
STATUTORY RULES OF NORTHERN IRELAND

1998 No. 45

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

Part III

Intra-Community Trade

Application of Part III

- 8.** This Part shall apply in relation to—
- (a) trade between Northern Ireland and any Member State in products of animal origin originating within the European Communities;
 - (b) trade between Northern Ireland and any Member State in products of animal origin which—
 - (i) originate in a third country, and
 - (ii) are in free circulation in Member States; and
 - (c) imported fishery products which—
 - (i) were landed from a third country vessel,
 - (ii) were caught in their natural environment, and
 - (iii) have not or had not been on land prior to their importation into the European Communities.

Exports

9.—(1) A person shall not export or consign for export to a Member State any product of animal origin which is covered by one or more of the Regulations specified in Schedule 2 or by Directive 92/118 unless—

- (a) it complies with—
 - (i) the relevant provisions of those Regulations or that Directive;
 - (ii) any option permitted by any of the Directives specified in Schedule 3 which has been exercised by the Member State of destination; and
 - (iii) any additional animal or public health requirements of legislation regulating imports into the Member State of destination;
- (b) it is accompanied by any documents required by Regulations specified in Schedule 2, by Directive 92/118 or by the Member State of destination;
- (c) where Directive 92/118 requires that a computerised system message, fax or telex is transmitted in advance of the export of the product, at least 24 hours' notice of the export has been given to the Department by the exporter; and

(d) if the product is produced, processed, stored in, or supplied from an establishment which, by virtue of regulation 10 or 11, has to be registered or notified, the establishment is so registered or notified.

(2) A person shall not export or consign for export to a Member State any product of animal origin in any case falling outside paragraph (1) unless the product fulfils all the animal or public health requirements of the Member State of destination, including any documentary requirements.

(3) Each person who has control of an establishment shall ensure that all products of animal origin produced, stored or processed in that establishment and intended for export to a Member State comply with the requirements of paragraph (1) or (2).

(4) Where a person exports, or consigns for export, products of animal origin to more than one destination, he shall ensure that they are grouped together in batches by reference to those places of destination, and that all documents required by paragraph (1) or (2) accompany each such batch.

(5) A person shall not export or consign for export to a Member State any product of animal origin specified in Annex B to Directive 89/662 if it cannot lawfully be marketed in Northern Ireland (unless it cannot be so marketed only by reason of a failure to comply with requirements as to labelling).

(6) This regulation shall apply without prejudice to the requirements of the Bovines and Bovine Products (Despatch Prohibition and Production Restriction) Regulations (Northern Ireland) 1997(1).

Registration of certain establishments which produce, process or store products of animal origin

10.—(1) This regulation shall apply to any establishment which, for the purpose of export or consignment for export to a Member State—

- (a) produces or processes any product of animal origin which is covered by Directive 92/118 and which is not already registered or approved under or pursuant to any Community legislation referred to in paragraphs 1 to 11 or 13 to 15 of Schedule 3; under the Animal By-Products Regulations (Northern Ireland) 1993(2) or under Regulation 1274/91 and in respect of which there is not a licence issued under Section 8 of the Medicines Act 1968(3); or
- (b) stores any product of animal origin for which Directive 92/118 lays down specific storage requirements.

(2) Any person who has control of an establishment to which this regulation applies shall register that establishment with the Department.

(3) A person who has control of an establishment to which this regulation applies shall give the Department such assurance as to compliance with these Regulations as the Department may require.

(4) The Department shall keep a register of establishments for the purposes of paragraph (2).

(5) The Department may remove an establishment from the register kept under paragraph (4) if it is satisfied that the establishment in question has ceased to comply with the requirements of regulations 9, 10 and 11.

