
STATUTORY RULES OF NORTHERN IRELAND

1998 No. 45

Products of Animal Origin (Import and Export) Regulations (Northern Ireland) 1998

Part II

Enforcement

District councils

3.—(1) Each district council shall, whenever the Department so directs, make to the Department a report on the exercise of its functions under these Regulations in such form and containing such particulars as the Department may direct.

(2) The Department may recover from any district council any expenses reasonably incurred by it in making good any default by that district council under these Regulations.

Powers to give directions

4.—(1) The Department shall have the power to give directions in writing to a district council concerning the execution and enforcement by it of any provisions of these Regulations for which that council is responsible.

(2) In the exercise of the functions conferred on it by these Regulations, a district council shall comply with all relevant provisions of a direction given to it under paragraph (1).

(3) Any directions given under paragraph (1) shall, on the application of the Department, be enforceable by mandamus.

Powers of authorised officers

5.—(1) An authorised officer shall, on producing, if required to do so, a duly authenticated document showing his authority, have the power at all reasonable hours to enter any premises for the purposes of ascertaining whether there is or has been on the premises any breach of animal and public health requirements of legislation relating to the importation of products of animal origin to which these Regulations apply or whether there are any products on the premises in respect of which an offence may have been committed under these Regulations.

(2) In enforcing these Regulations an authorised officer shall have the power to—

- (a) carry out inspections of premises, plant and equipment used for or relating to products of animal origin, cleaning and maintenance products, procedures used for the production and processing of products of animal origin and the marking, labelling or presentation of those products;
- (b) carry out checks on whether staff at any premises comply with the requirements of any legislation relating to animal and public health;

- (c) take samples to establish whether or not these Regulations are being complied with and by notice served on the person in charge of any products of animal origin detain those products pending the analysis of those samples;
 - (d) examine documentary or computer material relevant to his powers under this regulation;
 - (e) take with him a representative of the European Commission who is acting as an inspector for the purposes of Directives 89/662 or 90/675 or a representative of the New Zealand authorities acting as an inspector under the New Zealand Equivalence Agreement.
- (3) If a justice of the peace, on sworn information in writing, is satisfied that there are reasonable grounds for the entry into any premises for any of the purposes of this regulation and either—
- (a) that admission to the premises has been refused, or a refusal is reasonably apprehended, and that notice of the intention to apply for admission has been given to the occupier; or
 - (b) that an application for admission, or the giving of such a notice, would defeat the object of the entry, or that the case is one of urgency, or that the premises are unoccupied or the occupier temporarily absent,

the justice may by warrant signed by him, and valid for one month, authorise the authorised officer to enter the premises, if need be by reasonable force.

(4) In this regulation “premises” includes any place, installation, vehicle, container, ship, vessel, boat, craft, hovercraft or aircraft.

(5) Paragraph (2) shall apply to a representative of the New Zealand authorities acting as an inspector under the New Zealand Equivalence Agreement in the same way as it applies to an authorised officer.

Returns

6.—(1) Each district council shall send to the Department, in accordance with any determination made under paragraph (2), a return comprising the following information—

- (a) details, categorised by country of origin (and including a description of the product concerned), of all consignments of products of animal origin checked by authorised officers of the council, the importation of which has been refused or which has been re-exported, destroyed or authorised for use other than for human consumption and the reason for such action;
- (b) a list of all samples taken by those officers for laboratory analysis for the purposes of these Regulations, the tests carried out in relation thereto and the results of those tests; and
- (c) the total number of consignments of products of animal origin checked by those officers and the total weight of those consignments categorised by product and by country of origin.

(2) The Department shall determine how frequently a district council shall make the returns set out in paragraph (1).

Notification of decisions

7. If the consignor or his representative so requests, any decision taken under these Regulations refusing importation of products of animal origin or varying the conditions of importation of such products shall be forwarded to him in writing and shall give the reasons for the decision and the details of that person’s rights to challenge the decision, including the relevant time limits.