EU LEGISLATION (VETERINARY AND ZOOTECHNICAL CHECKS – TRADE WITH MEMBER STATES) (JERSEY) REGULATIONS 2016

Revised Edition
17.245.93
Showing the law as at 1 January 2018
This is a revised edition of the law

Jersey

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EU LEGISLATION (VETERINARY AND ZOOTECHNICAL CHECKS – TRADE WITH MEMBER STATES) (JERSEY) REGULATIONS 2016

THE STATES, in pursuance of Article 2(2) of the European Union Legislation (Implementation) (Jersey) Law 2014[1], have made the following Regulations –

Commencement [see endnotes]

Preliminary

1 Interpretation

(1) In these Regulations, unless the context otherwise requires –

"approved" means approved by the Minister pursuant to this or another enactment;

"centre or organization" means any undertaking which produces, stores, processes or handles any animals or products to which these Regulations apply;

"consignment" means a group of animals or animal products of the same species that are intended for a single destination;

"dealer" means –

(a) in relation to cattle or pigs, any person who buys and sells animals commercially either directly or indirectly, who has a regular turnover of those animals and who, within 30 days of purchasing animals, resells or relocates them to other premises not within his or her ownership; and

(b) in relation to sheep or goats, any person who buys and sells animals commercially either directly or indirectly, who has a turnover of those animals and who, within 29 days of purchasing animals, resells or relocates them to other premises or directly to a slaughterhouse not within his or her ownership;

"Directive", without further explanation, means the Council Directive of 26 June 1990 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 (90/425/EEC, OJ L 224, 18.8.1990, p. 29[2]);

"EU instrument" has the same meaning as in the European Union (Jersey) Law 1973[3];

"holding" means –

(a) an agricultural establishment or premises of a dealer in which live animals, with the exception of *equidae*, are held or regularly kept; or

(b) an agricultural or training establishment, a stable or any premises or facilities in which *equidae* are habitually kept or bred, for whatever use;

"inspector" means a person appointed as such under Article 6(1) of the Animal Health (Jersey) Law 2016[4] and includes the States Veterinary Officer appointed under Article 5 of that Law;

"member State" shall be construed having regard to Article 1(2) of Regulation (EEC) No. 706/73 of the Council of 12th March 1973 concerning the Community arrangements applicable to the Channel Islands and the Isle of Man for trade in agricultural products (OJ No L 68, 15.3.73, p. 1)[5];

"Minister" means the Minister for the Environment;

"official veterinarian" means –

(a) the States Veterinary Officer appointed under Article 5 of the Animal Health (Jersey) Law 2016[6]; and

(b) any inspector designated as a veterinary inspector under Article 6(2) of that Law;

"physical check" means a check of an animal and may include the taking of samples and laboratory testing and, where appropriate, additional checks during quarantine;

"premises" includes land or any means of transport;

"relevant EU instrument" shall be construed in accordance with Regulation 2(5);

"trade" means trade between Jersey and a member State;

"veterinary check" means any physical check or administrative formality which applies to the animals or products to which these Regulations apply and which is intended for the protection, direct or otherwise, of public or animal health;

"veterinary surgeon" means a recognized veterinary surgeon, within the meaning of the Veterinary Surgeons (Jersey) Law 1999[7].[8]

(2) Expressions which are used in these Regulations and which are not defined in paragraph (1), but are used in the Directive, have the same meaning as in the Directive.

(3) In these Regulations a reference to an animal or animal product as being or not being subject to harmonized health rules shall be construed in accordance with Regulation 2(3) and (4).

(4) In these Regulations, a reference to an EU instrument is a reference to that instrument as amended from time to time.

2 Live animals and animal products to which these Regulations apply

(1) These Regulations apply to trade in the following –

(a) live animals;

(b) animal semen, ova and embryos; and

(c) other animal products that are specified in paragraph 1 of Schedule 1.

(2) These Regulations do not apply to veterinary checks on movements to or from a member State of pets accompanied by and under the responsibility of an individual, where the movements are not the subject of a commercial transaction.

(3) In these Regulations –

(a) a reference to a live animal that is subject to harmonized health rules is a reference to a live animal specified in Schedule 1;

(b) a reference to a live animal that is not subject to harmonized health rules is a reference to a live animal that is not specified in Schedule 1.

(4) In these Regulations –

(a) a reference to an animal product that is subject to harmonized health rules is a reference to an animal product specified in paragraph 1 of Schedule 1;

(b) a reference to an animal product that is not subject to harmonized health rules is a reference to semen, ova and embryos that are not specified in paragraph 1 of Schedule 1.

(5) In these Regulations, a reference to a relevant EU instrument is a reference to an EU instrument specified in Schedule 1 by virtue of which a live animal or an animal product is subject to harmonized health rules.

