

**THE TRADE IN ANIMALS AND RELATED PRODUCTS REGULATIONS 2011
(Report by the Head of Environmental & Community Health Services)**

1. INTRODUCTION

- 1.1 The purpose of this report is to inform Members about the introduction of the above regulations which give effect to EU law concerning the importation of animals and animal products from other Member States and third countries and to seek delegated authority to appoint suitably qualified officers to enforce the provisions of the regulations on behalf of the Council.
- 1.2 The Regulations amalgamate and simplify the current three Statutory Instruments which cover the veterinary checks regime on intra-Union trade in live animals and animal products and import conditions for live animals and animal products from third countries into one Statutory Instrument. They are made by the Secretary of State under powers conferred by Section 2 (2) of the European Communities Act 1972.
- 1.3 As a result of the introduction of this legislation the following regulations are now replaced
 - The Products of Animal Origin (Import and Export) Regulations 1996;
 - The Products of Animal Origin (Third Country Imports) (England) Regulations 2006; and
 - The Animals and Animal Products (Import and Export) Regulations 2006.

2. SUPPORTING/BACKGROUND INFORMATION

- 2.1 The Instrument enforces EU legislation on the intra-Union movement of live animals and their genetic material. It also provides enforcement authorities with the means of enforcing EU legislation laying down controls on imports of animal products from third countries.
- 2.2 It establishes a system for trade between member States in live animals and genetic material and for the importation of live animals, genetic materials and products of animal origin from outside the European Union.
- 2.3 The new regulations came into force on 25 May 2011 and are enforced by the Secretary of State, port health authorities, local authorities and the United Kingdom Border Agency. They provide inland authorities (such as Huntingdonshire District Council) with the duty to seize and dispose of illegally imported products of animal origin (POAO).
- 2.4 The Regulations establish various offences, assign penalties applicable for breaches of the Regulations, for both individuals and bodies corporate, and provide powers for appointed persons to apply EU rules to the importation of animals and animal products and to enforce these Regulations.

- 2.5 Provisions setting out the powers of authorised persons are contained in Regulation 34. In addition to powers of entry, appointed officers will have a range of powers, including power to request information or records, inspect foods, take samples, examine records and seize any suspect food as appropriate, take samples and to make examination or investigation as necessary. Regulations 39-41 contain provisions relating to offences and Regulation 42 contain provisions relating to penalties.

3. IMPLICATIONS

- 3.1 There is no additional funding attached to the regulations and no staffing implications. The duties will be absorbed by existing staff within the Environmental and Community Health Services Division. It should be noted however that there is no specific power to recover the costs associated with seizure and destruction.
- 3.2 As this is consolidating legislation there will be no impact on businesses.
- 3.3 Local authorities will, where appropriate, regulate imported food at premises that we already have cause to visit under other legislation relating to food safety and food controls.
- 3.4 The Regulations provide authorised officers with powers of entry to any premises, vehicle, stall, ship or aircraft for the purposes of enforcing these regulations. Any person who intentionally obstructs an authorised officer acting in accordance with these regulations will be guilty of an offence.

4. CONCLUSION

- 4.1 These new duties are statutory requirements and require this authority to act as an enforcing authority and enforce the provisions of the regulations.


5. RECOMMENDATIONS

It is recommended that Members:

- a. note the content of this report and the new duties established under The Trade in Animals and Related Products Regulations 2011;
- b. authorise the Head of Environmental & Community Health Services to appoint Environmental Health Officers and Environmental Protection Officers as “authorised persons” to enforce the provisions of The Trade in Animals and Related Products Regulations 2011; and
- c. authorise the Head of Environmental & Community Health Services to initiate prosecutions under The Trade in Animals and Related Products Regulations 2011 after consultation with the Chairman and Deputy Chairman of the Licensing & Protection Panel.

BACKGROUND INFORMATION

The Trade in Animals and Related Products Regulations 2011

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