

2014 No. 3158

ANIMALS

ANIMAL HEALTH

**The Non-Commercial Movement of Pet Animals (Amendment)
Order 2014**

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| <i>Made</i> - - - - | <i>27th November 2014</i> |
| <i>Laid before Parliament</i> | <i>28th November 2014</i> |
| <i>Coming into force</i> - - | <i>29th December 2014</i> |

The Secretary of State has been designated(a) for the purposes of section 2(2) of the European Communities Act 1972(b) in relation to the common agricultural policy of the European Union and measures in the veterinary and phytosanitary fields for the protection of public health.

The Secretary of State makes this Order in exercise of the powers conferred by section 2(2) of, and paragraph 1A of Schedule 2 to, the European Communities Act 1972(c).

Title, extent and commencement

1.—(1) This Order may be cited as the Non-Commercial Movement of Pet Animals (Amendment) Order 2014.

(2) It extends to Great Britain.

(3) It comes into force on 29th December 2014.

Amendment of the Non-Commercial Movement of Pet Animals Order 2011

2. The Non-Commercial Movement of Pet Animals Order 2011(d) is amended in accordance with articles 3 to 13.

Amendment of article 2 (interpretation)

3.—(1) In paragraph (1) of article 2—

(a) S.I. 1972/1811 and S.I. 1999/2027.

(b) 1972 c. 68 (“the 1972 Act”).

(c) Section 2(2) was amended by the Legislative and Regulatory Reform Act 2006 (c. 51), section 27(1)(a), and the European Union (Amendment) Act 2008 (c. 7), Part 1 of the Schedule. Under section 57(1) of the Scotland Act 1998 (c.46), despite the transfer to the Scottish Ministers of functions in relation to implementing obligations under EU law in relation to devolved matters, the Secretary of State retains power to exercise such functions as regards Scotland for the purposes specified in section 2(2) of the 1972 Act. Paragraph 1A of Schedule 2 was inserted by section 28 of the Legislative and Regulatory Reform Act 2006, and amended by the European Union (Amendment) Act 2008, Part 1 of the Schedule, and by S.I. 2007/1388.

(d) S.I. 2011/2883 amended by S.I. 2012/2897.

- (a) after the definition of “carrier” insert—
 - ““the Commission Implementing Regulation” means Commission Implementing Regulation (EU) No 577/2013 on the model identification documents for the non-commercial movement of dogs, cats and ferrets, the establishment of lists of territories and third countries and the format, layout and language requirements of the declarations attesting compliance with certain conditions provided for in Regulation (EU) No 576/2013 of the European Parliament and of the Council(a);”,
 - (b) after the definition of “Decision 2007/25/EC” insert—
 - ““declaration” means a declaration given in accordance with Article 12(1)(c), Article 25(3) or Article 30(3) of the Pets Regulation;”,
 - (c) in the definition of “health certificate”, for “Article 8(2)” substitute “Article 26 or Article 31”, and
 - (d) for the definition of “the Pets Regulation” substitute—
 - ““the Pets Regulation” means Regulation (EU) No 576/2013 of the European Parliament and of the Council on the non-commercial movement of pet animals and repealing Regulation (EC) No 998/2003(b);”.
- (2) In paragraph (3) of article 2—
- (a) omit the word “and” immediately preceding sub-paragraph (b), and
 - (b) omit sub-paragraph (b).

Amendment of article 3 (meaning of local authority)

4. In paragraph (iii) of paragraph (1)(b) of article 3, for “the council of that borough,” substitute “the Common Council of the City of London,”.

Amendment of article 4 (designation)

5.—(1) In paragraph (1)(a) of article 4, for “Article 5(1)(b)” substitute “Articles 3(g) and (h), 10(3)(b), 22(3), 23 and 32(1)(b)(i)”.

(2) For paragraph (2) of article 4 substitute—

“(2) The appropriate authority and the local authority are the competent authorities for the purposes of—

- (a) Articles 33(2), 34 and 35 of the Pets Regulation,
- (b) Article 2(1) of Decision 2007/25/EC, and
- (c) article 10 of this Order”.

Amendment of article 5 (control on rabies and certain other diseases of mammals)

6.—(1) In paragraph (1)(a) of article 5, omit “or B”.

(2) For paragraph (1)(c) of article 5, substitute—

“(c) is an animal of a species listed in Part B of Annex I to the Pets Regulation and is brought into Great Britain from another member State.”.

Amendment of article 6 (rabies)

7. In article 6, for “Article 5 or 8” substitute “Article 6 or 10”.

(a) OJ No L 178, 28.06.2013, p. 109-148.