Export to a member State

3 Requirements for export – general

(1) No person shall export, or consign for export, to a member State any animal or animal product unless it fulfils the requirements set out in the following paragraphs.

(2) An animal or animal product that is subject to harmonized health rules must satisfy the requirements of any relevant EU instrument.

(3) An animal or animal product that is not subject to harmonized health rules must satisfy the animal health requirements of the member State of destination.

(4) The animal or animal product must –

(a) come from an approved holding, centre or organization;

(b) be identified in accordance with the requirements of Community rules; and

(c) be registered in such a way that the original or transit holding, centre or organization can be traced.

(5) An inspector may, at all reasonable times, and at any place, on producing proof of his or her authority, inspect any animal or animal product intended for trade, and any documentation required for trade, to verify that the requirements of this Regulation are complied with.

4 Requirements for export – control of disease

(1) No person shall export, or consign for export, to a member State any animal or animal product unless it fulfils the requirements set out in the following paragraphs.

(2) The animal or animal product must not originate from a holding, centre, organization, area or region –

(a) which is subject to restrictions, imposed in accordance with Community rules where applicable, in respect of animals or animal products of that species, because of the suspicion, outbreak or existence of a disease referred to in Schedule 2 or because of the application of safeguard measures against such a disease; or

(b) which is subject to restrictions, imposed pursuant to any enactment, in respect of animals or animal products of that species, because of the suspicion, outbreak or existence of a disease other than one referred to in Schedule 2 or because of the application of safeguard measures against such a disease.

(3) If the animal or animal product is intended for a holding, centre or organization situated in a member State –

(a) which has obtained guarantees pursuant to Article 9 of the Council Directive of 26 June 1964 on animal health problems affecting intra-Community trade in bovine animals and swine (64/432/EEC, OJ L 121, 29.7.64, p. 1977[9]), or pursuant to equivalent Community rules, in respect of animals or animal products of that species; or

(b) which is situated in a member State recognized by EU instrument as free, in all or part of its territory, from disease to which animals of that species are susceptible,

the animal or product must not originate from a holding which does not provide the guarantees required by the member State in which the receiving holding, centre or organization is situated with respect to diseases other than those referred to in Schedule 2.

(4) If the animal or animal product is intended for a member State or part of the territory of a member State which has benefited from additional guarantees pursuant to –

(a) Article 9 of the Directive referred to in paragraph (3)(a); or

(b) other equivalent Community rules that have been or will be adopted,

the animal or product must not originate from a holding, centre or organization which does not provide the additional guarantees required by the member State.

(5) An inspector may, at all reasonable times, and at any place, on producing proof of his or her authority, inspect any animal or animal product intended for trade, and any documentation required for trade, to verify that the requirements of this Regulation are complied with.

5 Requirements for export – transportation

(1) A person consigning animals or animal products for export to a member State shall group them in as many consignments as there are places of destination.

(2) No person shall transport a consignment of animals or animal products in trade unless it is accompanied, from its place of despatch to its place of destination by –

(a) in the case of animals or animal products subject to harmonized health rules, the health certificates and any other documents required by any relevant EU instrument; or

(b) in the case of animals or animal products that are not subject to harmonized health rules, any health certificates and other documents required according to the rules of the member State of destination.

(3) An inspector may, on producing proof of his or her authority, require production of the documentation required by paragraph (2) in respect of animals or animal products being transported in trade.

6 Requirements for export – export to third countries via a member State

(1) No person shall export, or consign for export, to a third country through the territory of a member State, animals or products that are not subject to harmonized health rules, unless the transit through the territory of the other member State has been expressly authorized by the competent authority of that member State.

(2) An inspector may, on producing proof of his or her authority, require production of proof of any authorization required by paragraph (1).

7 Prohibition of export where disease suspected

(1) A person shall not export, or consign for export to a member State an animal or animal product if –

(a) the animal or animal product is liable to slaughter or destruction pursuant to powers conferred by any enactment for the purpose of eradicating any disease not referred to in Schedule 2; or

(b) the marketing in Jersey of the animal or animal product would be prohibited on grounds of protection of health and life of humans or animals.

(2) An inspector may, at all reasonable times, and at any place, on producing proof of his or her authority, inspect any animal or animal product intended for trade, and any documentation required for trade, to verify that the requirements of this Regulation are complied with.

8 Powers on suspected contravention of requirements for export

(1) If an inspector has reasonable cause to suspect that a person intends to export animals or animal products in contravention of any provision of these Regulations the inspector may, by notice served on the consignor, the consignor's representative or the person appearing to the inspector to be in charge of the animals or animal products –

(a) prohibit that exportation; and

(b) require the person on whom the notice is served –

(i) to take the animals or animal products to such place as may be specified in the notice, and

(ii) to take such further action in relation to the animals or animal products as may be specified in the notice.

(2) If a notice served under paragraph (1) is not complied with an inspector may –

(a) seize any animal or animal product to which the notice relates; and

(b) arrange for the requirements of the notice to be complied with.