Notification of certain establishments which supply or store products of animal origin

11.—(1) Subject to paragraph (2), this regulation shall apply to any establishment which is not already registered or approved under or pursuant to any Community legislation referred to in paragraphs 1 to 14 of Schedule 3, under the Animal By-Products Regulations (Northern Ireland) 1993, under Regulation 1274/91 or under the Medicines Act 1968 and which—

(1) S.R. 1997 No. 379
(2) S.R. 1993 No. 192
(3) 1968 c. 67

(a) supplies for export or consignment for export to a Member State, or
(b) acts as an intermediate storage facility for,
any product of animal origin covered by Directive 92/118.

(2) This regulation shall not apply in the case of any establishment registered under regulation 10.

(3) Any person with control of an establishment to which this regulation applies shall notify the Department of the name and address of the establishment.

(4) The occupier of an establishment to which this regulation applies shall notify the Department of the name and address of the establishment and shall give to it such assurances as to the compliance with these Regulations as the Department may require.

(5) The Department shall keep a register for the purposes of paragraph (3) of any notifications received by virtue of paragraph (3) or (4).

(6) Any person who has given a notice to the Department in relation to any establishment in accordance with paragraphs (3) and (4) shall keep a record of all deliveries to that establishment of products of animal origin covered by Directive 92/118 and, where a consignment is divided up or subsequently marketed, of the subsequent destination of the products of animal origin and shall keep such records for 12 months from the arrival of the consignment to which they relate.

Inspection and checking of imports

12.—(1) At a border inspection post, unless the products are transported by regular, direct means linking two geographical points of the European Communities, an authorised officer shall carry out documentary checks of all imported products of animal origin if he considers it necessary to establish their place of origin.

(2) Where any products of animal origin have been imported, an authorised officer may, at the place of destination to which they have been consigned, carry out such inspections or take such samples as are necessary to ensure that any animal or public health requirements relating to the import of those products (including requirements as to documentation) have been complied with.

(3) In addition to the power conferred by paragraph (1), an authorised officer may inspect any imported products of animal origin at any time and at any place if he has information leading him to suspect an infringement of these Regulations or any animal or public health requirements relating to the import of those products, including requirements relating to the means of transport.

(4) Any powers conferred by regulation 5 shall only be exercised in accordance with this regulation in relation to imports until they reach their place of destination and at that place.

(5) Where any product of animal origin has been imported and is consigned to an establishment which is under the supervision of an official veterinary surgeon, he shall ensure that the product complies with all animal and public health requirements relating to its marking and the accompanying documentation, and shall forthwith notify the appropriate Divisional Veterinary Officer of any irregularity or anomaly therein.

(6) Where any product of animal origin has been imported and is consigned to an establishment which is not under the supervision of an official veterinary surgeon, any person who markets such product, or divides up batches of any such product for distribution or marketing, shall check, before the batch is marketed or divided up, that the product complies with all animal and public health requirements relating to its marking and accompanying documentation, and shall forthwith notify the Department of any irregularity or anomaly therein.

(7) In this regulation “official veterinary surgeon” in relation to any establishment means a person appointed as such by the Department for the purposes of supervising that establishment.

Removal of documents

13. A person shall not separate from any imported consignment of products of animal origin the documents provided therewith in accordance with the relevant provisions of the Directives specified in Schedule 3 or any animal or public health requirements of legislation regulating imports or divide up any batch to which such documentation relates until the checks required under regulation 12 have been carried out.

Duties of consignees

14. Any person who imports, by way of trade, products of animal origin from a Member State shall—

- (a) keep a register recording the delivery to him of each consignment of those products for a period of 3 years from the date of delivery;
- (b) keep all documentation required by these Regulations to accompany each such consignment for a period of 3 years from the date of delivery of the consignment or, if appropriate, such other period as may be specified in any Directive specified in Schedule 3 and which covers the product; and
- (c) if the Department has by notice required him to do so—
 - (i) forthwith report to the Department by the quickest means the delivery or anticipated delivery of any product of animal origin which is specified in the notice (and, if such report is given orally, confirm the report in writing); and
 - (ii) keep such product at its place of destination for 24 hours from the time of delivery or until it has been inspected by an authorised officer, if sooner.