(b) OJ No L 178, 28.06.2013, p. 1-26.

Insertion of Part 2A (microchipping of pet animals)

8. After article 10 (highly pathogenic avian influenza), insert the following Part—

“PART 2A

Microchipping of Pet Animals

Minimum qualifications for microchipping of pet animals

10A.—(1) No person may implant a microchip in an animal of the species listed in Part A of Annex I to the Pets Regulation for the purposes of a non-commercial movement unless—

- (a) they are a veterinary surgeon or a veterinary nurse acting under the direction of a veterinary surgeon,
- (b) they are a student of veterinary surgery or a student veterinary nurse and in either case are acting under the direction of a veterinary surgeon,
- (c) they have been satisfactorily assessed on a training course approved by the appropriate authority for that purpose, or
- (d) before the 29th December 2014 they received training on implantation which included practical experience of implanting a microchip.

(2) In this Article—

“microchip” has the same meaning as “transponder” in the Pets Regulation;

“student veterinary nurse” and “veterinary nurse” have the meanings given by Schedule 3 to the Veterinary Surgeons Act 1966(a);

“student of veterinary surgery” has the same meaning as in regulation 3 of the Schedule to the Veterinary Surgeons (Practice by Students) Regulations Order of Council 1981(b);

“veterinary surgeon” means a person registered in the register of veterinary surgeons, or the supplementary veterinary register, kept under the Veterinary Surgeons Act 1966.”.

Amendment of article 11 (approval of carriers)

9.—(1) In paragraph (1) of article 11, for “Article 5 or 8” substitute “Article 6 or 10”.

(2) In paragraph (2)(b) of article 11, after “Community air carrier” insert “or a Union carrier.”.

(3) For paragraph (6) of article 11, substitute—

“(6) In this article—

“Community air carrier” has the meaning given by Article 2 of Regulation (EC) No 1107/2006 of the European Parliament and of the Council concerning the rights of disabled persons and persons with reduced mobility when travelling by air(c), and for the purposes of travelling by air “recognised assistance dog” shall be interpreted in accordance with that Regulation; and

“Union carrier” has the meaning given by Article 3 of Regulation (EU) No 1177/2010 of the European Parliament and of the Council concerning the rights of passengers when travelling by sea and inland waterway and amending Regulation (EC)

(a) 1966 c. 36. Paragraph 6 to Schedule 3 of the Veterinary Surgeons Act 1966 was inserted by S.I. 1991/1412, substituted by S.I. 2002/1479 and amended by S.I. 2008/1824, paragraph 18 of the Schedule. Paragraph 7 of Schedule 3 to the Veterinary Surgeons Act 1966 was inserted by S.I. 2002/1479.

(b) S.I. 1981/988. Regulation 3 was substituted by the Schedule to S.I. 1995/2397.

(c) OJ No L 204, 26.07.2006, p. 1-9.

No 2006/2004(a), and for the purposes of travelling by sea and inland waterway “recognised assistance dog” shall be interpreted in accordance with that Regulation.”.

Amendment of article 13 (enforcement authority)

10. In paragraph (1) of article 13, after “the Pets Regulation,” insert “the Commission Implementing Regulation,”.

Amendment of article 16 (offences)

11.—(1) In paragraph (2)(c) of article 16, for “passport or health certificate” substitute “passport, health certificate or declaration”.

(2) In paragraph (2)(d) of article 16, for “passport or health certificate” substitute “passport, health certificate or declaration”.

Amendment of article 19 (transitional provision)

12. For article 19 substitute—

“Transitional provision

19.—(1) Where a pet animal has been detained and isolated in quarantine in Great Britain under the Rabies (Importation of Dogs, Cats and Other Mammals) Order 1974, and remains so immediately before 29th December 2014, the period of quarantine required by that Order ends on the earliest of the dates specified in paragraph (2).

(2) The dates are—

- (a) in the case of a cat or ferret which, immediately before 29th December 2014, is subject to Article 5 of Regulation (EC) No 998/2003, the date it satisfies the requirements of Article 6 of the Pets Regulation;
- (b) in the case of a cat or ferret which, immediately before 29th December 2014, is subject to Article 8 of Regulation (EC) No 998/2003, the date it satisfies the requirements of Article 10 of the Pets Regulation;
- (c) in the case of a dog which, immediately before 29th December 2014, is subject to Article 5 of Regulation (EC) No 998/2003 and Article 7 of the supplementary Regulation, the date on which it satisfies the requirements of Article 6 of the Pets Regulation and Article 7 of the supplementary Regulation;
- (d) in the case of a dog which, immediately before 29th December 2014, is subject to Article 5 of Regulation (EC) No 998/2003 but exempt from Article 7 of the supplementary Regulation, the date on which it satisfies the requirements of Article 6 of the Pets Regulation;
- (e) in the case of a dog which, immediately before 29th December 2014, is subject to Article 8 of Regulation (EC) No 998/2003 and Article 7 of the supplementary Regulation, the date on which it satisfies the requirements of Article 10 of the Pets Regulation and Article 7 of the supplementary Regulation; or
- (f) where the animal satisfies the requirements applicable to it under sub-paragraphs (a) to (e), but does not satisfy the requirements in relation to rabies under Article 6(b) or Article 10(b) and (c) of the Pets Regulation as appropriate, the date of the expiry of a period of four months beginning with the date on which the animal was detained for the purposes of isolation under official control.

