STATUTORY INSTRUMENTS

2015 No. 787

The Animals and Animal Products (Examination for Residues and Maximum Residue Limits) (England and Scotland) Regulations 2015

PART 4

Offences and Penalties

Offences, penalties and enforcement

23.—(1) A person who—

(a) contravenes regulation 3, 4, 5, 6, 8, 9, 10, 11, 31(1), (2), (3) or (4) or any provision of a notice given to that person under these Regulations; or

(b) without the consent in writing of an authorised officer, defaces, obliterates or removes any marking made under regulation 21(2)(c) or attempts to do so

is guilty of an offence.

(2) A person guilty of an offence under paragraph (1) or regulation 7 is liable—

(a) in England, on summary conviction or on conviction on indictment to a fine; and

(b) in Scotland, on summary conviction to a fine not exceeding the statutory maximum or on conviction on indictment to a fine.

(3) Each enforcement authority is to enforce these Regulations and is to give such assistance and information to each other enforcement authority as that other enforcement authority reasonably requires for the purpose of its duties under these Regulations.

(4) In England, the Secretary of State may delegate to the Director of Public Prosecutions functions in relation to the prosecution of an offence under these Regulations.

(5) Where an offence under these Regulations which has been committed by a Scottish partnership is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, a partner, that partner as well as the partnership is guilty of the offence and is liable to be proceeded against and punished accordingly.

(6) No prosecution for an offence under paragraph (1) or regulation 7 may be begun after the expiry of—

(a) three years from the commission of the offence; or

(b) one year from its discovery by the prosecutor,

whichever is the earlier.

Defences and exceptions

24.—(1) In any proceedings for an offence alleging a contravention of regulation 4 it is a defence for the person charged to prove that the veterinary medicinal product to which the allegation relates is intended for purposes other than administration to an animal.

(2) In any proceedings for an offence alleging a contravention of regulation 8 it is a defence for the person charged to prove that the substance listed in Annex II or Annex III of Council Directive 96/22 contained or present in the animal or which has been administered to the animal was administered in accordance with regulation 5.

Compliant products

25.—(1) A product which is, or which contains, a substance listed in Annex II or Annex III to Council Directive 96/22 complies with the requirements of this regulation if—

(a) a marketing authorisation has been issued in relation to it;

(b) in the case of a product which is, or which contains, a beta-agonist, it has a withdrawal period of less than 28 days after the end of treatment; and

(c) in the case of a product which is, or which contains, a hormonal substance, it is not a product which falls within paragraph (2).

(2) A product falls within this paragraph if it—

(a) acts as a deposit;

(b) has a withdrawal period of more than 15 days after the end of treatment; or

(c) was authorised before 1st January 1995, has no known conditions of use and for which no reagents or equipment exists for use in the analytical techniques for detecting the presence of residues in excess of the prescribed limits.

Exception to prohibition on administration for testosterone and progesterone

26.—(1) Subject to paragraph (2), administration of any product which is, or which contains, testosterone or progesterone is in accordance with this regulation if it is carried out by a veterinary surgeon for a therapeutic purpose on a farm animal by injection.

(2) Paragraph (1) does not apply to the treatment of ovarian dysfunction, in which case administration is accordance with this regulation if it is carried out by a veterinary surgeon using a product in the form of vaginal spirals.

Exception to prohibition on administration for allyl trenbolone and beta-agonists

27.—(1) Subject to paragraphs (2) and (3), administration of any product which is, or which contains, allyl trenbolene or beta-agonists is in accordance with this paragraph if it is carried out for a therapeutic purpose and it is carried out by a veterinary surgeon or under the direct responsibility of that surgeon.

(2) Paragraph (1) only applies to a veterinary medicinal product which is, or which contains, allyl trenbolone if it is authorised for oral administration, it is administered in accordance with the manufacturer's instructions and it is administered to an animal which is not a production animal.

(3) Paragraph (1) only applies to a veterinary medicinal product which is, or which contains, a beta-agonist if it is administered to—

(a) a member of the *equidae* Family; or

(b) a calving cow, by injection by a veterinary surgeon, to induce tocolysis during labour.

Exception to prohibition on administration for products having oestrogenic, androgenic or gestagenic action

28.—(1) Administration is in accordance with this regulation if, in the case of farm animals other than production animals—

(a) the administration is carried out for the purpose of zootechnical treatment;

(b) the administration is carried out—

(i) in the case of the synchronisation of oestrus or the preparation of donors or recipients for the implantation of embryos by, or under the direct responsibility of a veterinary surgeon, and

(ii) in any other case, by a veterinary surgeon; and

(c) the veterinary surgeon responsible for the treatment issues a prescription for the products to be administered, whether the surgeon supplies them or not.

(2) Administration is in accordance with this regulation if, in the case of fish aged three months or less, the administration is of products with an androgenic action for sex inversion purposes.