

S.I. No. 390 of 2002

Diseases of Animals Act 1966 (Control on Animal Products) Order 2002

I, Joe Walsh, Minister for Agriculture and Food, in exercise of the powers conferred on me by sections 3 and 30 of the Diseases of Animals Act 1966 (No. 6 of 1966) (as adapted by the Agriculture, Food and Rural Development (Alteration of name of Department and Title of Minister) Order 2002 (S.I. No. 306 of 2002)), hereby order as follows:-

Citation and Interpretation

1.(1) This Order may be cited as the Diseases of Animals Act 1966 (Control on Animal Products) Order 2002.

(2) (2) In this Order –

“animal” includes poultry;

“animal product” means any thing totally or in part derived from an animal, whether cooked or uncooked, processed or unprocessed, other than heat treated milk products, ready to-wear-items of clothing, fully-processed confectionery (including bread), alcoholic drinks, wool and cosmetics or finished household items;

“authorised officer” means an authorised officer within the meaning of section 17A (inserted by section 2 of the Diseases of Animals (Amendment) Act 2001 (no. 3 of 2001)) of the Diseases of Animals Act 1966 (No. 6 of 1966),

“EEA country” means a state, other than the State, which is a member of the European Free Trade Area;

“health mark” means the health mark established in accordance with -

(a) (a) Chapter XI of Annex 1 to Council Directive No. 64/433/EEC (inserted by Council Directive No. 91/497/EEC of 29 July 1991¹),

¹ O.J. No. L 268 of 24.9.1991, p.69.

- (b) Chapter XII of Annex I to Council Directive No. 71/118/EEC (inserted by Council Directive No. 92/116/EEC of 17 December 1992²),
- (c) Chapter VI of Annex A to Council Directive No. 77/99/EEC (inserted by Council Directive No. 92/5/EEC of 10 February 1992³),
- (d) Chapter III of Annex 1 to Council Directive No. 91/495/EEC of 27 November 1991⁴,
- (e) Chapter VII of Annex 1 to Council Directive No. 92/45/EEC of 16 June 1992⁵,
- (f) Chapter IV of Annex C to Council Directive No. 92/46/EEC of 16 June 1992⁶, or
- (g) Chapter VI of Annex I to Council Directive 94/65/EC of 14 December 1994⁷.

“member state” means a state, other than the State, that is a member state of the European Communities;

“licence” means a licence, appropriate to the animal product, granted under the -

- (a) Importation of Carcasses and Animal Products (Prohibition) Order 1966 (S.I. No. 201 of 1966),
- (b) Poultry, Poultry Carcasses, Poultry Eggs and Poultry Products (Restriction on Importation) Order 1971 (S.I. No. 139 of 1971), or
- (c) Importation of Milk and Cream (Prohibition) Order, 1967 (S.I. No. 242 of 1967).

as each of the Orders aforesaid has been adapted by the European Communities (Diseases of Animals Acts 1966 and 1979, Orders) (General Authorisations for Imports) Regulations 1985 (S.I. No. 365 of 1985);

² O.J. No. L 62 of 15.3.1993, p.1.

³ O.J. No. L 57 of 2.3.1992, p. 1.

⁴ O.J. No. L 268 of 24.9.1991, p. 41.

⁵ O.J. No. L 268 of 14.9.1992, p. 35.

⁶ O.J. No. L 268 of 14.9.1992, p. 1.

⁷ O.J. No. L 368 of 31.12. 1994, p.1.

“third country” means a country that is not a member state or an EEA country.

- (3) (3) A reference to an Article is to an Article of this Order, unless it appears that a reference to some other enactment is intended and a reference to a paragraph or sub-paragraph is to a paragraph or sub-paragraph of the provision in which the reference occurs unless it is indicated that a reference to some other provision is intended.

Restriction

2. (1) A person shall not bring an animal product into the State, or cause or permit an animal product to be brought into the State, unless it is accompanied by a document containing, as a minimum –
- (a) (a) an accurate description of the animal product,
 - (b) (b) an accurate description of any container or vehicle that contains an animal product,
 - (c) (c) the quantity of the animal product,
 - (d) (d) the temperature of any frozen meat,
 - (e) (e) the country of origin and place of origin within that country of the animal product,
 - (f) (f) the country of dispatch and place within that country from which the animal product was dispatched,
 - (g) (g) the species from which the animal product is derived,
 - (h) (h) the name and address of the consignor and the name, address and approval number of the plant of production of the animal product,
 - (i) (i) the name and address of the consignee of the animal product,
 - (j) (j) the name and address of place within the State of ultimate destination of the animal product, and
 - (k) (k) the name and address of the person to whom it is consigned.
- (2) A document containing the information specified in paragraph (1) may form part another document.
- (3) A person shall not bring an animal product into the State, or cause or permit an animal product to be brought into the State, unless the animal product, its wrapper or packaging bears a health mark except under and in accordance with a licence.
- (4) Paragraph (1) shall not apply to an animal product contained in the personal luggage of a person (other than a legal person) in the possession of or under the control of that person

where the animal product bears a health mark and is brought into the State in compliance with Article 7.

