



SUPPLEMENT No. 2
TO
THE SOVEREIGN BASE AREAS GAZETTE
No. 1382 of 13th June 2005
LEGISLATION

ORDINANCE 15 OF 2005

AN ORDINANCE
TO PROVIDE FOR VETERINARY CHECKS FOR INTRA-
COMMUNITY TRADE IN AND IMPORTS FROM THIRD
COUNTRIES OF ANIMALS AND ANIMAL PRODUCTS
AND RELATED MATTERS

P. T. C. Pearson CBE
ADMINISTRATOR

11th June 2005.

BE it enacted by the Administrator of the Sovereign Base Areas of Akrotiri and Dhekelia as follows:—

PART I – PRELIMINARY PROVISIONS

1. This Ordinance may be cited as the Veterinary Checks on Animals and Animal Products (Import and Export) Ordinance 2005.

Short title.

2. In this Ordinance, unless the context otherwise requires—

Interpretation.

“animal” means any mammal, bird, reptile, productive insect (such as a bee), fish (including any crustacean and mollusc) and includes the semen, ovaries, embryos and other reproductive material of such an animal;

“animal product” means all products comprised totally or partly of tissue coming from animals in any form, processed or unprocessed and includes fodder and straw used as food or bedding;

“certificates” means the veterinary certificates and documents accompanying animals or animal products which are issued by the Competent Authority or the competent authority of the Republic or the country of consignment or production, in relation to the hygiene conditions of the animal population of that country, animal health or the suitability of animal products for human or animal consumption in accordance with veterinary legislation or Community veterinary legislation;

“collection centre” means a place in which animals from different establishments are collected together to form consignments of animals intended for trade and may include a holding, a collection centre or a market;

“Commission” means the European Commission;

“Community veterinary legislation” means all acts of the European Community which regulate matters of a veterinary nature and are directed towards the protection of animal and public health;

“Competent authority” means the authority authorised by the Chief Officer for the purposes of this Ordinance.

“corresponding enactment of the Republic” means the Veterinary Checks on Intra-Community Trade and Imports from Third Countries of Animals and Animal Products and Related Issues Law 2002 of the Republic, as it may be amended or substituted from time to time and subsidiary legislation made under it;

“documentary check” means the examination of the veterinary certificates, veterinary documents or commercial documents accompanying a product or a consignment of products;

“establishment” means—

- (a) any place or premises in which products are produced or undergo treatment, are stored for trade purposes or from which products are placed on the market;
- (b) the means of transport for products;
- (c) a reproductive material centre, producing, storing or handling reproductive material, subject to the Reproductive Material of Animals (Control of Production and Trade) Ordinance 2003;

“holding” means any place or premises in which animals are kept, bred or transported for trade purposes and the means of transporting such animals;

“identity check” means the check by visual inspection to ensure that the accompanying certificates and commercial and other documents tally with the animal, animal product or consignment, including a check that any markings on the animals tally with the certificates and documents;

“importer” means a person importing animals or animal products into the Areas from any place other than the Republic and includes his representative and any person who appears to be responsible for the import;

“intra-community trade” means trade transactions in products between member states, including for these purposes the Areas or the Republic, but does not include trade between the Areas and the Republic;

“inspection post” means a place which is suitably equipped and staffed for the carrying out of the veterinary checks on animals and animal products required at points of entry to the Areas during their import from third countries and approved by the Fiscal Officer under section 31;

“member state” means a member state of the European Union excluding the Republic of Cyprus;

“member state of destination” means the member state to which products are being sent;

“official veterinary laboratory” means—

- (a) a laboratory authorised by the Chief Officer;
- (b) a laboratory which is recognised by the Chief Officer

and either operated by the Veterinary Services of the Republic or with which the Republic has an arrangement to provide laboratory services;

“official veterinary surgeon” means a veterinary surgeon employed by the Competent Authority or appointed as such by the Chief Officer to carry out duties under the Ordinance;

“place of destination” means the place to which products were directed to be sent by the person sending them by means of intra-community trade or from a third country whether directly into the Areas or via the Republic of Cyprus;

“products” means animals and animal products;

“registered trader” means a trader registered under section 8;

“registered undertaking” means an undertaking registered under section 9;

“third country” means a country or territory other than a member state, the Areas or the Republic but includes any part of the Island of Cyprus not under the effective control of the Government of the Republic or the Administration;

“veterinary check” means a physical, identity or documentary check or a procedural or administrative act in relation to products directed towards the protection of animal or public health;

“veterinary fees legislation of the Republic” means the Veterinary Fees Law 2002 of the Republic and any subsidiary legislation made pursuant to powers contained within the Law;

Law 239(1) of 2002
(Republic).