Import from a member State

9 General requirements for import

(1) No person shall import from a member State (either for entry into Jersey or by way of transit to another member State) any animal or animal product that is subject to harmonized health rules unless the animal or animal product complies with the provisions of any relevant EU instrument.

(2) Where an animal or animal product that is subject to harmonized health rules is imported from a member State (either for entry into Jersey or by way of transit to another member State) the importer and, if different, the person in charge of the animal, shall comply with all the relevant provisions of any relevant EU instrument until the animal or animal

product arrives at its place of destination or leaves Jersey, as the case may be.

(3) No person shall import from a member State (either for entry into Jersey or by way of transit to another member State) any animals or any semen, ova or embryos that are not subject to harmonized health rules unless the animals or the semen, ova and embryos comply with any animal health requirements imposed in their case by any enactment.

10 Requirements for import – procedures on arrival

(1) An importer or consignee of animals or animal products from a member State must notify the Minister, in writing, at least 24 hours in advance, of the nature of the consignment, its anticipated date of arrival and the place of destination.

(2) Paragraph (1) shall not apply to a consignment of registered *equidae* which are accompanied by an identification document provided for by the Directive of 26 June 1990 on the zootechnical and genealogical conditions governing intra-Community trade in equidae (90/427/EEC, OJ L 224, 18.8.1990, p. 55[10]).

(3) An importer or consignee of animals or animal products must –

(a) keep the health certificates and documents required by Article 3 of the Directive for at least 6 months following the importation of the animals or animal products; and

(b) produce them for inspection, when required to do so by an inspector.

(4) For the purposes of paragraphs (1) to (3), a dealer who divides up a consignment or an establishment that is not subject to permanent supervision shall be regarded as the consignee.

(5) If the place of destination of a consignment of animals is a market or assembly centre –

(a) the operator of the market or centre shall not admit any animal that does not comply with Article 3(1) of the Directive;

(b) the operator of the market or centre shall record on a register –

(i) in all cases, the name of the owner, the origin, the dates of entry and exit, the number and the proposed destination of, the animals,

(ii) in all cases, the registration number of the transporter and the licence number of the vehicle delivering or collecting animals from the centre,

(iii) in the case of pigs, the registration number of the holding of origin or of the herd of origin,

(iv) in the case of sheep or goats, the identification of the animals or the registration number of the holding of origin of the animals.

(6) The record required by paragraph (5)(b) to be made in respect of an animal shall be kept for at least 3 years following the date of entry of the animal to the market or assembly centre.

(7) If the place of destination of a consignment of animals is a holding, centre or organization (including any such place where the consignment is partly unloaded during transport), no person shall transport the consignment unless it is accompanied, in accordance with Article 3 of the Directive, by the original of the health certificate or accompanying document to its delivery to the consignee named in the certificate or document.

(8) If the place of destination of a consignment of animals is the public slaughterhouse, it shall be a condition of a licence under Article 4 of the Slaughter of Animals (Jersey) Law 1962[11] that an animal may only be slaughtered if an official veterinarian has inspected the animal and the health certificates and other documents accompanying it and is satisfied that the requirements of Article 3(1) of the Directive have been complied with.

(9) A dealer or operator of a holding, centre or organization shall not divide up or market a consignment unless he or she has checked that any identification mark, certificate or document required by Article 3(1)(c) or (d) of the Directive is present.

(10) If a dealer or operator making a check in compliance with paragraph (9) finds any irregularity or anomaly, the dealer or operator shall –

(a) notify the Minister; and

(b) isolate the animals in question pending the service of any notice under these Regulations.

11 Powers of inspection of imports

(1) An inspector may, at all reasonable times, on producing proof of his or her authority, inspect at its place of destination any animal or animal product imported from a member State and any documentation required to accompany the animal or animal product in trade, to verify that the requirements of Regulations 9 and 10 are complied with.

(2) An inspector shall have power to inspect, anywhere and at any time, all animals and animal products imported from a member State, and any documents required to accompany the animals or animal products in trade, if the inspector has reasonable cause to suspect, that the requirements of Regulation 9 or 10 have not been complied with.

12 Place of quarantine of imported live animals

(1) Subject to paragraph (2), where –

(a) a live animal that is subject to harmonized health rules and imported from a member State is required to be placed in quarantine by any relevant EU instrument; or

(b) a live animal that is not subject to harmonized health rules and imported from a member State is required by any enactment to be placed in quarantine,

the animals may be quarantined at the holding of destination.[12]

(2) An inspector may, on veterinary grounds, require that the animals are held at a quarantine station specified by him or her.

(3) Where animals are held at a quarantine station specified by an inspector, that station shall be regarded as the place of destination of the consignment.

