
STATUTORY INSTRUMENTS

2011 No. 1197

The Trade in Animals and Related Products Regulations 2011

PART 1

Introduction

Title, application and commencement

1. These Regulations may be cited as the Trade in Animals and Related Products Regulations 2011; they apply in England and come into force on 25th May 2011.

Interpretation

2.—(1) In these Regulations—

“animal” means an animal of any kind, including a bird, fish or invertebrate;

“enforcement authority” has the meaning given in regulation 31;

“genetic material” means hatching eggs and animal semen, ova or embryos;

“product” means a product listed in Annex I to Commission Decision [2007/275/EC](#) (concerning lists of animals and products to be subject to controls at border inspection posts under Council Directives [91/496/EEC](#) and [97/78/EC\(1\)](#)) and, in addition, hay and straw.

(2) All references in Schedule 1 to European Union instruments are references to those instruments as amended from time to time.

Exceptions for pet animals

3.—(1) These Regulations do not apply in relation to pets accompanied by and under the responsibility of a natural person, where—

(a) the movement is not the subject of a commercial transaction; and

(b) (in the case of cats, dogs and ferrets) not more than five animals are travelling with the person.

(2) In this regulation “pet” means any animal of a species listed in Annex I to Regulation [\(EC\) No. 998/2003](#) (on the animal health requirements applicable to the non-commercial movement of pet animals⁽²⁾).

International agreements

4. Trade with Iceland, Liechtenstein, Norway and Switzerland under any agreement between those countries and the European Union is treated as trade between member States for the purposes of these Regulations.

(1) OJ No. L 116, 4.5.2007, p. 9.

(2) OJ No. L 146, 13.6.2003, p. 1 as last amended by Regulation (EU) No 438/2010 (OJ No. L 132, 29.5.2010, p. 3).

PART 2

Movement between member States

Movement of animals and genetic material between member States

5.—(1) No animal or genetic material may be consigned to another member State, or brought into England from another member State, unless it is accompanied by the completed, signed health certificate required for that animal or genetic material in the relevant instrument in Schedule 1.

(2) The consignee of an incoming consignment must keep the certificate for at least three years.

Preparation of a health certificate

6.—(1) In order to prepare a health certificate for the consignment of an animal or genetic material to another member State, the person intending to despatch the consignment must apply to the Secretary of State for a uniquely numbered certificate.

(2) The certificate must then be completed by a person authorised to do so by the Secretary of State, in accordance with the instructions sent by the Secretary of State with the certificate.

(3) The person completing the certificate must ensure that the conditions specified in the certificate are fulfilled and that all necessary examinations have been carried out.

(4) If everything is in order the person must sign the certificate.

(5) No person may sign a certificate unless authorised by the Secretary of State.

(6) No person may sign a certificate knowing it to be false, or not believing it to be true.

Notification of movement of animals and genetic material between member States

7.—(1) No animal or genetic material may be consigned to another member State unless the consignor has notified the competent authority of the member State of destination, at least 24 hours in advance of the intended arrival of the consignment and using the Traces system established under Commission Decision [2004/292/EC](#) (on the introduction of the Traces system⁽³⁾).

(2) No animal or genetic material may be brought into England from another member State unless the person bringing in the consignment has notified the Secretary of State, at least 24 hours in advance of the intended arrival of consignment.

Additional requirements in specific cases

8. Part 1 of Schedule 2 makes additional requirements for specific cases.

PART 3

Importation from a third country

Scope of this Part

9. This Part applies in relation to the importation into England from a country outside the European Union of any animal or product specified in Commission Decision [2007/275/EC](#), including a situation where the ultimate destination is outside England.

(3) OJ No. L 94, 31.3.2004, p. 63 as last amended by Commission Decision [2005/515/EC](#) (OJ No. L 187, 19.7.2005, p. 29).

Meaning of “CVED”

10. “CVED” means the Common Veterinary Entry Document specified in—

- (a) [Commission Regulation \(EC\) No. 136/2004](#) laying down procedures for veterinary checks at Community border inspection posts on products imported from third countries(4); and
- (b) [Commission Regulation \(EC\) No. 282/2004](#) introducing a document for the declaration of, and veterinary checks on, animals from third countries entering the Community(5).

Border inspection post

11.—(1) A border inspection post is a port or airport approved as such by the European Commission(6).

