

Subsidiary Legislation made under s.337.

## **Animal Products (Intra-Community Trade) Regulations 2005**

**LN.2005/155**

*Commencement*      **17.11.2005**

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### **ARRANGEMENT OF REGULATIONS**

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**1950-07**

**Public Health**

**2005/155      Animal Products (Intra-Community Trade) Regulations  
2005**

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**Title.**

1. These Regulations may be cited as the Animal Products (Intra-Community Trade) Regulations 2005.

**Interpretation.**

2.(1) In these Regulations—

“inspector” means a person appointed by the Minister to be an inspector for the purposes of these Regulations;

“member State” means a State which is a member of the European Economic Area;

“Minister” means the Minister with responsibility for the environment;

“place of destination” means the address to which the consignment is consigned by the consignor;

“required consignment documentation” means any certificates or other documents which are required by these Regulations and the instrument in Schedule 1 to accompany the consignment;

(2) Any reference in these Regulations to the instrument in Schedule 1 includes all provisions relating to it listed therein.

(3) A notice, approval or declaration under these Regulations shall be in writing, may be made subject to conditions and may be amended, suspended or revoked in writing at any time.

**Application of these Regulations.**

3. These Regulations shall apply to trade between Gibraltar and member States in animal products which are the subject of the instrument in Schedule 1.

**Exports.**

4.(1) No person shall export or consign for export to a member State any animal product controlled under the instrument in Schedule 1 unless it complies with the relevant provisions of that instrument (including any option which has been exercised by the member State of destination) and when required by such instrument, it is accompanied by the documentation required by the instrument.

(2) If an inspector has reasonable cause to suspect that a person intends to export animal products in contravention of this regulation, he may by notice served on the consignor, his representative or the person appearing to him to be in charge of the animal products, prohibit that exportation and require the person on whom the notice is served to take the animal products to such place as may be specified in the notice and to take such further action in relation to them as may be specified in the notice.

(3) In the event of a notice served under sub-regulation (2) not being complied with, an inspector may seize any animal product to which it relates and arrange for the requirements of the notice to be complied with.

**Imports.**

5. No person shall import from a member State (either for entry into Gibraltar or by way of transit to another member State) any animal by-product subject to the instrument in Schedule 1 unless it complies with the relevant provisions of that instrument.

**Delivery of animal products.**

6.(1) No person shall deliver any animal product imported from a member State other than to the address specified in the required consignment documentation unless required to do so otherwise by means of a notice served on him by an inspector.

(2) In the event of a notice served under sub-regulation (1) not being complied with an inspector may seize any animal product to which it relates and arrange for the requirements of the notice to be complied with.

**Duties on consignees.**

7.(1) No person shall accept a consignment of animal products unless the importer or consignee has notified the Minister in writing, at least 48 hours in advance, the nature of the consignment, its anticipated date of arrival and the place of destination.

(2) A consignee shall retain all consignment documentation sent in accordance with these Regulations for 12 months from the date of arrival.

**Inspection and checking at destination.**

8.(1) An inspector shall have power to inspect at their place of destination, all animal products imported into Gibraltar from a member State, so as to ensure that the requirements (including requirements on documentation) of the relevant provisions of the instrument in Schedule 1 and any additional requirements specified therein have been complied with.

(2) An inspector shall have power to inspect anywhere and at any time all animal products imported from a member State, as well as all accompanying documents, if he has information leading him to suspect an infringement of the instrument in Schedule 1 or of any additional requirements specified therein.

**Illegal consignments.**

9.(1) If an inspector knows of or suspects the presence of agents, responsible for a disease referred to in Schedule 2 or of a zoonosis, any other disease or any cause likely to constitute a serious hazard to animals or humans, in animal products imported from a member State, or that those animal products have come from a region contaminated by an epizootic disease, he may serve a notice in accordance with sub-regulation (2) on the person appearing to him to be in charge of those products.

(2) The notice shall require that person—

- (a) immediately to detain the imported animal product at such place as may be specified in the notice, and to take such further action in relation to them as may be so specified in the notice, and to take such further action in relation to them as may be so specified for the purpose of preventing the introduction or spreading of disease into or within Gibraltar; or
- (b) without delay to destroy them, in accordance with such conditions as may be specified in the notice.

(3) If a consignment of animal products fails to comply with these Regulations only by reason of an irregularity in respect of the required consignment documentation, the inspector shall not serve a notice under sub-regulation (2) unless—

- (a) he has given the consignor, his representative or the person appearing to him to be in charge of those products a notice requiring him to produce the required consignment documentation within 7 days and to detain the products 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.