13 Official veterinarian's powers in respect of illegal consignment

(1) If an official veterinarian knows of or suspects –

(a) the presence of agents responsible for a disease referred to in Schedule 2, or of a zoonosis or any other disease or cause likely to constitute a serious hazard to animals or humans, in animals or animal products imported from a member State; or

(b) that those animals or animal products have come from a region contaminated by an epizootic disease,

the official veterinarian may serve a notice, in accordance with paragraph (2), on the person appearing to him or her to be in charge of those animals or animal products.

(2) The notice shall require the person appearing to the official veterinarian to be in charge of the animals or animal products –

(a) immediately –

(i) to detain the imported animal product or the imported animal or any animal which has been in contact with the imported animal at such place as may be specified in the notice,

(ii) where animals are detained (whether imported animals or animals which have been in contact with imported animals), to keep them isolated from other animals, and

(iii) to take such further action in relation to the animals or animal products as may be specified in the notice for the purpose of preventing the introduction or spreading of disease into or within Jersey; or

(b) without delay, to slaughter the animals or slaughter and destroy them or, in the case of animal products, destroy them in accordance with such conditions as may be specified in the notice.

(3) Subject to paragraph (4), if an official veterinarian knows or suspects that animals or animal products do not comply with the provisions of Article 3 of the Directive, the official veterinarian may, if animal health and welfare considerations so permit, give the consignor or the consignor's representative, or the person appearing to the official veterinarian to be in charge of the animals or animal products, by way of notice, the choice of –

(a) maintaining the animals or products under supervision until compliance with rules is confirmed where residues are present and, in the event of failure to comply with those rules, application of the measures provided for by any relevant EU instrument;

(b) slaughtering the animals or destroying the products, in accordance with such conditions as may be specified in the notice; or

(c) returning the animals or products to the member State of despatch, with the authorization of the competent authority of the member State of despatch and with prior notification to any member State of transit.

(4) If the consignment fails to comply by reason only of an irregularity in respect of the required consignment documentation, the official veterinarian shall not serve a notice under paragraph (3) unless –

(a) the official veterinarian has given the consignor, the consignor's representative or the person appearing to the official veterinarian to be in charge of the animals or animal products, a notice requiring him or her –

(i) to produce the required consignment documentation within 7 days, and

(ii) to detain the animal or animal product in accordance with such conditions as may be specified in the notice; and

(b) the required consignment documentation has not been produced within that time.

(5) If a notice served under this Regulation is not complied with, an official veterinarian may –

(a) seize any animal or animal product to which the notice relates; and

(b) arrange for the requirements of the notice to be complied with.

General and closing provisions

14 Rights to be informed of reasons and rights of appeal

(1) The Minister or an inspector shall give reasons for any decision under these Regulations relating to a consignment of animals or animal products, to the consignor or the consignor's representative.

(2) A consignor or consignor's representative may request that he or she is provided with –

(a) a written record of the decision and the reasons for it; and

(b) written details of the rights of appeal available to him or her and of the procedure and time limits applicable.

(3) The person who made the decision shall comply with a request under paragraph (2).

15 Outbreaks of disease in the Community

(1) This Regulation applies where the Minister learns, or has reasonable grounds to suspect under the procedures set out in Article 10 of the Directive the presence, in a member State of –

(a) a disease listed in Annex 1 to the Council Directive of 21 December 1982 on the notification of animal diseases within the Community (82/894/EEC, OJ L 378,31.12.1982, p. 58)[13]; or

(b) any other zoonoses, diseases or other cause likely to constitute a serious hazard to animals or to human health.

(2) The Minister may, for the purpose of preventing the introduction into or spreading of disease within Jersey, by declaration suspend or impose conditions upon the importation of animals or animal products from the member State in question.

(3) The Minister shall publish a declaration in such manner as he or she thinks fit.

(4) While a declaration is in force suspending the entry of an animal or animal product from a member State, a person shall not bring the animal or animal product into Jersey if it is dispatched from or originates in that member State.

(5) While a declaration is in force imposing conditions on the entry of an animal or animal product from a member State, a person shall not bring the animal or animal product into Jersey from that member State if the animal or animal product does not comply with those conditions.

16 Approvals of persons, centres, holdings and organizations

(1) A person shall not operate as a dealer in the trade of animals or animal products to which these Regulations apply unless he or she is approved to do so.

(2) A person shall not operate a market or assembly centre for trade in animals or animal products to which these Regulations apply unless he or she is approved to do so.

(3) Schedule 3 has effect to provide for the approval of persons, centres, holdings and organizations for the purposes of these Regulations.

17 Dealers required to keep records

(1) A dealer shall keep a record of deliveries and, where a consignment is divided up by the dealer, of the subsequent destination, of animals or animal products to which these Regulations apply.

(2) The dealer shall –

(a) keep the record required by paragraph (1) for a period of at least 6 months from the date of delivery; and

(b) produce the record for inspection, when requested by the Minister.