(3) In this article, “Regulation (EC) No 998/2003” means Regulation (EC) No 998/2003 of the European Parliament and of the Council on the animal health requirements applicable

(a) OJ No L 334, 17.12.2010, p. 1-16.

to the non-commercial movement of pet animals and amending Council Directive 92/65/EEC(a).”.

Amendment of article 22 (review)

13. In paragraph (2) of article 22, after “the Pets Regulation,” insert “the Commission Implementing Regulation,”.

Amendments to other legislation

14. The Schedule (amendments to other legislation) has effect.

27th November 2014

George Eustice
Parliamentary Under Secretary of State
Department for Environment, Food and Rural Affairs

(a) OJ No L 146, 13.06.2013. Repealed in full on 29.12.2014 by Regulation (EU) No 576/2013.

SCHEDULE

Article 14

Amendments to other legislation

PART 1

The Rabies (Importation of Dogs, Cats and Other Mammals) Order 1974

Amendment of the Rabies (Importation of Dogs, Cats and Other Mammals) Order 1974

1. The Rabies (Importation of Dogs, Cats and Other Mammals) Order 1974(a) is amended in accordance with this Part.

Amendment of article 2 (interpretation)

2.—(1) In paragraph (1) of article 2—

- (a) for the definition of “the Pets Regulation” substitute—

““the Pets Regulation” means Regulation (EU) No 576/2013 of the European Parliament and of the Council on the non-commercial movement of pet animals and repealing Regulation (EC) No 998/2003(b);”, and
- (b) for the definition of “the Pets Regulation quarantine end date” substitute—

““the Pets Regulation quarantine end date” means the earliest of either—

 - (a) in the case of—
 - (i) a cat or ferret subject to Article 6 of the Pets Regulation, the date on which the animal satisfies the requirements of that Article,
 - (ii) a cat or ferret subject to Article 10 of the Pets Regulation, the date on which the animal satisfies the requirements of that Article,
 - (iii) a dog subject to Article 6 of the Pets Regulation and Article 7 of the supplementary Regulation, the date on which the dog satisfies the requirements of both Articles,
 - (iv) a dog subject to Article 6 of the Pets Regulation but exempt from Article 7 of the supplementary Regulation, the date on which the dog satisfies the requirements of Article 6 of the Pets Regulation,
 - (v) a dog subject to Article 10 of the Pets Regulation and Article 7 of the supplementary Regulation, the date on which the dog satisfies the requirements of both Articles, or
 - (b) where the animal satisfies the requirements applicable to it under sub-paragraphs (a)(i) to (v) above, but does not satisfy the requirements in relation to rabies under Article 6(b) or Article 10(b) and (c) of the Pets Regulation as appropriate, the date of the expiry of a period of four months beginning with the date on which the animal is detained for the purposes of isolation in quarantine.”.

(2) After paragraph (1A) of article 2, insert—

“(1B) For the purposes of the definition of “the Pets Regulation quarantine end date” in paragraph (1), “the supplementary Regulation” means Commission Delegated Regulation (EU) No 1152/2011 supplementing Regulation (EC) No 998/2003 of the European

(a) S.I. 1974/2211. Amending instruments are, in relation to Great Britain, S.I. 1977/361, 1984/1182, 1986/2062, 1990/2371, 1993/1813, 1994/1405, 1994/1716, 1995/2922, 2002/3135 and 2011/2883; in relation to England, S.I. 2004/2364; in relation to Wales, S.I. 2002/882; in relation to Scotland, S.S.I. 2003/229, 2011/46 and 2012/177.

(b) OJ No L 178, 28.06.2013, p. 1-26.

Parliament and of the Council as regards preventative health measures for the control of *Echinococcus multilocularis* infection in dogs(a).”.