(2) If at any time the Secretary of State or the district council where the border inspection post is situated is of the opinion that any part of the inspection facilities at the border inspection post no longer complies with the requirements for approval, the Secretary of State or the council may serve a notice on the operator—

- (a) specifying the breach;
- (b) providing a time limit within which the conditions must be complied with; and
- (c) prohibiting the use of that part of the facilities until the conditions of the approval are complied with.

(3) If the notice is not complied with the Secretary of State may suspend the approval in relation to that part of the inspection facilities.

(4) If the operator of a border inspection post is in serious breach of the requirements for a border inspection post set out in Annex II to Council Directive [97/78/EC](#) (laying down the principles governing the organisation of veterinary checks on products entering the Community from third countries(7)) or the conditions of the approval, and in particular if the operation of the border inspection post creates a risk to human or animal health, the Secretary of State must suspend its approval and must inform the Commission and the other member States of the suspension and the reason.

Appointment of official veterinary surgeons and official fish inspectors

12.—(1) The Secretary of State must appoint suitably trained veterinary surgeons to be official veterinary surgeons for any border inspection post authorised to import animals.

(2) The district council for an area with a border inspection post authorised to import products must appoint suitably trained veterinary surgeons to be official veterinary surgeons for that post.

(3) The appointment under paragraph (2) may be made by the Secretary of State rather than the district council if the approval for the border inspection post only permits the importation of animal by-products.

(4) If the approval for the border inspection post permits the importation of any product (other than snails) for human consumption listed in Chapter 3 of Annex I to Commission Decision [2007/275/EC](#) the district council may appoint suitably trained environmental health officers to be official fish inspectors for that post in relation to fish and fishery products, and that inspector has all the powers of an official veterinary surgeon in relation to those products.

(4) OJ No. L 21, 28.1.2004, p. 11 as last amended by [Commission Regulation \(EC\) No 206/2009](#) (OJ No. L 77, 24.3.2009, p. 1).

(5) OJ No. L 49, 19.2.2004, p. 11 as last amended by [Commission Regulation \(EC\) No 585/2004](#) (OJ No. L 91, 30.3.2004, p. 17).

(6) The Commission periodically publishes lists of border inspection posts.

(7) OJ No. L 24, 30.1.1998, p. 9 as last amended by Council Directive [2006/104/EC](#) (OJ No. L 363, 20.12.2006, p. 352).

Place of importation

13. No animal or product may be brought into England other than at a border inspection post designated for that animal or product.

Notification of importation

14.—(1) In the case of animals the person responsible for a consignment must notify its arrival to the border inspection post at least one working day before it is due to arrive.

(2) In the case of products the person responsible for a consignment must notify its arrival to the border inspection post before the consignment is unloaded from the means of transport that brought it to England.

(3) The notification must be made by submitting the CVED with Part I completed.

(4) In the case of transshipment of products to another member State the person responsible for the consignment must notify the official veterinary surgeon at the border inspection post of arrival at the time of arrival, of—

- (a) the estimated time of unloading of the consignment;
- (b) the border inspection post at which it will be checked;
- (c) the location of the consignment; and
- (d) the estimated time of departure.

Procedure on importation

15.—(1) When the consignment has been unloaded, the person responsible for the consignment must without reasonable delay arrange for it, together with the documentation specified for that consignment in the relevant legislation in Schedule 1, to be presented at the border inspection post inspection facilities to enable—

- (a) the checks required by Article 4 of Council Directive [97/78/EC](#) laying down the principles governing the organisation of veterinary checks on products entering the Community from third countries⁽⁸⁾,
- (b) the checks required by Article 4 of Council Directive [91/496/EEC](#) laying down the principles governing the organization of veterinary checks on animals entering the Community from third countries⁽⁹⁾, or
- (c) the official controls referred to in Article 14(1) of Regulation [\(EC\) No. 882/2004](#) of the European Parliament and of the Council on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules⁽¹⁰⁾,

to be carried out.

(2) The official veterinary surgeon may serve on the person responsible for the consignment a notice specifying a reasonable time at which the consignment must be presented for inspection, and that person must comply with such a notice.

(3) The official veterinary surgeon must carry out all necessary checks and controls specified in paragraph (1) and must only issue a CVED permitting entry if—

- (a) the consignment complies with the requirements relating to it in the relevant instrument in Schedule 1;

⁽⁸⁾ OJ No. L 24, 30.1.1998, p. 9 as last amended by Council Directive [2006/104/EC](#) (OJ No. L 363, 20.12.2006, p. 352).