18 Entry of premises – general

Subject to Regulation 20, an inspector may, on producing his or her authority, enter premises for the purpose of exercising the powers conferred by these Regulations (apart from Regulation 19).

19 Entry of premises where offence suspected

(1) Subject to Regulation 20, an inspector may, on producing his or her authority, enter at all reasonable times any premises on which, or in connection with which, the inspector has reasonable grounds for suspecting that an offence against these Regulations is being or has been committed.

(2) The inspector may –

(a) inspect the premises and any equipment and animals on them;

(b) carry out such tests or other investigations, whether on the premises, equipment on the premises, or animals or animal products on the premises, or on samples taken from the premises, equipment, animals or animal products, as the person thinks fit in order to ascertain whether any offence against these Regulations is being or has been committed; and

(c) for the purposes of any such test or investigation, require the occupier of the premises, and any person in the employment of such occupier, to furnish such information as is in that person's power to give.

20 Warrant for entry of dwellings

(1) Nothing in these Regulations authorizes an inspector to enter, as of right, premises used solely as a private dwelling without a warrant issued under paragraph (2).

(2) The Bailiff or a Jurat may, on an application by an inspector, issue a warrant authorizing an inspector to enter premises used solely as a private dwelling, for the purposes mentioned in Regulation 18 or 19.

(3) The Bailiff or Jurat may only issue a warrant under paragraph (2) if satisfied that –

(a) there are reasonable grounds for entry into the premises; and

(b) either –

(i) admission to the premises has been refused, or refusal is anticipated, and that the occupier has been notified of the intention to apply for a warrant, or

(ii) an application for admission or the giving of such notice would defeat the object of the entry, or the case is one of urgency, or that the premises are unoccupied or the occupier temporarily absent.

21 Exercise of powers of entry

(1) A person exercising any power of entry conferred by these Regulations may be accompanied by any inspector or veterinarian who is an officer or a representative of the Commission, for the purpose of enabling that person to discharge functions under the Directive, in particular, Article 9 or 10.

(2) A person who enters unoccupied premises in exercise of a power conferred by or under these Regulations must leave them as effectively secured against unauthorized entry as they were prior to entry.

22 Offences

(1) A person who contravenes any provision of these Regulations is guilty of an offence and liable to a fine of level 4 on the standard scale.

(2) A person who –

(a) hinders or obstructs an official veterinarian or inspector in the exercise of that person's powers under these Regulations; or

(b) refuses or neglects to furnish, in the time and manner specified, any return or information when required to do so by the Minister or an inspector under these Regulations,

is guilty of an offence and liable to imprisonment for a term of 6 months and a fine of level 4 on the standard scale.

(3) A person who knowingly or recklessly contravenes any condition subject to which an approval is given under these Regulations is guilty of an offence and liable to a fine of level 4 on the standard scale.

(4) The holder of an approval given under these Regulations is guilty of an offence and liable to a fine of level 4 on the standard scale if any condition subject to which the approval was given is contravened and the holder of the approval did not take all reasonable precautions and exercise due diligence to avoid the contravention.

(5) A person who –

(a) in an application for approval under these Regulations makes any statement knowing that, or reckless as to whether, the statement is false in a material particular;

(b) furnishes any return or information when required to do so under these Regulations knowing that, or reckless as to whether, the return or information is false in a material particular; or

(c) fraudulently alters or uses or permits to be fraudulently used any approval, certificate or document given under these Regulations or otherwise issued and required as evidence that a requirement of these Regulations is satisfied,

is guilty of an offence and liable to imprisonment for a term of 6 months and a fine of level 4 on the standard scale.

23 Offences – general

(1) Where an offence against these Regulations committed by a limited liability partnership or a separate limited partnership or by an incorporated limited partnership or other body corporate is proved to have been committed with the consent or connivance of –

(a) in the case of a limited liability partnership, a person who is a partner of the partnership;

(b) in the case of a separate limited partnership or an incorporated limited partnership –

(i) a general partner, or

(ii) a limited partner who is participating in the management of the partnership;

(c) in the case of a body corporate other than an incorporated limited partnership, a director, manager, secretary or other similar officer of the body corporate; or

(d) any person purporting to act in any capacity described in sub-paragraphs (a) to (c),

the person shall also be guilty of the offence and liable in the same manner as the partnership or body corporate to the penalty provided for that offence.

(2) If the affairs of a body corporate are managed by its members, paragraph (1) shall apply in relation to acts and defaults of a member in connection with his or her functions of management as if the member were a director of the body corporate.

24 Animal Health (Jersey) Law 2016[14]

(1) These Regulations are not to be construed as permitting the importation of live cattle, which is prohibited by Article 14 of the Animal Health (Jersey) Law 2016.[15]

(2) These Regulations do not derogate from any prohibition, imposed by Order made under Article 7 of the Animal Health (Jersey) Law 2016 on the importation of Antilocapridae, Camelidae, Caprinae, Cervidae, Giraffidae, Suidae and Tragulidae without a licence granted by the Minister.

