
STATUTORY INSTRUMENTS

2011 No. 1197

The Trade in Animals and Related Products Regulations 2011

PART 5

Administration

Consignments from another member State constituting a risk to health

35.—(1) If an animal or genetic material brought in from another member State constitutes a serious risk to human or animal health or comes from a region contaminated by an epizootic disease, an officer of the Secretary of State may serve a notice on the person appearing to be in charge of the animal or genetic material requiring that person—

(a) to detain and isolate—

(i) the animals;

(ii) any animals with which they have been in contact; and

(iii) the genetic material;

and take such further action as may be specified in the notice for the purpose of preventing the introduction or spreading of disease; or

(b) without delay, to slaughter an animal, or, in the case of genetic material, destroy it, in accordance with such conditions as may be specified in the notice.

(2) An officer of the Secretary of State who knows or suspects that animals or genetic material do not comply with the provisions of Article 3 of Council Directive [90/425/EEC](#), may, if animal health and welfare considerations so permit, give the person in charge of the consignment or the person appearing to be in charge of those animals or genetic material 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 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;

(b) slaughtering the animals or destroying the genetic material in accordance with such conditions as may be specified in the notice; or

(c) returning the animals or genetic material 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.

(3) If the consignment fails to comply only by reason of an irregularity in respect of the required consignment documentation, the officer may not serve such a notice unless—

(a) the officer has given the person in charge of the consignment a notice requiring the production of the required documentation within seven days and to detain the consignment in accordance with the terms of the notice; and

(b) the required documentation has not been produced within that time.

(4) If a notice served under this regulation is not complied with an inspector may seize any animal or genetic material to which it relates, and arrange for the requirements of the notice to be complied with at the expense of the person on whom the notice was served.