⁽⁹⁾ OJ No. L 268, 24.9.1991, p. 56 as last amended by Council Directive [2008/73/EC](#) (OJ No. L 219, 14.8.2008, p. 40).

⁽¹⁰⁾ OJ No. L 165, 30.4.2004, p. 1 as last amended by Commission Regulation (EU) No 208/2011 (OJ No. L 58, 3.3.2011, p. 29).

- (b) the importation is not prohibited under paragraph (4); and
- (c) the correct fee for the checks has been or will be paid.

(4) In particular, in the case of live animals the official veterinary surgeon must not issue a CVED permitting entry if—

- (a) animals are from a territory or part of a territory of a third country not included in the lists drawn up in accordance with legislation of the European Union for the species concerned or from which imports are prohibited under that legislation;
- (b) animals are suffering from or are suspected to be suffering from or infected by a contagious disease or a disease presenting a risk to human or animal health, or any other reason provided for in legislation of the European Union;
- (c) the exporting third country has not complied with the requirements provided for in legislation of the European Union;
- (d) the animals are not in a fit state to continue their journey;
- (e) the veterinary certificate or document accompanying animals does not meet the requirements of legislation of the European Union relating to importation

(5) If there are no legislative requirements relating to the consignment, the official veterinary surgeon must not issue a CVED unless importation has been authorised in writing under this paragraph by the Secretary of State, who may only grant an authorisation if satisfied that the consignment does not pose a risk to human or animal health, or to the animal health status of the United Kingdom.

(6) The official veterinary surgeon must keep the original certificate accompanying the consignment for three years (except that, if the consignment is refused the official veterinary surgeon must stamp it accordingly, return the original to the importer and keep a copy of it for three years).

Removal from the border inspection post

16.—(1) No person may remove a consignment from the border inspection post unless it is accompanied by a CVED issued by the official veterinary surgeon and the movement is in accordance with the CVED.

(2) The person transporting it from the border inspection post must ensure that it is transported to the destination specified in the CVED accompanied by its CVED.

(3) This does not apply if the consignment is removed from the border inspection post under the authority of the official veterinary surgeon.

Channelling

17. In the case of a product, if box 30, 31, 33 or 34 of the CVED requires a consignment to be taken to a specific destination in the European Union—

- (a) the movement must be under customs supervision if this is specified in the CVED; and
- (b) on arrival, the occupier of the premises of consignment must immediately notify the Secretary of State of its arrival.

Destination outside the United Kingdom

18.—(1) This regulation relates to a consignment brought into England but intended for an ultimate destination outside the United Kingdom.

(2) In the case of an animal consigned to a destination outside the European Union, the person notifying its arrival must provide documentary evidence that the country of destination will accept

the animal, and the official veterinary surgeon at the border inspection post may refuse to accept the animal if this is not provided.

(3) In the case of products a consignment intended for a destination outside the United Kingdom brought into a border inspection post may be taken directly from the border inspection post (in the case of an airport this must be by air, and in the case of a sea port this must be by sea) to a destination outside the United Kingdom without a CVED, if it does not remain at the border inspection post more than 12 hours (in the case of an airport) or seven days (in the case of a sea port)

(4) But if the consignment is intended to be sent to a destination in the European Union, and the importation of the product into the European Union is not permitted, the official veterinary surgeon must reject the consignment.

Unchecked consignments

19. The enforcement authority must seize any consignment—

- (a) brought into England other than through a border inspection post approved for that animal or product;
- (b) removed from a border inspection post without a CVED or the authority of the official veterinary surgeon at the border inspection post; or
- (c) transported from the border inspection post to a destination other than that specified in the CVED.

Action following failure of checks or seizure – products

20.—(1) In the case of a product, if the checks at a border inspection post show that the consignment does not satisfy the conditions in the instrument in Schedule 1 relating to that product, or where such checks reveal an irregularity, the official veterinary surgeon, after consultation with the person responsible for the consignment, must—

- (a) permit the use of the consignment as animal by-products in accordance with Regulation (EC) No. 1069/2009 of the European Parliament and of the Council laying down health rules as regards animal by-products and derived products not intended for human consumption **(11)** provided there is no risk to human or animal health;
- (b) where health conditions permit, require the person in charge of the consignment to redispach the product outside the European Union from the same border inspection post to a destination agreed with the person responsible for the consignment, using the same means of transport, within a maximum time limit of 60 days; or
- (c) if the person responsible for the consignment gives immediate agreement, redispach is impossible or the 60-day time limit has elapsed, destroy the products.