25 Fees for certificates, approvals and inspections

(1) The Minister may, by Order, prescribe fees for the issue or verification of certificates or other documents required for trade under or for the purposes of these Regulations and the Directive.

(2) Where a fee is prescribed under paragraph (1), the certificate shall not be issued until the fee has been paid.

(3) The Minister may, by Order, prescribe fees for any application for, or the giving of, any approval to be given, or given, under or for the purposes of these Regulations and the Directive.

(4) Where a fee is prescribed under paragraph (3) the Minister shall not consider the application for the approval until the fee has been paid.

(5) The Minister may, by Order, prescribe fees for any inspection, test or official examination carried out by an official veterinarian or other inspector for the purposes of the issue of a certificate or the consideration of an application for any approval under or for the purposes of these Regulations and the Directive.

(6) Fees prescribed by the Minister under this Regulation may be determined by reference to rates which represent the reasonable costs and expenses incurred in employing or contracting for an official veterinarian or other inspector to undertake an inspection, test or official examination, during any given unit of time, whether for the purpose of the issue of a certificate or the grant of an approval or otherwise in the discharge of functions under these Regulations.

(7) Fees prescribed by reference to a rate for an official veterinarian or other inspector shall be charged in units of no more than half an hour.

26 Charges for inspections, tests, examinations and other activities

(1) The consignor, the consignor's representative and the person in charge of any animal or animal product shall be jointly and severally liable for any reasonable expenses arising out of or in connection with the exercise of any power conferred on an official veterinarian or inspector by these Regulations relating to that animal or animal product.

(2) The Minister may, by Order prescribe expenses for the purposes of paragraph (1).

(3) Paragraphs (6) and (7) of Regulation 25 shall apply for the purposes of the power to prescribe expenses as they apply for the purposes of the power to prescribe fees under paragraph (5) of that Regulation.

27 Orders amending these Regulations

The Minister may by Order amend Schedules 1 and 2.

28 Citation

These Regulations may be cited as the EU Legislation (Veterinary and Zootechnical Checks – Trade with Member States) (Jersey) Regulations 2016.

SCHEDULE 1

(Regulation 2)

ANIMALS AND ANIMAL PRODUCTS SUBJECT TO HARMONIZED HEALTH REQUIREMENTS

1 Veterinary legislation

(1)	*Animal or animal product*	*EU instrument*
	Bovine animals and swine	Council Directive 64/432/EEC of 26 June 1964 on animal health problems affecting intra-Community trade in bovine animals and swine (OJ L 121, 29.7.1964, p. 1977[16])
	Bovine semen	Council Directive 88/407/EEC of 14 June 1988 laying down the animal health requirements applicable to intra-Community trade in and imports of deep-frozen semen of domestic animals of the bovine species (OJ L 194, 22.7.1988, p. 10[17])
	Bovine embryos	Council Directive 89/556/EEC of 25 September 1989 on animal health conditions governing intra-Community trade in and importation from third countries of embyros of domestic animals of the bovine species (OJ L 302, 19.10.1989, p. 1[18])
	Equidae	Council Directive 2009/156/EC of 30 November 2009 on animal health conditions governing the movement and importation from third countries of equidae (OJ L 192, 23.7.2010, p. 1[19])
	Porcine semen	Council Directive 90/429/EEC of 26 June 1990 laying down the animal health requirements applicable to intra-Community trade in and imports of semen of domestic animals of the porcine species (OJ L 224, 18.8.1990, p. 62[20])
	Poultry and hatching eggs	Council Directive 2009/158/EC of 30 November 2009 on animal health conditions governing intra-Community trade in, and imports from third countries of, poultry and hatching eggs (OJ L 343, 22.12.2009, p. 74[21])