Obligation of master etc.

- 3.(1). The owner, master or person in charge of a ship, vessel, vehicle or aircraft or the employee, servant or agent of that person shall not accept a consignment that consists of or contains an animal product (other than an animal product to which Article 7 applies) to be brought into the State unless he or she has been furnished with a document containing the information specified in Article 2.
- (2) Subject to Article 7, the owner, master or person in charge of a ship, vessel, vehicle or aircraft shall not have an animal product on board such ship, vessel, vehicle or aircraft (other than ships stores not intended to be brought into the State or an animal product to which Article 7 applies) unless it is accompanied by a document that complies with Article 2.

Possession

4. A person shall not have in his or her possession or under his or her control an animal product that has been brought into the State (other than an animal product to which Article 7 applies) unless it is accompanied by a document containing the information specified in Article 2 and he or she shall make such document available for inspection on demand being made in that behalf by an authorised officer.

Inspection

- 5.(1) The owner, master or person in charge of a ship, vessel, vehicle or aircraft that is used to bring an animal product (other than an animal product to which Article 7 applies) shall make a document referred to in Article 2 available for inspection on request being made in that behalf by an authorised officer.
- (2) (2) A person who brings an animal product (other than an animal product to which Article 7 applies) into the State or who has such animal product in his or her possession or under his or her control shall make a document referred to in Article 2 available for inspection on request being made in that behalf by an authorised officer.

Movement of Animal Product

6. A person shall not remove, or cause or permit another person to remove, an animal product that has been brought into the State (other than an animal product to which Article 7 applies) from a port or aerodrome in the State, unless Article 5 (1) has been complied with.

Personal Baggage

- 7.(1) Subject to paragraph (2), a person may bring an animal product into the State as part of his or her personal baggage if –

- (a) (a) in the case of a person whose journey commences in a member state or an EEA country, the aggregate weight of all animal products (that originate in a member state or an EEA country) contained in the personal baggage does not exceed 10 kilogrammes,
 - (b) (b) in the case of a person whose journey commences in a third country if each animal product-
 - (i) does not exceed 1 kilogramme in weight and comprises powdered infant milk, infant food or special food required for medical reasons that is a packaged proprietary brand product that does not require refrigeration before opening and is contained in an unbroken and unopened package, and
 - (ii) comprises honey, other edible bee products, snails, frogs' legs, fish or fishery products and each product does not exceed 1 kilogramme in weight ,or
 - (c) (c) the animal product has been lawfully acquired in Northern Ireland and enters the State across the land frontier of the State.
- (2) (2) Paragraph (1) shall not apply to an animal product (that is part of a person's personal baggage) unless the animal product may, other than by reference to this Order, be lawfully brought into the State.

Forgery etc

- 8.(1) A person shall not forge, or utter a document knowing it to be forged, purporting to be a document containing the information specified in Article 2, which document if so forged is in this Article referred to as a forged document.
- (2) A person shall not with intent to deceive alter a document containing the information specified in Article 2, which document or if so altered is in this Article referred to as an altered document.
- (3) (3) A person shall not utter an altered document knowing it to be altered.
- (4) (4) A person shall not have in his or her possession a forged document or an altered document.
- (5) (5) Paragraph (4) shall not apply to —
- (a) an authorised officer when acting in the course of his or her duty, or
 - (b) a person who has taken into his or her possession such document to—

- (i) prevent another from committing or continuing to commit an offence, or
- (ii) deliver it into the custody of an authorised officer.

Description of Animal Product

- 9. A person shall not describe an animal product being brought into the State other than by the name of that product.

Saver

- 10. This Order is in addition to and not in substitution for any Act or other Statutory Instrument.

GIVEN under my Official Seal,
23rd July 2002

Joe Walsh
Minister for Agriculture and Food

EXPLANATORY NOTE

(This Note is not part of the instrument and does not purport to be a legal interpretation)

This Order provides for certain controls on the import of animal products as personal baggage and regulates “groupage” and similar practices in so far as they relate to animal products.

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