

2022 No. 926

ANIMALS, ENGLAND

ANIMALS, SCOTLAND

ANIMAL HEALTH

FOOD, ENGLAND

FOOD, SCOTLAND

**The African Swine Fever (Import Controls) (England and
Scotland) Order 2022**

<i>Made</i> - - - -	<i>31st August 2022</i>
<i>Laid before Parliament</i>	<i>1st September 2022</i>
<i>Coming into force</i> - -	<i>1st September 2022</i>

The Secretary of State makes this Order in exercise of the powers conferred by section 10 of the Animal Health Act 1981(a).

Citation, commencement, extent and application

1.—(1) This Order—

- (a) may be cited as the African Swine Fever (Import Controls) (England and Scotland) Order 2022; and
- (b) comes into force on 1st September 2022.

(2) This Order extends to England and Wales and Scotland, but applies in relation to England and Scotland only.

(a) 1981 (c. 22) (“the 1981 Act”). Section 10 was amended by S.I. 1990/2371 and 1993/1813. Functions conferred under the 1981 Act on “the Ministers” (as defined in section 86 of that Act) are now exercisable by the Secretary of State in relation to England and the Scottish Ministers in relation to Scotland. In relation to England they were transferred, so far as exercisable by the Secretaries of State for Scotland and Wales, to the Minister of Agriculture, Fisheries and Food by S.I. 1999/3141 and were then further transferred to the Secretary of State by S.I. 2002/794. In relation to Scotland, functions were transferred to the Scottish Ministers by section 53 of the Scotland Act 1998 (c. 46). Despite this transfer, the Secretary of State retains power to exercise certain functions under section 10 of the 1981 Act in relation to Scotland by virtue of S.I. 1999/1592.

Interpretation

2. In this Order—

“animal by-products” means entire bodies or parts of animals, products of animal origin or other products obtained from animals, which are not intended for human consumption, excluding germinal products;

“category of animal by-products” means the appropriate category as set out in Articles 8 to 10 of Regulation (EC) No 1069/2009 of the European Parliament and of the Council laying down health rules as regards animal by-products and derived products not intended for human consumption(a), as it has effect in EU law;

“derived products” means products obtained from one or more treatments, transformations or steps in the processing of animal by-products;

“health mark” has the meaning given in Article 3(51) of the Regulation (EU) No 2017/625 of the European Parliament and of the Council on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products(b), as it has effect in EU law;

“identification mark” means a mark applied in accordance with Article 5 of, and Section 1 of Annex 2 to, Regulation 853/2004, as it has effect in EU law;

“pig” means any animal of the *Suidae* family;

“porcine product” means any of the following, consisting, in whole or in part, of a body of a pig, or derived from a pig—

- (a) products of animal origin;
- (b) animal by-products;
- (c) derived products;

“products of animal origin” has the meaning given in point 8.1 of Annex 1 to Regulation 853/2004;

“Regulation 853/2004” means Regulation (EC) No 853/2004 of the European Parliament and of the Council laying down specific hygiene rules for food of animal origin(c);

“territory subject to special transitional import arrangements” means—

- (a) an EEA state;
- (b) the Faroe Islands;
- (c) Greenland;
- (d) Switzerland.

Requirements for imports of porcine products

3.—(1) Subject to article 4, no person may import a porcine product into England or Scotland from a territory subject to special transitional import arrangements unless the product complies with the relevant requirements of this article.

(2) If the porcine product is a product of animal origin intended for human consumption, it must bear a health mark or an identification mark.

(3) If the porcine product is an animal by-product or derived product, it must—

(a) O.J. No. L 300, 14.11.2009, p. 1, as last amended by Regulation (EU) 2019/1009 of the European Parliament and of the Council (O.J. No. L 170, 25.6.2019, p. 1).

(b) O.J. No. L 95, 7.4.2017, p. 1, as last amended by Regulation (EU) 2021/1756 of the European Parliament and of the Council (O.J. No. L 357, 8.10.2021, p. 27).

(c) O.J. No. L 139, 30.4.2004, p. 55, as last amended by Regulation (EU) 2021/1756 of the European Parliament and of the Council (O.J. No. L 357, 8.10.2021, p. 27).

- (a) be packaged in accordance with Article 23(1) of Regulation (EC) No 767/2009 of the European Parliament and of the Council on the placing on the market and use of feed^(a), as it has effect in EU law, and include on the package the name and address of the feed business operator responsible for its labelling under Article 12(2) of that Regulation; or
- (b) have a label attached to the packaging, container or vehicle, describing the product and stating to which category of animal by-products it belongs.

(4) The requirements in this article are in addition to any other requirements that apply in relation to the import of porcine products.

Exclusions from requirements for porcine products

4.—(1) The requirements in article 3 do not apply where—

- (a) the porcine product falls within any of the exemptions to the application of Commission Delegated Regulation (EU) 2019/2124 supplementing Regulation (EU) 2017/625 of the European Parliament and of the Council as regards rules for official controls of consignments of animals and goods in transit, transshipment and onward transportation through the Union^(b) contained in Article 1A(2) and (3) of that Regulation; or
- (b) the conditions in paragraph (2) are met.

(2) The conditions are that—

- (a) the porcine product is intended only for personal consumption or use; and
- (b) the combined weight of porcine products imported at any given time does not exceed 2 kg.

Benyon

Parliamentary Under Secretary of State

Department for Environment, Food and Rural Affairs

31st August 2022

EXPLANATORY NOTE

(This note is not part of the Order)

This Order provides for restrictions on the importation of “porcine products” (defined in article 2) into England and Scotland from “territories subject to special transitional import arrangements” (also defined in article 2, constituting EEA States, the Faroe Islands, Greenland and Switzerland) for the purpose of preventing African Swine Fever. The Order applies in relation to England and Scotland.

Article 3 sets out the requirements that porcine products must meet in order to be imported. Article 4 exempts porcine products which are intended only for personal consumption or use and which have a combined weight of 2 kg or less, as well as those which fall within a disapplication to Commission Delegated Regulation (EU) 2019/2124 supplementing Regulation (EU) 2017/625 of the European Parliament and of the Council as regards rules for official controls of consignments of animals and goods in transit, transshipment and onward transportation through the Union (EUR 2019/2124).

An impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.

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(a) O.J. No. L 229, 1.9.2009, p. 1, as last amended by Commission Regulation (EU) 2018/1903 (O.J. No. L. 310, 6.12.2018, p. 22).

(b) EUR 2019/2124, as amended by S.I. 2020/1631.

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