	Animal by-products not for human consumption	Regulation (EC) No 1069/2009 of the European Parliament and of the Council of 21 October 2009 laying down health rules as regards animal by-products not intended for human consumption and repealing Regulation (EC) No 1774/2002 (Animal by-products Regulation) (OJ L 300, 14.11.2009, p. 1[22])
	Aquaculture animals and products	Council Directive 2006/88/EC of 24 October 2006 on animal health requirements for aquaculture and products thereof, and on the prevention and control of certain diseases in aquatic animals (OJ L 328, 24.11.2006, p. 14[23])
	Ovine and caprine animals	Council Directive 91/68/EEC of 28 January 1991 on animal health conditions governing intra-Community trade in ovine and caprine animals (OJ L 46, 19. 2. 1991, p. 19[24])
	All animals, during transport	Council Regulation (EC) No 1/2005 of 22 December 2004 on the protection of animals during transport and related operations and amending Directives 64/432/EEC and 93/119/EC and Regulation (EC) No 1255/97 (OJ L 3, 5.1.2005, p. 1[25])
(2)	All animals, semen, ova and embryos not subject to animal health requirements laid down in the instruments referred to in sub-paragraph (1)	Council Directive 92/65/EEC of 13 July 1992 laying down animal health requirements governing trade in and imports into the Community of animals, semen, ova and embryos not subject to animal health requirements laid down in specific Community rules referred to in Annex A(I)(1) to Directive 90/425/EEC (OJ L 268, 14.9.1992, p. 54[26])
	For pathogens:	Council Directive 92/118/EEC of 17 December 1992 laying down animal health and public health requirements governing trade in and imports into the Community of products not subject to the said requirements laid down in specific Community rules referred to in Annex A(I) to Directive 89/662/EEC and, as regards pathogens, to Directive 90/425/EEC (OJ L 062, 15.3.1993, p. 49[27])

2 Zootechnical legislation

	Animal or animal product	*EU instrument*
	Pure-bred breeding animals of the bovine species	Council Directive 2009/157/EC of 30 November 2009 on pure-bred breeding animals of the bovine species (OJ L 323, 10.12.2009, p. 1[28])
	Breeding animals of the porcine species	Council Directive 88/661/EEC of 19 December 1988 on the zootechnical standards applicable to breeding animals of the porcine species (OJ L 382, 31.12.1988, p. 36[29])
	Pure-bred breeding sheep and goats	Council Directive 89/361/EEC of 30 May 1989 concerning pure-bred breeding sheep and goats (OJ L 153, 8.6.1989, p. 30[30])
	Equidae	Council Directive 90/427/EEC of 26 June 1990 on the zootechnical and genealogical conditions governing intra-Community trade in equidae (OJ L 224, 18.8.1990, p. 55[31])
	All pure-bred animals	Council Directive 91/174/EEC of 25 March 1991 laying down zootechnical and pedigree requirements for the marketing of pure-bred animals (OJ L 85, 5. 4. 1991, p. 37[32])

SCHEDULE 2

(Regulation 4(2))

DISEASES

Foot and mouth disease

Classical swine fever

African swine fever

Swine vesicular disease

Newcastle disease

Rinderpest

Peste des petits ruminants

Vesicular stomatitis

Bluetongue

African horse sickness

Viral equine encephalomyelitis

Teschen disease

Avian influenza

Sheep and goat pox

Lumpy skin disease

Rift valley fever

Contagious bovine pleuropneumonia

SCHEDULE 3

(Regulation 16(3))

APPROVAL OF HOLDINGS, CENTRES AND ORGANIZATIONS

1 Approval of persons, holdings, centres and organizations

(1) This Schedule applies where, for the purposes of these Regulations, a person, centre, holding or organization is required to be approved for the purposes of trade in any animal or animal product and there is no other enactment that establishes a scheme for approval of persons, centres, holdings or organizations for the purposes of trade in that animal or animal product.

(2) An application for approval of the person, centre, holding or organization shall be made to the Minister.

(3) An application shall be in writing and contain or be accompanied by such information as the Minister reasonably requires in order to be satisfied that the centre, holding or organization fulfils the relevant requirements in sub-paragraph (4) or (5).

(4) In the case of an application for the purposes of trade with a member State in an animal or animal product that is subject to harmonized health rules, the person, centre, holding or organization must fulfil the requirements imposed by any relevant EU instrument for trade in that animal or product.

(5) In the case of an application for the purposes of trade with a member State in an animal that is not subject to harmonized health rules, the person centre, holding or organization must fulfil the requirements of Annex C to the Council Directive of 13 July 1992 laying down animal health requirements governing trade in and imports into the Community of animals, semen, ova and embryos not subject to animal health requirements laid down in specific Community rules referred to in Annex A(I) to Directive 90/425/EEC (92/65/EEC, OJ L 268, 14.9.1992, p. 54[33]).

(6) The Minister shall only give an approval if the Minister is satisfied that the person, centre, holding or organization fulfils the relevant requirements in sub-paragraph (4) or (5).

(7) An approval shall be in writing.

(8) An approval shall be subject to the condition that the person, centre, holding or organization continues to fulfil the relevant requirements in sub-paragraph (4) or (5).

(9) On approving a person, centre, holding or organization, the Minister shall assign it a unique registration number.

(10) The Minister shall inform an applicant, in writing, of the refusal of an application under this paragraph, and give reasons for the refusal.

2 Register of approved persons, centres, holdings and organizations

(1) The Minister shall maintain a register of persons, centres, holdings and organizations approved under paragraph 1 and of the registration number assigned to each of them.

(2) The Minister shall make the register available to member States and to the public.