(2) Pending redispach or confirmation of the reasons for rejection, the person responsible for the consignment must store the consignment under the supervision of the enforcement authority at the expense of the person responsible for the consignment.

(3) If a consignment of products is seized outside a border inspection post under regulation 19 the enforcement authority must—

- (a) dispose of the consignment as Category 1 material in accordance with Regulation (EC) No. 1069/2009 of the European Parliament and of the Council; or
- (b) act in accordance with sub-paragraph (b) or (c) of paragraph (1) of this regulation.

(11) OJ No. L 300, 14.11.2009, p. 1 as last amended by Council Directive 2010/63/EU (OJ No. L 276, 20.10.2010, p.4).

Consignments of products likely to constitute a risk to animal or human health

21. If veterinary checks at a border inspection post indicate that a consignment of products is likely to constitute a danger to animal or human health, the official veterinary surgeon must immediately seize and destroy it at the expense of the person responsible for it.

Serious or repeated infringements and breach of maximum residue limits

22.—(1) If veterinary checks in any member State reveal that products entering the European Union from a particular third country, part of a third country or establishment in a third country are implicated in serious or repeated infringements of any import requirement, or where those checks reveal that maximum residue levels have been exceeded, this regulation applies to the next ten consignments brought into England from that third country, part of a third country or establishment.

(2) The official veterinary surgeon must carry out a physical check on the product, and take samples and have them analysed.

(3) The person responsible for the consignment must lodge with the official veterinary surgeon a deposit or guarantee sufficient to assure payment of all charges, including the taking of samples, and tests or analysis.

Action following failure of checks or seizure – animals

23.—(1) If the checks at a border inspection post show that an animal does not satisfy the conditions in the legislation in Schedule 1 relating to that animal, or where such checks reveal an irregularity, the official veterinary surgeon, after consultation with the importer or the importer's representative, must—

- (a) shelter, feed and water and, if necessary, treat the animal;
- (b) if necessary, place it in quarantine or isolate it for so long as is necessary to ensure that there is no risk to human or animal health; or
- (c) where animal health or welfare requirements so allow redispach it, within a time limit to be set by the official veterinary surgeon, outside the European Union.

(2) If redispach is impossible, in particular for welfare reasons, the official veterinary surgeon may arrange for the slaughter of the animal.

(3) If an animal is seized under regulation 19 the enforcement authority must isolate it and, following examination of the animal, either—

- (a) release the animal from restriction or
- (b) require the animal to be slaughtered or re-exported outside the European Union.

(4) The importer or the importer's representative is liable for the costs incurred in these measures but is entitled to the slaughter value of the animal after deduction of these costs.

Appeals

24. Any person who is aggrieved by a decision referred to in regulation 20 or 23 may appeal within one month of the decision to a Magistrates' court by way of complaint for an order and the Magistrates' Courts Act 1980(12) applies to the proceedings.

Additional requirements in specific cases

25. Part 2 of Schedule 2 makes additional requirements for specific cases.

(12) 1980 c. 43.

Exclusions

26. The provisions of this Part do not apply in the cases specified in Schedule 3.

Re-importation of products

27.—(1) An official veterinary surgeon at a border inspection post must authorise the re-importation of a consignment of products that originated in the European Union and was refused by a third country, if the consignment is accompanied—

- (a) by the original certificate or a copy authenticated by the competent authority which issued the certificate accompanying the consignment, together with details of the reasons for refusal and a guarantee that the conditions governing the storage and transport of the consignment have been observed, stating that the products in the consignment have not undergone any handling; or
- (b) in the case of sealed containers, by a certificate from the carrier stating that the content has not been handled or unloaded.

(2) The official veterinary surgeon must carry out a documentary and identity check and if necessary a physical check.

(3) The importer must either—

- (a) transport the consignment directly to the establishment of origin in the member State where the certificate was issued, in leak-proof means of transport, identified and sealed by the official veterinary surgeon at the border inspection post so that the seals will be broken whenever the container is opened, or
- (b) destroy the consignment as animal by-products.