“veterinary legislation” means any legislation of the Areas (including this Ordinance) which regulates matters of a veterinary nature and is directed towards protecting the health and welfare of animals and public health.

3.—(1) This Ordinance regulates the veterinary checks to be carried out on products which are—

Application.

- (a) placed on the market in the context of intra-community trade;
- (b) sent from or to a member state in the context of intra-community trade; or
- (c) imported from a third country.

(2) This Ordinance shall not require veterinary checks on pet animals, other than equidae, which are accompanied by a traveller and where no commercial transaction is involved.

4.—(1) In the exercise of any powers or the performance of any duties under this Ordinance the official veterinary surgeons shall act on behalf of the Chief Officer.

Powers, duties and forms.

(2) Any application, appointment, notice, licence or other document which is required or otherwise provided for under this Ordinance shall have full effect if it is in a form –

- (a) prescribed under this Ordinance;
- (b) prescribed under the corresponding enactment of the Republic;

- (c) customarily in use in the Republic for corresponding purposes.

(3) All powers conferred and duties imposed under this Ordinance shall apply as necessary in circumstances where products enter or leave the Areas from or to the Republic as part of a movement from or to a third country or a member state as if the product had entered or left the Areas directly.

(4) The exercise of the powers and the performance of the duties in this Ordinance are subject to the condition that the power may not be exercised or the duty performed without the written authority of the Fiscal Officer to enter the land or premises concerned if it would be necessary for an officer of the Republic to enter—

- (a) any land occupied by the Crown in any capacity; or
- (b) any land to which access is controlled or restricted by the Crown in any capacity; or
- (c) any premises situated within any land such as is referred to in paragraph (b) above.

(5) An official veterinary surgeon who is appointed under section 31 shall act independently and use his professional judgement in carrying out his duties.

PART 2 – INTRA-COMMUNITY TRADE

Exports to member states.

5.—(1) This Part shall apply to intra-community trade and to the placing on the market of products as a result of such a trade.

(2) No person may export or consign for export to a member state any product unless—

- (a) it satisfies the health and other requirements of veterinary legislation and Community veterinary legislation; or
- (b) (if there is no applicable Community veterinary legislation) it satisfies the veterinary legislation and the veterinary requirements of the national legislation of the member state of destination; and
- (c) all additional requirements in relation to animal and public health of the member state of destination in any special decision of the Commission are met; and
- (d) it does not come from an area, establishment, collection centre or other place in which restrictions have been imposed on account of a suspected outbreak of an animal disease.

(3) If an official veterinary surgeon ascertains that a provision of this Ordinance has been breached, he may—

- (a) notify the sender, his representative or other person responsible for the consignment;
- (b) prohibit a consignment from being sent to a member state; and
- (c) require that the person notified transport the products to such place and take such measures as he specifies.

(4) If the conditions of a notice issued under sub-section (3) above are not complied with the official veterinary surgeon may confiscate the products in relation to which the notice has been issued.

6.—(1) No person may import from a member state any products except in accordance with subsection (2) below.

Imports from member states.

(2) Every product coming from a member state shall accord with Community veterinary legislation and be accompanied by the appropriate documents and any relevant guarantees which are approved by a decision of the Commission.

(3) If an animal is imported for slaughtering, the importer must take all steps necessary to ensure that the slaughter takes place without delay. In a case of delay, unless it is justified an official veterinary surgeon may direct the importer to proceed with the immediate slaughter of the animal.

(4) If a direction under subsection (3) is not acted upon an official veterinary surgeon may confiscate and destroy the animal concerned.

7.—(1) No person shall transport products from the Areas to a member state unless the products are accompanied by the certificates or other documents which are required by veterinary legislation and Community veterinary legislation.

Transport.

(2) No person shall deliver products to an address other than the one which is mentioned in the veterinary certificates or other documents which accompany the consignment.

(3) If there is a breach of subsection (2) the official veterinary surgeon may by notice order the person who is responsible for the products to transport them at that person's expense to the address which is specified in the relevant document.

(4) If a person served with a notice under subsection (3) fails to comply with its conditions the official veterinary surgeon may confiscate and destroy the products.

8.—(1) No trader may export products to a member state unless he has been registered under this section as a trader which is engaged in intra-community trade.

Register of traders engaged in intra-community trade.

(2) The Competent Authority shall keep a register of all traders dispatching products to member states and of all traders engaged in intra-community trade.

(3) The Competent Authority shall allocate a registration number and issue a registration certificate to a trader upon his registration.

9.—(1) No undertaking may export products to a member state unless it has been registered under this section as an undertaking which is engaged in intra-community trade.

Register of undertakings engaged in intra-community trade.

