
WELSH STATUTORY INSTRUMENTS

2007 No. 376

**The Products of Animal Origin (Third
Country Imports) (Wales) Regulations 2007**

PART 2

Enforcement

Enforcement authorities and exchange of information

5.—(1) These Regulations must be enforced—

- (a) by the National Assembly at a border inspection post solely designated and approved for veterinary checks on products referred to in Regulation (EC) No. 1774/2002;
- (b) by the Agency at—
 - (i) any cutting plant, game-handling establishment or slaughterhouse; and
 - (ii) premises at which the Agency enforces the Food Hygiene (Wales) Regulations 2006⁽¹⁾ by virtue of regulation 5(2)(b) of those Regulations;
- (c) subject to paragraph (2), by each local authority within its area, including at any border inspection post in that area, except at a border inspection post referred to in sub-paragraph (a) and at premises referred to in sub-paragraph (b).

(2) At points of entry, regulation 16 must be enforced by the Commissioners and not the local authority.

(3) In cases where an officer of a local authority, when exercising any statutory function, discovers at a point of entry a consignment or product that he or she considers may have been brought in breach of regulation 16, he or she must notify an officer of Revenue and Customs and detain the consignment or product until an officer of Revenue and Customs takes charge of it.

(4) In cases where an officer of a local authority who is not an authorised officer for the purposes of these Regulations, when exercising any statutory function, discovers at any place other than a point of entry or a border inspection post, a consignment or product —

- (a) in relation to which he or she considers these Regulations may not have been complied with; or
- (b) that he or she considers is from a third country and may present a risk to animal or public health,

he or she must notify an authorised officer and detain the consignment or product until an authorised officer takes charge of it.

(5) If the National Assembly considers that a local authority is failing or has failed to enforce these Regulations generally, or in any class of cases, or in an individual case, it may empower an authorised officer or the Agency to enforce them in place of that local authority.

(6) The National Assembly or the Agency may recover from the local authority concerned any expenses reasonably incurred by it under paragraph (5).

(7) The National Assembly, the Commissioners, any local authority and the Agency may exchange information for the purposes of these Regulations, and may divulge information to the enforcement authorities in England, Scotland and Northern Ireland for the purposes of these Regulations or the equivalent Regulations in those jurisdictions.

(8) Paragraph (7) is without prejudice to any other power of the National Assembly, the Commissioners, any local authority and the Agency to disclose information.

(9) No person, including a servant of the Crown, may disclose any information received from the Commissioners under paragraph (7) if—

- (a) the information relates to a person whose identity—
 - (i) is specified in the disclosure; or
 - (ii) can be deduced from the disclosure;
- (b) the disclosure is for a purpose other than the purposes specified in paragraph (7); and
- (c) the Commissioners have not given their prior consent to the disclosure.

(10) In paragraph (1), the terms “cutting plant” (“*safle torri*”), “game-handling establishment” (“*sefydliad trin anifeiliaid hela*”) and “slaughterhouse” (“*lladd-dy*”) have the meaning that they bear in regulation 5(6) of the Food Hygiene (Wales) Regulations 2006.

(11) In this regulation, “point of entry” (“*pwytyn mynediad*”) means any place where goods are subject to customs supervision under Articles 37 and 38 of the Customs Code, other than a border inspection post.