Amendment of article 4 (prohibition on landing of animals in Great Britain)

3. In paragraph (2)(c)(i) of article 4, for “Article 5” substitute “Article 6”.

Amendment of article 5 (detention and isolation in quarantine)

4. In paragraphs (2B)(a), (2C) and (3) of article 5, for “Article 5 or 8” in each place it occurs, substitute “Article 6 or 10”.

Amendment of article 6 (vaccination of dogs and cats in quarantine)

5. In paragraph (3) of article 6, for “Article 5 or 8” substitute “Article 6 or 10”.

Amendment of article 8 (control of animals passing through Great Britain)

6. In paragraph (8) of article 8, for “Article 5 or 8” substitute “Article 6 or 10”.

Amendment of article 12 (detention of animals on board vessels in harbour)

7. In paragraphs (5A)(a) and (b), and paragraphs (8A)(a) and (b), of article 12, for “Article 5 or 8” in each place it occurs, substitute “Article 6 or 10”.

Amendment of article 13 (action in case of illegal landing or breach of quarantine)

8. In paragraphs (1A), (3A)(a) and (b) of article 13, for “Article 5 or 8” in each place it occurs, substitute “Article 6 or 10”.

Amendment of article 14 (power to destroy imported animals)

9. In paragraph (2) of article 14—
- (a) for “Article 8” substitute “Article 6 or 10”, and
 - (b) for “Article 14(c)” substitute “Article 35(1)(c)”.

Amendment of article 16 (summary offences)

10. In paragraph (3) of article 16, for “Article 5” substitute “Article 6”.

Amendment of article 17 (indictable offences)

11. In paragraph (2) of article 17, for “Article 5” substitute “Article 6”.

(a) OJ No L 296, 15.11.2011, p6. The repeal of Regulation (EC) No 998/2003 has no effect and this Regulation remains in force under Article 43(3) of Regulation (EU) No 576/2013.

PART 2

The Trade in Animals and Related Products Regulations 2011

Amendment of the Trade in Animals and Related Products Regulations 2011

12. The Trade in Animals and Related Products Regulations 2011(a) are amended in accordance with this Part.

Amendment of regulation 3 (exceptions for pet animals)

13. For regulation 3, substitute—

“Exception for pet animals

3.—(1) These Regulations do not apply in relation to pet animals where—

- (a) the movement is a non-commercial movement, and
- (b) in the case of cats, dogs and ferrets—
 - (i) the pet animal is accompanying the owner or authorised person, or
 - (ii) where more than five pet animals are accompanying the owner or authorised person, the conditions set out in Article 5(2) of the Pets Regulation are fulfilled.

(2) In this regulation—

“authorised person”, “non-commercial movement” and “owner” have the meanings given by Article 3 of the Pets Regulation;

“the Pets Regulation” means Regulation (EU) No 576/2013 of the European Parliament and of the Council on the non-commercial movement of pet animals and repealing Regulation (EC) No 998/2003(b);

“pet animal” means an animal of a species listed in Annex I to the Pets Regulation;

“accompanying” has the same meaning as in the Pets Regulation.”.

PART 3

The Trade in Animals and Related Products (Wales) Regulations 2011

Amendment of the Trade in Animals and Related Products (Wales) Regulations 2011

14. The Trade in Animals and Related Products (Wales) Regulations 2011(c) are amended in accordance with this Part.

Amendment of regulation 3 (exceptions for pet animals)

15. For regulation 3, substitute—

“Exception for pet animals

3.—(1) These Regulations do not apply in relation to pet animals where—

- (a) the movement is a non-commercial movement, and

(a) S.I. 2011/1197. Amending instruments are S.I. 2012/2897 and 2013/2996.

(b) OJ No L 178, 28.06.2013, p. 1-26.

(c) S.I. 2011/2379 (W.252).

- (b) in the case of cats, dogs and ferrets—
 - (i) the pet animal is accompanying the owner or authorised person, or
 - (ii) where more than five pet animals are accompanying the owner or authorised person, the conditions set out in Article 5(2) of the Pets Regulation are fulfilled.
- (2) In this regulation—
 - “authorised person”, “non-commercial movement” and “owner” have the meanings given by Article 3 of the Pets Regulation;
 - “the Pets Regulation” means Regulation (EU) No 576/2013 of the European Parliament and of the Council on the non-commercial movement of pet animals and repealing Regulation (EC) No 998/2003;
 - “pet animal” means an animal of a species listed in Annex I to the Pets Regulation;
 - “accompanying” has the same meaning as in the Pets Regulation.”.

