulations 2005; they apply in relation to England only and come into force on 15th August 2005.

(2) In these Regulations—

“approved assembly centre” means an assembly centre approved by the Secretary of State in accordance with regulation 12;

“assembly centre” means any holding, collection centre or market 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 is used in the course of intra-Community trade;

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

“dealer” means—

- (a) in the case of cattle or pigs, 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; and
- (b) in the case of sheep or goats, any person who buys and sells animals commercially either directly or indirectly, who has a turnover of those animals and who within 29 days of purchasing animals resells or relocates them to other premises or directly to a slaughterhouse not within his ownership;

“Defra” means the Department for Environment, Food and Rural Affairs;

“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⁽¹⁾;
- (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,

the Republic of Finland, the Republic of Iceland, the Principality of Liechtenstein, the Kingdom of Norway, the Kingdom of Sweden, and the Swiss Confederation⁽²⁾;

- (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⁽³⁾; and
- (d) 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⁽⁴⁾;

“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;

“re-inspection” in relation to the Poultry Health Scheme means an additional inspection described in paragraph 8 of Part I, Schedule 4, and “re-inspection fee” is the fee provided for in that paragraph;

“required consignment documentation” means any certificates or other documents that 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) References in these Regulations to the European Union legislation listed in this paragraph shall be construed as follows—

“Commission Regulation (EC) No. 282/2004” means Commission Regulation (EC) No. 282/2004 introducing a document for the declaration of, and veterinary checks on, animals from third countries entering the Community⁽⁵⁾;

“Council Directive 64/432/EEC” means Council Directive 64/432/EEC on animal health problems affecting intra-Community trade in bovine animals and swine⁽⁶⁾ as amended by and as read with the instruments listed in paragraph 1 of Part I of Schedule 3;

“Council Directive 90/425/EEC” has the meaning given in paragraph 4(a);

(2) No. L1, 3.1.94, p. 1.

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

(4) No. L236, 23.9.03, p. 33.

(5) OJ L49, 19.2.2004, p. 11.

(6) OJ No. P 121, 29.7.64, p. 1977: but see OJ No. L109, 25.4.97, p. 1 in which is published Council Directive 97/12/EC amending and updating Directive 64/432/EEC which substantially substituted new text.

“Council Directive [90/427/EEC](#)” means Council Directive [90/427/EEC](#) on the zootechnical and genealogical conditions governing intra-Community trade in equidae(7), as amended by and as read with the instruments listed in paragraph 15 of Part I of Schedule 3;

“Council Directive [90/539/EEC](#)” means Council Directive [90/539/EEC](#) on animal health conditions governing intra-Community trade in, and imports from third countries of, poultry and hatching eggs(8), as amended by and as read with, in relation to intra-Community trade with the instruments listed in paragraph 6 of Part I of Schedule 3 and in relation to imports from third countries, the instruments listed in paragraph 9 of Part II of Schedule 7;

“Council Directive [91/67/EEC](#)” means Council Directive [91/67/EEC](#) concerning the animal health conditions governing the placing on the market of aquaculture animals and products(9), as amended by and as read with the instruments listed in paragraph 8(1) of Part I of Schedule 3;

“Council Directive [91/68](#)” means Council Directive [91/68/EEC](#) on animal health conditions governing intra-Community trade in ovine and caprine animals(10) as amended by and as read with the instruments listed in paragraph 9 of Part I of Schedule 3;

“Council Directive [91/496/EEC](#)” has the meaning given in paragraph 4(b);

“Council Directive [92/65/EEC](#)” means 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](#)(11), as amended by and as read with, in relation to intra-Community trade, the instruments listed in paragraph 10 of Part I of Schedule 3, and in relation to imports from third countries, the instruments listed in paragraph 10 of Part II of Schedule 7;

“Regulation (EC) No. [998/2003](#)” means Regulation (EC) No. [998/2003](#) on the animal health requirements applicable to the non-commercial movement of pet animals and amending Council Directive [92/65/EEC](#)(12), as amended by Commission Regulation (EC) No. [2054/2004](#)(13).

(4) Unless specifically defined in these Regulations, any expression used in these Regulations has the meaning it bears in the following instruments—

(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(14) as amended by and as read with the instruments listed in Schedule 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(15) as amended by and as read with the instruments listed in Schedule 1.

(5) 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.

(7) OJ No. L224, 1.8.90, p. 55.

(8) OJ No. L303, 30.10.90, p. 6.

(9) OJ No. L46, 19.2.91, p. 1.

(10) OJ No. L46, 19.2.91, p. 19.

(11) OJ No. L268, 14.9.92, p. 54.

(12) OJ No. L146, 13.6.2003, p. 1.

(13) OJ No. L355, 01.12.2004, p. 14.

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

(15) OJ No. L268, 24.9.91, p. 56.

Exception

2.—(1) Subject to paragraph (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.

(2) Where any person is accompanying and has under his responsibility more than five pets travelling together that—

- (a) are each of a species listed in Annex I to Regulation (EC) No. 998/2003; and
- (b) come from a third country other than one listed in section 2 of part B of Annex II to Regulation (EC) No. 998/2003,

these Regulations shall apply to the veterinary checks on the movements of those animals, notwithstanding that their movement is 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).