Admission of products into warehouses

28. No person may bring a consignment of products that does not comply with the import requirements of these Regulations into a warehouse in a free zone, a free warehouse (as defined in Title IV chapter 3 section 1 of [Council Regulation \(EEC\) No. 2913/92](#) establishing the Community Customs Code(13)) or a customs warehouse.

PART 4

Safeguard measures

Safeguard measures

29.—(1) This regulation applies where the Secretary of State or the Food Standards Agency has reasonable grounds for suspecting the existence of a disease, zoonosis, phenomenon or circumstance outside the United Kingdom liable to present a serious threat to human or animal health.

(2) The Secretary of State or the Food Standard Agency may by written declaration suspend, or impose conditions upon, the entry into England of any animal, product or genetic material from the whole or any part of the country concerned.

(3) The declaration must be published in such manner as the Secretary of State or the Food Standards Agency thinks fit.

(4) No person may bring anything into England in breach of such declaration.

(13) OJ No. L 302, 19.10.92, p. 1.

PART 5

Administration

Notifications and authorisations

30. Any notification or authorisation must be in writing, may be subject to conditions and may be amended, suspended or revoked by further notice in writing at any time.

Enforcement authorities

31.—(1) In these Regulations the enforcement authorities are county councils, district councils, Port Health Authorities, London boroughs (or, in the City of London, the Common Council of the City of London), metropolitan districts and unitary authorities.

(2) Where there is a Port Health Authority, London borough (or, in the City of London, the Common Council of the City of London), metropolitan district or unitary authority, any duty placed on a county or district council is performed by that authority.

Enforcement

32.—(1) At a border inspection post these Regulations are enforced—

- (a) in relation to animals by the Secretary of State; and
- (b) in relation to products by the district council.

(2) Outside a border inspection post, in relation to animals they are enforced by—

- (a) in all London boroughs, the Common Council of the City of London;
- (b) otherwise by the county council.

(3) Outside a border inspection post, in relation to products they are enforced by—

- (a) the district council (except in relation to animal feed, where it is the county council); or
- (b) by the Food Standards Agency at any cutting plant, game-handling establishment or slaughterhouse, or premises at which the Agency enforces the Food Hygiene (England) Regulations 2006(14).

(4) In addition, in relation to products they are enforced by a general customs official in any place (other than the inspection facilities in a border inspection post) where goods are subject to customs supervision by that official under Articles 37 and 38 of [Council Regulation \(EEC\) No. 2913/92](#) establishing the Community Customs Code.

(5) The Secretary of State may direct, in relation to cases of a particular description or a particular case, that the Secretary of State may discharge any duty imposed on a local authority under this regulation.

(6) An officer of an enforcement authority who, when exercising any statutory function, discovers at any place under customs supervision a product that may have been brought in in breach of these Regulations must notify a general customs official and detain the consignment or product until such officer takes charge of it.

Powers of entry

33.—(1) An authorised officer of the Secretary of State or an enforcement authority may, on producing a duly authenticated authorisation if required, enter any premises at any reasonable hour

(14) S. I. 2006/14.

for the purpose of enforcing these Regulations; and in these Regulations “premises” includes any place, vehicle, trailer, container, stall, moveable structure, ship or aircraft.

(2) The officer may be accompanied by such other persons as the officer considers necessary, including any representative of the European Commission.

(3) Admission to any premises used only as a private dwellinghouse may not be demanded as of right unless the entry is in accordance with a warrant granted under this regulation.

(4) If a justice of the peace, on sworn information in writing, is satisfied that there are reasonable grounds for entry into any premises for any purpose in paragraph (1) and that either—

- (a) admission to the premises has been refused, or a refusal is anticipated, and that notice of the intention to apply for a warrant has been given to the occupier, or
- (b) an application for admission, or the giving of such 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 signed warrant authorise an authorised officer to enter the premises, if need be by reasonable force.

(5) A warrant granted under this regulation continues in force for one month.

(6) An officer who enters any unoccupied premises must leave them as effectively secured against unauthorised entry as they were before entry.