Consignments posing a risk to health and illegal consignments

15.—(1) If an authorised officer establishes in relation to a consignment of imported products of animal origin—

- (a) the presence of a zoonosis or of agents responsible for a disease named in Directive 82/894 or any other disease or cause likely to constitute a serious hazard to the health of animals or humans; or
- (b) that the products come from the an area infected by an epizootic disease of the species of origin of the products and have not been subjected to one of the treatments referred to in Article 4 of Council Directive [80/215/EEC](#) on animal health problems affecting intra-Community trade in meat products⁽⁴⁾,

he shall, by notice served on the person appearing to him to have charge of the consignment—

- (i) order the batch to be destroyed or used in some other way;
- (ii) prohibit the movement of the products except such movement as may be specified in the notice; or
- (iii) in any case falling within sub-paragraph (b), order the appropriate treatments specified in Article 4 of Council Directive [80/215/EEC](#) to be carried out.

(2) If an authorised officer establishes that any consignment of products of animal origin does not meet any animal or public health requirements of legislation relating to the import of those products he may, subject to the following paragraphs, by notice served on the person appearing to him to be

(4) O.J. No. L47, 21.2.80, p.4; relevant amending instruments are Council Directive [80/1100/EEC](#), (O.J. No. L325, 1.2.80, p. 17), Council Directive [87/491/EEC](#) (O.J. No. L279, 2.10.87, p. 27) and Council Directive [88/660/EEC](#) (O.J. No. L382, 31.12.88, p. 35)

in charge of the consignment, prohibit the movement of the consignment except such movement as may be specified in the notice and, either—

- (a) order the destruction of those products; or
- (b) if public and animal health considerations so permit, give the person on whom the notice was served the choice of destroying those products or using them for such other purpose as may be specified in the notice, including returning them (with the authorisation of the competent authority of the country of the establishment of origin) to that country.

(3) If the only way in which a consignment of products of animal origin fails to comply with the animal or public health requirements of legislation regulating imports of those products is absence of, or irregularity in, documentation, any notice specifying any action under paragraph (2) relating to those products shall grant the consignor thereof a period of 7 days to produce the correct documentation before such action is taken.

(4) In the event of a notice under paragraph (2) not being complied with, an authorised officer may destroy the products of animal origin to which it relates.

(5) The costs of returning any consignment of products of animal origin, storing them, putting them to other uses or destroying them in pursuance of this regulation shall be borne by the consignee thereof, unless destroyed under the provision of paragraph (1), in which case the costs shall be borne by the consignor or his agent.

(6) An authorised officer of a district council exercising any of the powers under this regulation shall forthwith notify the Department of any findings arrived at thereunder, the decisions taken in pursuance of such findings and the reasons for such decisions.

(7) Any notice served under this Regulation shall give details of any right to challenge the decision to do so, including the relevant time limits.

Repeated irregularities in exports

16. Where in accordance with Article 8(1) of Directive 89/662 the Department or any Minister of the Crown has been notified of repeated irregularities concerning any products of animal origin from an establishment in Northern Ireland, the Department or the district council in whose area that establishment is situated shall—

- (a) intensify the point of origin checks required by the Directives listed in Schedule 3 to be carried out in relation to products coming from that establishment; and
- (b) if there are serious animal or public health grounds for doing so, suspend any official approval (of whatever nature and howsoever described) granted by the Department or that district council to that establishment under any statutory provision relating to animal or human health.

Defence

17. It shall be a defence for any person charged with an offence relating to failure to comply with the provisions of regulations 12 or 13 requiring that particular documents accompany products of animal origin or prohibiting their separation from such products to prove—

- (a) that the batch of those products delivered to him was part of a larger consignment, the remainder of which was consigned to another place or other places of destination;
- (b) that the batch had, so far as he was aware, the correct documentation at the time of delivery; and
- (c) that he believed that the documentation would be delivered to the place of destination of the remaining part of the consignment.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.