3 Withdrawal of approval of centre, holding or organization

(1) The Minister shall withdraw the approval of a centre, holding or organization if the centre, holding or organization does not comply with the condition attached to the approval pursuant to paragraph 1(8).

(2) The Minister shall, in writing, notify the holder of the approval of the centre, holding or organization of the withdrawal of the approval.

(3) A notice under sub-paragraph (2) shall –

(a) give reasons for the decision; and

(b) specify the date when the withdrawal takes effect.

(4) Subject to sub-paragraph (5), a withdrawal shall not take effect less than 21 days after notice of it is given to the holder of the approval.

(5) Sub-paragraph (4) shall not apply if the Minister considers that a delay of 21 days in the withdrawal taking effect would constitute an unacceptable risk to animal health or public health.

(6) Notwithstanding sub-paragraphs (4) and (5), a notice under sub-paragraph (2) may, on grounds of protection of animal health or public health, require that the centre or holding is, or any animals or animal products held there are, immediately placed in isolation, in accordance with the terms of the notice.

4 Review of decision of Minister

(1) An applicant for approval under paragraph 1 may apply to the Royal Court for a review of the decision of the Minister to refuse the approval.

(2) The holder of an approval given under paragraph 1 may apply to the Royal Court for a review of the decision of the Minister to withdraw the approval.

(3) An application under this paragraph must be made within 21 days of the applicant being notified of the decision to be reviewed.

(4) The Royal Court may extend the period mentioned in sub-paragraph (3).

(5) The Royal Court may, on an application under this paragraph, make such orders as it thinks fit.

5 Checks of approved centres, holdings and organizations

(1) An inspector may, on producing his or her authority, enter at all reasonable times any premises occupied by the holder of an approval given under paragraph 1 and used for or in connection with any of the purposes authorized by the approval, for the purpose of checking for compliance with the condition attached to the approval.

(2) The inspector may –

(a) inspect the premises and any equipment and animals on them;

(b) carry out such tests or other investigations, whether on the premises, equipment on the premises, or animals or embryos on the premises, or on samples taken from the premises, equipment, animals or embryos, as the person thinks fit in order to ascertain whether the provisions of these Regulations, or the conditions subject to which any approval or licence is given under these Regulations, are being complied with; and

(c) for the purposes of any such test or investigation, require the occupier of the premises, and any person in the employment of such occupier, to furnish such information as is in the occupier's power to give.

(3) An inspector may be accompanied by a veterinarian or officer representative of another member State or the Commission.

6 Power to obtain information from holders of approvals

The Minister or an inspector may require any holder of an approval given under paragraph 1 to furnish the Minister, within such time and in such manner as the Minister specifies, with such returns and other information as the Minister or inspector requires for the purpose of monitoring the operation of these Regulations or checking for compliance with any condition attached to the approval.

ENDNOTES

Table of Legislation History

Legislation	Year and No	Commencement	*Projet No (where applicable)
EU Legislation (Veterinary and Zootechnical Checks – Trade with Member States) (Jersey) Regulations 2016	R&O.33/2016	22 April 2016	P.6/2016
Animal Health (Consequential Amendments) (Jersey) Regulations 2017	R&O.3/2017	1 February 2017	P.131/2016

*Projets available at www.statesassembly.gov.je

Table of Renumbered Provisions

Original	Current
None	

Table of Endnote References

[1] *chapter 17.245*
[2] *http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:31990L0425:EN:NOT*
[3] *chapter 17.210*
[4] *chapter 02.020*
[5] *http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1453988143745&uri=CELEX:31973R0706*
[6] *chapter 02.020*
[7] *chapter 02.900*
[8] *Regulation 1(1) substituted by R&O.3/2017*
[9] *http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:31964L0432:EN:NOT*
[10] *http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:31990L0427:EN:NOT*
[11] *chapter 02.800*
[12] *Regulation 12(1) amended by R&O.3/2017*
[13] *http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:31982L0894:EN:NOT*
[14] *Regulation 24 substituted by R&O.3/2017*
[15] *chapter 02.020*
[16] *http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:31964L0432:EN:NOT*
[17] *http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:31988L0407:EN:NOT*
[18] *http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:31989L0556:EN:NOT*
[19] *http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32009L0156:EN:NOT*
[20] *http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:31990L0429:EN:NOT*
[21] *http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32009L0158:EN:NOT*
[22] *http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32009R1069:EN:NOT*
[23] *http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32006L0088:EN:NOT*
[24] *http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:31991L0068:EN:NOT*
[25] *http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32005R0001:EN:NOT*
[26] *http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:31992L0065:EN:NOT*
[27] *http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:31992L0118:EN:NOT*

[28] http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32009L0157:EN:NOT
[29] http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:31988L0661:EN:NOT
[30] http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:31989L0361:EN:NOT
[31] http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:31990L0427:EN:NOT
[32] http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:31991L0174:EN:NOT
[33] http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:31992L0065:EN:NOT