Powers of authorised officers

34. An authorised officer of the Secretary of State or an enforcement authority may—

- (a) inspect and examine any animal;
- (b) inspect any product, or genetic material, including its packaging, seals, marking, labelling and presentation, and any plant or equipment used for or in connection with it;
- (c) have access to, and inspect and copy any documents or records (in whatever form they are held), and remove them to enable them to be copied;
- (d) have access to, inspect and check the operation of any computer and any associated apparatus used in connection with the records; and may require any computer records to be produced in a form in which they may be taken away;
- (e) seize and retain anything required as evidence in proceedings under these Regulations;
- (f) open any bundle, package, packing case, or item of personal luggage, or require any person in possession of or accompanying the same to open it and inspect the contents;
- (g) take samples of any animal or product for laboratory tests, for checking against any relevant document relating to the animal or product or otherwise for checking compliance with these Regulations or any condition of import enforced by these Regulations.

Consignments from another member State constituting a risk to health

35.—(1) If an animal or genetic material brought in from another member State constitutes a serious risk to human or animal health or comes from a region contaminated by an epizootic disease, an officer of the Secretary of State may serve a notice on the person appearing to be in charge of the animal or genetic material requiring that person—

- (a) to detain and isolate—
 - (i) the animals;
 - (ii) any animals with which they have been in contact; and
 - (iii) the genetic material;

and take such further action as may be specified in the notice for the purpose of preventing the introduction or spreading of disease; or

- (b) without delay, to slaughter an animal, or, in the case of genetic material, destroy it, in accordance with such conditions as may be specified in the notice.

(2) An officer of the Secretary of State who knows or suspects that animals or genetic material do not comply with the provisions of Article 3 of Council Directive 90/425/EEC, may, if animal health and welfare considerations so permit, give the person in charge of the consignment or the person appearing to be in charge of those animals or genetic material by way of notice the choice of—

- (a) where the cause of non-compliance is the presence in animals of residues in excess of that permitted under regulation 9 of the Animals and Animal Products (Examination for Residues and Maximum Residue Limits) Regulations 1997(15), maintaining the animals under supervision until the residue levels fall to the levels permitted by the legislation;
- (b) slaughtering the animals or destroying the genetic material in accordance with such conditions as may be specified in the notice; or
- (c) returning the animals or genetic material to the member State of despatch, with the authorisation of the competent authority of the member State of despatch and with prior notification to any member State of transit.

(3) If the consignment fails to comply only by reason of an irregularity in respect of the required consignment documentation, the officer may not serve such a notice unless—

- (a) the officer has given the person in charge of the consignment a notice requiring the production of the required documentation within seven days and to detain the consignment in accordance with the terms of the notice; and
- (b) the required documentation has not been produced within that time.

(4) If a notice served under this regulation is not complied with an inspector may seize any animal or genetic material to which it relates, and arrange for the requirements of the notice to be complied with at the expense of the person on whom the notice was served.

Obstruction

36. No person may—

- (a) intentionally obstruct any person acting in the execution of these Regulations;
- (b) without reasonable cause, fail to give any person acting in execution of these Regulations any assistance or information that that person may reasonably require for the purpose of carrying out functions under these Regulations; or
- (c) furnish to any person acting in the execution of these Regulations any information knowing it to be false or misleading.

Exchange of information

37.—(1) The Commissioners of Her Majesty's Revenue and Customs, a general customs official and any enforcement authority may exchange information for the purposes of these Regulations, and may divulge information to the enforcement authorities in Wales, Scotland and Northern Ireland for the purposes of this Part or the equivalent legislation in those jurisdictions.

(2) Paragraph (1) is without prejudice to any other power of the Commissioners, any general customs official or any enforcement authority to disclose information.

(3) No person, including a servant of the Crown, may disclose any information received from the Commissioners or a general customs official under paragraph (1) 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 (1); and
- (c) the Commissioners have not given their prior consent to the disclosure.

Fees

38. The Secretary of State may charge a reasonable fee in relation to any activity relating to trade between member States in animals or genetic material under these Regulations, and the consignor's representative and the person in charge of the animal or genetic material are jointly and severally liable for that fee⁽¹⁶⁾.

Offences

39. Breach of the following provisions is an offence—

<i>Provision</i>	<i>Description of the offence</i>
regulation 5(1)	Consigning an animal or genetic material without a health certificate
regulation 5(2)	Failing to keep a certificate for at least three years
regulation 6(5)	Signing a certificate without being authorised by the Secretary of State
regulation 6(6)	Signing a certificate knowing it to be false, or not believing it to be true
regulation 7	Notification
regulation 13	Importation other than at a border inspection post
regulation 14	Notification
regulation 15(1)	Failing to present a consignment for inspection
regulation 15(2)	Failing to comply with a notice
regulation 16(1)	Removal from a border inspection post without a CVED
regulation 16(2)	Failing to transport a consignment to the place specified in the CVED
regulation 17	Movement other than under Customs supervision and failure to notify the Secretary of State

⁽¹⁶⁾ Fees relating to imports from third countries are established under Regulation (EC) No 882/2004 of the European Parliament and of the Council on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules (OJ No L 165, 30.4.2004, p. 1. Fees are published on the Defra website at www.Defra.gov.uk.