PART 4

The Trade in Animals and Related Products (Scotland) Regulations 2012

Amendment of the Trade in Animals and Related Products (Scotland) Regulations 2012

16. The Trade in Animals and Related Products (Scotland) Regulations 2012^(a) are amended in accordance with this Part.

Amendment of regulation 3 (exceptions for pet animals)

17. For regulation 3, substitute—

“Exception for pet animals

- 3.—**(1) These Regulations do not apply in relation to pet animals where—
- (a) the movement is a non-commercial movement, and
 - (b) in the case of cats, dogs and ferrets—
 - (i) the pet animal is accompanying the owner or authorised person, or
 - (ii) where more than five pet animals are accompanying the owner or authorised person, the conditions set out in Article 5(2) of the Pets Regulation are fulfilled.
- (2) In this regulation—
- “authorised person”, “non-commercial movement” and “owner” have the meanings given by Article 3 of the Pets Regulation;
 - “the Pets Regulation” means Regulation (EU) No 576/2013 of the European Parliament and of the Council on the non-commercial movement of pet animals and repealing Regulation (EC) No 998/2003;
 - “pet animal” means an animal of a species listed in Annex I to the Pets Regulation;
 - “accompanying” has the same meaning as in the Pets Regulation.”.

^(a) S.S.I. 2012/177.

EXPLANATORY NOTE

(This note is not part of the Order)

This instrument amends the Non-Commercial Movement of Pet Animals Order 2011 (“the 2011 Order”) to update the enforcement provisions and import requirements for pet animals entering Great Britain as a result of Regulation (EU) No 576/2013 of the European Parliament and of the Council on the non-commercial movement of pet animals and repealing Regulation (EC) No 998/2003 (OJ No L 178, 28.06.2013, p. 1-26) (“the Pets Regulation”).

This instrument also makes consequential amendments to the Rabies (Importation of Dogs, Cats and Other Mammals) Order 1974 (“the 1974 Order”) and other trade-related animal health Regulations.

Article 3 amends article 2 (interpretation) of the 2011 Order to update references in definitions and to insert new definitions.

Article 4 amends article 3 (meaning of local authority) of the 2011 Order to make the Common Council of the City of London the enforcement authority for all London boroughs.

Article 5 amends article 4 (designation) of the 2011 Order to update the designations of the competent authorities to the relevant provisions of the Pets Regulation.

Article 6 amends article 5 (control of rabies and certain other diseases of mammals) of the 2011 Order to update references to the Pets Regulation and to dis-apply the 1974 Order to the non-commercial movements of rabies-susceptible ‘Part B’ pet animals (e.g. mammals such as rodents and rabbits) from Member States into Great Britain.

Article 7 amends article 6 (rabies) of the 2011 Order to update references to the Pets Regulation.

Article 8 inserts a new Part 2A (microchipping of pet animals) and article 10A (minimum qualifications for microchipping of pet animals) into the 2011 Order for the microchipping of ‘Part A’ pet animals (dogs, cats and ferrets) for the purposes of pet travel between Member States and third countries.

Article 9 amends article 11 (approval of carriers) of the 2011 Order updating the definitions and excluding Union carriers from the requirements to be approved for the carriage of recognised assistance dogs that travel by sea or inland waterway.

Article 10 amends article 13 (enforcement authority) to make the competent authority responsible for the enforcement of the replacement Pets Regulation and the Commission Implementing Regulation (EU) No 577/2013 on the model identification documents for the non-commercial movement of dogs, cats and ferrets, the establishment of lists of territories and third countries and the format, layout and language requirements of the declarations attesting compliance with certain conditions provided for in Regulation (EU) No 576/2013 of the European Parliament and of the Council (OJ No L 178, 28.06.2013, p. 109-148) (“the Commission Implementing Regulation”).

Article 11 amends article 16 (offences) to clarify that certain existing offences will apply in relation to pet owners’ declarations regarding a non-commercial movement.

Article 12 replaces article 19 (transitional provision) with a new transitional provision that applies the updated quarantine requirements to any pet animals that were in quarantine immediately before 29th December 2014.

Article 13 amends article 22 (review) to make the Commission Implementing Regulation part of the review process.

Part 1 of the Schedule amends the 1974 Order to update the references to the Pets Regulation and inserts a new maximum quarantine period of four months for ‘Part A’ pet animals that have satisfied all preventive health measures other than those required in relation to rabies.

Parts 2 to 4 of the Schedule amend the Trade in Animals and Related Products Regulations 2011, the Trade in Animals and Related Products (Wales) Regulations 2011 and the Trade in Animals

and Related Products (Scotland) Regulations 2012, to provide for when the trade import requirements apply to pet animals.

An impact assessment has not been produced for this instrument as no impact on the costs of the private or voluntary sectors is foreseen.

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