STATUTORY RULES OF NORTHERN IRELAND

1998 No. 237

Animals and Animal Products (Examination for Residues and Maximum Residue Limits) Regulations (Northern Ireland) 1998

Part IV

Offences, Defences and Exceptions

Offences, penalties and enforcement

23.—(1) A person shall be guilty of an offence if he—

(a) contravenes regulation 3, 4, 5, 6(2), 8, 9, 10, 11, 32(1), (2), (3), (4) or (5) or any provision of a notice served on him 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).

(2) A person guilty of an offence under paragraph (1) or regulation 6(1) or 7 is liable on summary conviction to a fine not exceeding the statutory maximum or on conviction on indictment to a fine.

(3) Each enforcement authority shall enforce these Regulations and shall 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) A prosecution for an offence under paragraph (1) or regulation 6(1) or 7 shall not 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 paragraph (1) or (2) or regulation 4 it shall be a defence for the person charged to prove that the beta-agonist or hormonal substance, or product containing the beta-agonist or hormonal substance, the possession of which is alleged, is intended for purposes other than administration to an animal.

(2) In any proceedings for an offence alleging a contravention of regulation 8(1) it shall be a defence for the person charged to prove that the beta-agonist or hormonal substance, as appropriate, contained or present in the animal, or which has been administered to the animal was, or was contained in, a product which complies with the requirements of regulation 25 and was administered in accordance with regulation 26, 27 or 28.

25.—(1) A product which is, or which contains, a beta-agonist or hormonal substance 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.

26.—(1) Administration is in accordance with this regulation if—

(a) it is of an authorised veterinary medicinal product containing oestradiol 17β, testosterone or progesterone or a derivative of any of these substances which readily yields the parent compound on hydrolis after absorption at the site of application; and

(b) it is carried out for a therapeutic purpose on a clearly identified farm animal by a veterinary surgeon, who makes an appropriate record of the treatment, by injection or for the treatment (other than by implant) of ovarian dysfunction in the form of vaginal spirals.

(2) For the purposes of paragraph (1)(b) and regulation 28(c) "appropriate record" means the entry in a register of the following details—

(a) type of treatment;

(b) the type of products authorised or prescribed;

(c) the date of treatment;

(d) the identity of the animal treated; and

(e) any applicable withdrawal period.

27. Administration is in accordance with this regulation if carried out—

(a) for a therapeutic purpose, on an animal other than a production animal by, or under the direct responsibility of, a veterinary surgeon and is of an authorised veterinary medicinal product containing—

(i) allyl trenbolone which is administered orally and in accordance with manufacturers instructions; or

(ii) beta-agonists which are administered in accordance with manufacturers instructions to equidae or to a pet; or

(b) by a veterinary surgeon of an authorised veterinary medicinal product containing beta-agonists which is administered in the form of an injection for the purpose of inducing tocolysis in a cow when calving.

28. Administration is in accordance with this regulation if—

(a) it is of an authorised veterinary medicinal product having an oestrogenic, androgenic or gestagenic action for the purpose of zootechnical treatment of a clearly identified animal other than a production animal;

(b) it is carried out, 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 in any other case, by a veterinary surgeon;

(c) the veterinary surgeon who carries out, or who is responsible for, the administration makes an appropriate record of the treatment and makes out a non-renewable prescription specifying the treatment in question and the quantity of the product required; and

(d) in the case of the treatment of aquaculture animals for the purpose of sex inversion, it is of an authorised veterinary medicinal product having an androgenous action and carried out on a fish aged 3 months or less.

29. In any proceedings for an offence under regulation 10 it shall be a defence for the person charged to prove—

(a) that the animal product in respect of which the offence is alleged to have been committed was intended for export to a country which has legislation analogous to these Regulations and that the animal product complies with that legislation; and

(b) in the case of intended export to an EEA State, that the legislation of that EEA State complies with the provisions of Council Directive 96/22 and Council Directive 96/23.