(4) In the event of any notice served under this regulation not being complied with an inspector may seize any animal product to which it relates, and arrange for the requirements of the notice to be complied with.

**Powers of inspectors.**

10.(1) Subject to regulation 8, an inspector shall, on producing, if required to do so, some duly authenticated document showing his authority, have the right at all reasonable hours to enter any land or premises for the purposes of ascertaining whether there is or has been on the premises any contravention of these Regulations; and in this regulation "premises" includes any place, installation, road vehicle, ship, vessel, boat, craft, hovercraft or aircraft.

(2) An inspector shall have powers to carry out all checks on whether staff are complying with the requirements of the instrument in Schedule 1 relating to animal products and take samples (and, if necessary, send the samples for laboratory testing) from animal products being transported in the course of intra-Community trade or animal products in the case of an import from a member State and examine documentary or data processing material relevant to the checks carried out under these Regulations.

**Recovery of expenses.**

11. The consignor, his representative and the person in charge of any animal by-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 inspector by these Regulations relating to those animal products.

**Obstruction.**

12.(1) No person shall—

- (a) intentionally obstruct any person acting in the execution of these Regulations;
- (b) without reasonable cause, fail to give to any person acting in the execution of these Regulations any assistance or information which that person may reasonably require of him for the purposes of his functions under these Regulations; or
- (c) furnish to any person acting in the execution of these Regulations any information which he knows to be false or misleading.

(2) Nothing in sub-regulation (1)(b) shall be construed as requiring any person to answer any question or give any information if to do so might incriminate him.

**Outbreaks of disease in other states.**

13.(1) Where the Minister learns of or has reasonable grounds to suspect the presence in any other state of a disease referred to in Schedule 2, a zoonosis or any other disease or phenomenon liable to present a serious threat to public or animal health, he may, for the

purpose of preventing the introduction or spreading of disease into or within Gibraltar, by declaration suspend, or impose conditions upon, the entry into Gibraltar of any animal product from the whole or any part of that state.

(2) Such a declaration shall be published in such manner as the Minister thinks fit.

(3) Where a declaration is in force suspending the entry of any animal product, no person shall bring that product into Gibraltar if it is dispatched from, or originates from, the state or part thereof specified in the declaration.

(4) Where a declaration is in force imposing conditions on the entry into Gibraltar of any animal product, no person shall bring that product into Gibraltar if it originates in the state or part thereof specified in the declaration unless the product complies with the conditions specified in the declaration.

**Offences by bodies corporate.**

14.(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,

he, as well as the body corporate, shall be guilty of the offence and be liable to be proceeded against and punished accordingly.

(2) For the purposes of sub-regulation (1), "director" in relation to a body corporate whose affairs are managed by its members, means a member of the body corporate.

**Penalties.**

15.(1) A person contravening any provision of regulations 4 – 7 and 12 or the requirements of a notice issued under regulation 9(2) shall be guilty of an offence and shall be liable—

- (a) on summary conviction, to a fine not exceeding level 5 on the standard scale or to imprisonment not exceeding three months or to both;
- (b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years or to both.

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**SCHEDULE 1**

Regulations 3, 4(1), 5, 6, 8 and 10(2)

***Legislation on Intra-Community Trade in Animal products***

Regulation (EC) No 1774/2002 of the European Parliament and of the Council laying down rules concerning animal by-products not intended for human consumption (OJ No. L273, 10.10.2002, p.1) as amended by, and as read with -

Commission Regulation No. 808/2003 (OJ No. L117, 13.5.03, p. 1);

Commission Regulation No. 811/2003 (OJ No. L117, 13.5.03), p. 14);

Commission Regulation No. 813/2003 (OJ No. L117, 13.5.03), p. 22);

Commission Decision 2003/320/EC (OJ No. L117, 13.5.03, p. 24);

Commission Decision 2003/321/EC (OJ No. L117, 13.5.03, p. 30);

Commission Decision 2003/326/EC (OJ No. L117, 13.5.03, p. 42);

Commission Decision 2003/327/EC (OJ No. L117, 13.5.03, p. 44).

Relevant Article: Article 8.

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**SCHEDULE 2**

Regulations 9 and 13(1)

**List of 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

Bovine spongiform encephalopathy

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Infectious haematopoietic necrosis

Viral haemorrhagic disease