<i>Provision</i>	<i>Description of the offence</i>
regulation 28	Bringing a non-compliant product into a warehouse etc.
regulation 29(4)	Bringing in an animal or product in breach of a declaration
regulation 36	Obstruction
regulation 37(3)	Disclosure of information
Schedule 2:	
paragraph 5(1)	Trading in apes
paragraph 6(2)	Keeping records
paragraph 6(3)	Notification of movement
paragraph 7	Movement of animal by-products
paragraph 8(2)	Slaughter of animals
paragraph 8(3)	Keeping animals at their place of destination
paragraph 9(2)	Transport of birds to approved quarantine facilities or centres
paragraph 9(3)	Release of birds from quarantine
paragraph 11	Use of a certificate relating to ships' stores
Schedule 3 paragraph 4(3)	Destruction or redispach in accordance with the authorisation

Offences by bodies corporate

40.—(1) Where a body corporate is guilty of an offence under these Regulations, and that offence is proved to have been committed with the consent or connivance of, or to have been attributable to any neglect on the part of—

- (a) any director, manager, secretary or other similar officer of the body corporate, or
- (b) any person who was purporting to act in any such capacity,

that person as well as the body corporate is guilty of the offence and liable to be proceeded against and punished accordingly.

(2) For the purposes of this regulation “director”, in relation to a body corporate whose affairs are managed by its members, means a member of the body corporate.

Offences by partnerships and unincorporated associations

41.—(1) Proceedings for an offence under these Regulations alleged to have been committed by a partnership or an unincorporated association may be brought in the name of the partnership or association.

(2) For the purposes of such proceedings—

- (a) rules of court relating to the service of documents are to have effect as if the partnership or association were a body corporate;

(b) section 33 of the Criminal Justice Act 1925⁽¹⁷⁾ and Schedule 3 to the Magistrates' Courts Act 1980⁽¹⁸⁾ apply in relation to the partnership or association as they apply in relation to a body corporate.

(3) A fine imposed on a partnership or association on its conviction for an offence under these Regulations is to be paid out of the funds of the partnership or association.

(4) Where an offence under these Regulations committed by a partnership is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, a partner, that partner (as well as the partnership) is guilty of the offence and is liable to be proceeded against and punished accordingly.

For these purposes, "partner" includes a person purporting to act as a partner.

(5) Where an offence under these Regulations committed by an unincorporated association is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, an officer of the association, that officer (as well as the association) is guilty of the offence and is liable to be proceeded against and punished accordingly.

For these purposes, "officer" means an officer of the association or a member of its governing body, or a person purporting to act in such capacity.

Penalties

42.—(1) A person guilty of an offence of disclosure in breach of regulation 37(3) (disclosure of information) is liable—

- (a) on summary conviction, to a fine not exceeding the statutory maximum, to imprisonment not exceeding 3 months, or to both;
- (b) on conviction on indictment, to imprisonment for a term not exceeding two years, to a fine or to both.

(2) A person guilty of any other offence under these Regulations is liable on summary conviction to a fine not exceeding the statutory maximum or, on conviction on indictment, to a fine.

Review

43.—(1) Before the end of each review period, the Secretary of State must—

- (a) carry out a review of the Regulations; and
- (b) set out the conclusions of the review in a report.

(2) In carrying out the review the Secretary of State must, so far as is reasonable, have regard to how—

- (a) Council Directive 89/662/EEC concerning veterinary checks in intra-Community trade with a view to the completion of the internal market⁽¹⁹⁾,

(17) 1925 c. 86. Subsections (1) and (2) of section 33 were repealed by the Magistrates' Courts Act 1952 (c. 55), section 132 and Schedule 6; subsection (3) was amended by the Courts Act 1971 (c. 23), section 56(1) and Schedule 8, part II, paragraph 19; subsection (4) was amended by the Courts Act 2003 (c. 39), section 109(1) and (3), Schedule 8, paragraph 71 and Schedule 10, and by the Magistrates' Courts Act 1980 (c. 43), section 154 and Schedule 7, paragraph 5; subsection (5) was repealed by the Magistrates' Court Act 1952, section 132, Schedule 6.