(2) The Competent Authority shall keep a register of undertakings which are dispatching products to member states and of undertakings which are engaged in intra-community trade.

(3) Centres of genetic material shall be registered in a different section of the register.

(4) The Competent Authority shall allocate a registration number and issue a registration certificate to an undertaking upon its registration.

10.—(1) An application for registration must be—

- (a) addressed to the Competent Authority; and
- (b) signed by the trader if made under section 8; or
- (c) signed by the owner or person in charge of the undertaking if made under section 9.

(2) Only undertakings and traders operating in accordance with veterinary legislation and Community veterinary legislation may be registered in the register.

(3) The applicant shall—

- (a) furnish full particulars in respect of—
 - (i) the name of the trader or the undertaking;
 - (ii) any legal representative of the trader or the undertaking;
 - (iii) the headquarters and address of the trader or the undertaking;
 - (iv) details of the activities of the trader or undertaking and any other relevant information;
- (b) identify the premises, technical establishments, storage rooms and other places used by the trader or undertaking, which must accord with veterinary legislation; and
- (c) supply all certificates, confirmations and other necessary information, including in the case of an undertaking an authenticated copy of the approval for its operation or its registration required under veterinary legislation.

(4) The Competent Authority may order that an undertaking be inspected in order to confirm that it meets the conditions for registration.

(5) The registration shall take place if the conditions of this Ordinance are met.

11.—(1) Subject to subsection (2), the Chief Officer may by written notice to the Competent Authority direct that the name of a trader or undertaking be deleted from the register in any of the situations set out in subsection (2).

(2) The situations which may result in deletion are—

- (a) the conditions for registration are no longer met;
- (b) with the knowledge of the person concerned, the registration has been obtained by deceit, through a false statement or the concealing of a material fact;
- (c) a trader registered under section 8 or a person in charge of an undertaking registered under section 9, without reasonable cause has breached an obligation imposed by this Ordinance.

(3) The Chief Officer shall notify the trader or undertaking of a present intention to direct a deletion from the register of a trader or undertaking with his reasons and give the opportunity for written representations to be made to him within the period of 10 days from the day the notice is served.

(4) The Chief Officer shall review an intention notified under subsection (3) taking into account any representations made and notify the decision on the review to the trader or undertaking (as the case may be).

12.—(1) A registered trader must keep a record in printed or electronic form of all dispatches and receipts of products.

Keeping of records.

(2) Where a consignment of products is divided, broken up, added to or mixed with another consignment the registered trader shall record particulars of the final destinations of all the products.

(3) Every registered undertaking must keep a record in printed or electronic form of every movement of products to and from its premises.

(4) The particulars required under subsection (1), (2) and (3) shall be kept for at least 12 months from the date of the arrival or expected arrival of the products at their destination.

13.—(1) An official veterinary surgeon may at the place of destination carry out spot checks on products which are imported into the Areas from a member state.

Checks on products.

(2) If an official veterinary surgeon suspects that the requirements of section 6 have not been complied with he may carry out checks on products and accompanying documents at any place where they are stored on their way to their place of destination.

14.—(1) Except for registered equidae subject to the Improvement of Animal Breeds Ordinance 2003, no person shall accept any products unless the importer or the sender has notified the Competent Authority and the Fiscal Officer in writing at least 24 hours beforehand in relation to the consignment of the number and kind of products, its place or country of origin, the estimated time of arrival and its final destination.

Notification to Competent Authority. Ordinance 2/2003.

(2) A person receiving any products in circumstances where subsection (1) applies shall retain any notification about it for 12 months from the date of the arrival of the products.

15.—(1) Where the documentation accompanying the products is defective an official veterinary surgeon may order the return of the products to the country or territory from which they were sent.

Defective documentation.

(2) The official veterinary surgeon shall not take action under subsection (1) unless he gives notice to the owner, the sender, the importer or the person responsible for the products allowing him a period of 7 days to adduce the correct documentation.

(3) An official veterinary surgeon may detain products—

- (a) pending receipt of the correct documentation and in accordance with conditions which he may specify in a notice under subsection (2); or
- (b) if the person concerned does not comply with a notice under subsection (2).

16.—(1) If an official veterinary surgeon discovers or suspects the presence in products which have been imported from a member state of agents causing disease, zoonoses or other harm to animals or humans, or that the products come from an area infected by an epizootic disease, by notice he may require the owner, sender or importer to—

Notice to sender or importer.

- (a) retain the products in a place which is specified in the notice;
- (b) restrict the contact of the products with other animals and animal products;
- (c) take additional measures necessary to avert the entry of disease into the Areas;
- (d) slaughter, or slaughter and destroy the animals; and
- (e) destroy the animal products in the way specified in the notice.

