
WELSH STATUTORY INSTRUMENTS

2019 No. 569

**The Animals and Animal Products (Examination for Residues
and Maximum Residue Limits) (Wales) Regulations 2019**

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, 32(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 on summary conviction 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.

Corporate offences

24.—(1) If an offence under these Regulations committed by a body corporate is shown—

- (a) to have been committed with the consent or connivance of an officer; or
- (b) to be attributable to any neglect on their part,

the officer as well as the body corporate is liable to prosecution.

(2) If the affairs of a body corporate are managed by its members, paragraph (1) applies in relation to the acts and defaults of a member in connection with their functions of management as if they were a director of the body.

(3) If an offence under these Regulations committed by a partnership is shown—

- (a) to have been committed with the consent or connivance of a partner; or
- (b) to be attributable to any neglect on their part,

the partner as well as the partnership is liable to prosecution.

(4) If any offence under these Regulations committed by an unincorporated association, other than a partnership, is shown—

- (a) to have been committed with the consent or connivance of an officer of the association or a member of its governing body; or
- (b) to be attributable to any neglect on the part of such an officer or member,

that officer or member as well as the association is liable to prosecution.

(5) In this regulation—

“officer” (“*swyddog*”), in relation to a body corporate or unincorporated association, means a director, member of the committee of management, chief executive, manager, secretary or other similar officer of the body, or a person purporting to act in any such capacity; and

“partner” (“*partner*”) includes a person purporting to act as a partner.

Defences and exceptions

25.—(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 to 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

26.—(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 1 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

27.—(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 in 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

28.—(1) Subject to paragraphs (2) and (3), administration of any product which is, or which contains, allyl trenbolone 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

29.—(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.