(18) 1980 c. 43. Sub-paragraph 2(a) was amended by the Criminal Procedure and Investigations Act 1996 (c. 25), section 47, Schedule 1, paragraph 13, and was repealed by the Criminal Justice Act 2003 (c. 44), sections 41 and 332, Schedule 3, part 2, paragraph 51, sub-paragraphs (1), (13)(a), and Schedule 37, part 4 (with effect from a date to be appointed); paragraph 5 was repealed by the Criminal Justice Act 1991 (c. 53), sections 25(2) and 101(2) and Schedule 13; paragraph 6 was amended by the Criminal Justice Act 2003, section 41, Schedule 3, part 2, paragraph 51, sub-paragraphs (1) and (13)(b) (with effect from a date to be appointed).

(19) OJ No. L 395, 30.12.1989, p. 13 as last amended by Directive 2004/41/EC (OJ No. L 157, 30.4.2004, p. 33).

- (b) Council Directive [90/425/EEC](#) concerning veterinary and zootechnical checks applicable in intra-Community trade in certain live animals and products with a view to the completion of the internal market([20](#)),
 - (c) Council Directive [91/496/EEC](#) laying down the principles governing the organization of veterinary checks on animals entering the Community from third countries([21](#)), and
 - (d) Council Directive [97/78/EC](#) laying down the principles governing the organisation of veterinary checks on products entering the Community from third countries([22](#)),
- (which are implemented by means of these Regulations) are implemented in other member States.
- (3) The report must in particular—
 - (a) set out the objectives intended to be achieved by the regulatory system established by these Regulations;
 - (b) assess the extent to which those objectives are achieved; and
 - (c) assess whether those objectives remain appropriate and, if so, the extent to which they could be achieved with a system that imposes less regulation.
 - (4) “Review period” means—
 - (a) the period of five years beginning with the day on which these Regulations come into force; and
 - (b) subject to paragraph (5), each successive period of five years.
 - (5) If a report under this regulation is laid before Parliament before the last day of the review period to which it relates, the following review period is to begin with the day on which that report is laid.

Revocations

- 44.**—(1) The following are revoked—
- (a) the Products of Animal Origin (Import and Export) Regulations 1996([23](#));
 - (b) the Fresh Meat (Import Conditions) Regulations 1996([24](#));
 - (c) the Products of Animal Origin (Import and Export) (Amendment) Regulations 1997([25](#));
 - (d) the Miscellaneous Products of Animal Origin (Import Conditions) Regulations 1999([26](#));
 - (e) the Products of Animal Origin (Third Country Imports) (England) Regulations 2006([27](#));
 - (f) the Animals and Animal Products (Import and Export) (England) Regulations 2006([28](#));
 - (g) the Products of Animal Origin (Third Country Import) (England) (Amendment) Regulations 2010([29](#)); and
 - (h) the Animals and Animal Products (Import and Export) (England) (Amendment) Regulations 2010([30](#)).
- (2) Schedule 4 makes amendments consequential to these Regulations.

(20) OJ No. L 224, 18.8.1990, p. 29 as last amended by Council Directive [2009/156/EC](#) (OJ No. L 192, 23.7.2010, p. 1).

(21) OJ No. L 268, 24.9.1991, p. 56 as last amended by Council Directive [2008/73/EC](#) (OJ No. L 219, 14.8.2008, p. 40).

(22) OJ No. L 24, 30.1.1998, p. 9 as last amended by Council Directive [2006/104/EC](#) (OJ No. L 363, 20.12.2006, p. 352).

(23) S. I. 1996/3124.

(24) S. I. 1996/3125.

(25) S. I. 1997/3023.

(26) S. I. 1999/157.

(27) S. I. 2006/2841.

(28) S. I. 2006/1471.

(29) S. I. 2010/1758.

(30) S. I. 2010/1760.

22nd April 2011

Henley
Parliamentary Under Secretary of State
Department for Environment, Food and Rural
Affairs

We consent

27th April 2011

Jeremy Wright
Angela Watkinson
Two of the Lords Commissioners of Her
Majesty's Treasury