(2) If an official veterinary surgeon suspects that the provisions of this Ordinance in relation to particular products are not being met he may, subject to the health and welfare condition of any animals, give notice to the owner, sender or importer of the products that he must comply with any of the options set out in subsection (3) notified to him by the official veterinary surgeon.

(3) The options which may be notified under subsection (2) are —

- (a) to reduce the amount of any chemical residues above the permitted level;
- (b) to slaughter the animals or destroy the animal products in accordance with veterinary legislation; or
- (c) subject to the approval of the competent authority of the member state of origin, and having given notice to every member state through which the consignment will pass in transit, to return the products to the member state of origin.

Products failing to meet requirements.

17.—(1) If products coming from a particular member state regularly fail to meet the requirements of Community veterinary legislation the Competent Authority shall inform the competent authority of the particular member state of this fact.

(2) If in the circumstances of subsection (1) sufficient measures are not then taken by the particular member state, to ensure that products do meet the required standard the Competent Authority shall inform the Commission so that it may investigate the matter.

(3) Having consulted the Commission, the Administrator may by order temporarily prohibit the importation into the Areas of products which come from a member state to which subsection (1) applies and must on doing so immediately notify the Commission and the member state concerned.

(4) Upon being informed by the competent authority of a member state of destination that consignments of products coming from the Areas regularly fail to meet the requirements of Community veterinary legislation, the Competent Authority shall investigate the matter and notify the competent authority of the member state of destination of the measures it is taking. If necessary, the procedures in section 36 shall be applied.

PART 3 – TRADE WITH THIRD COUNTRIES

18. This Part shall apply in relation to products which are imported into the Areas—

Application to import from third countries.

- (a) from a third country; or
- (b) from a member state, but where the products originally came from a third country and the member state did not carry out the veterinary checks required by Community veterinary legislation in order for the product to be placed into free circulation.

19.—(1) No person shall import products from a third country which are—

Conditions for imports from third countries.

- (a) intended for the Areas or to be re-exported to a member state, unless the provisions of this Ordinance are met, or
- (b) for re-export directly or indirectly to a third country, unless such transit has been previously authorised in writing by the Competent Authority,

unless the conditions in subsection (2) apply.

(2) The conditions referred to in subsection (1) are—

- (a) the products come from an approved undertaking in a third country or part of a third country which is included in the list drawn up by the Commission referred to in section 20;
- (b) the products have been subjected to the veterinary checks required under this Ordinance; and
- (c) the products enter through an inspection post in accordance with section 21.

(3) If an animal is imported for slaughtering, the importer must take all the steps necessary to ensure that the slaughter takes place without delay. In the case of a delay, unless it is justified, the official veterinary surgeon may direct the importer to proceed with the slaughtering immediately.

20.—(1) Products may only be imported from a third country or a part of a country which is included in a list which is drawn up by the Commission and published in the Official Gazette of the European Communities.

Lists of third countries.

(2) Products may only be imported from an undertaking approved by the authorities of third countries which are included in the special list which is drawn up by the Commission, and published in the Official Gazette of the European Communities (if the special list covers that type of undertaking and its activities).

21.—(1) A person importing products from a third country must present it at the inspection post associated with the specified place where it arrives so that all the checks required by law may be carried out.

Inspection Posts.

(2) As directed by the Fiscal Officer in a particular case products may upon their arrival be taken to another place in order to be checked.

22.—(1) If products are imported at a point of entry into the Areas which does not have an inspection post the customs authorities must immediately inform the official veterinary surgeon responsible for

Entry at a point without an Inspection Post.

the nearest inspection post.

(2) In the circumstances of subsection (1) the Fiscal Officer may—

- (a) detain the products; and
- (b) refrain from releasing the products unless this has been authorised in writing by the official veterinary surgeon.

(3) In the circumstances of subsection (1) and if there has been no direction under section 21(2) the official veterinary surgeon of the inspection post may, taking into account animal and public health risks, by notice require the importer of the products and in relation to the products—

- (a) to slaughter or destroy them (as the case may be);
- (b) to re-export them; or
- (c) to transport them under customs control to the nearest inspection post under the control of the Competent Authority, and in default to slaughter or destroy them.

(4) Where a person does not comply with a notice under subsection (3) or if the importer cannot be found at that time, the official veterinary surgeon may arrange the destruction of the animal products or the slaughter of the animals.

Notice before
products arrive.

23. A person who intends to import products shall at least 24 hours before they arrive notify the inspection post associated with the intended point of entry and include details of the number, type, country of origin and estimated time of arrival at the inspection post of the products.

Movement from an
inspection post.

24.—(1) Unless authorised by the official veterinary surgeon of the inspection post by a certificate issued by him confirming that all checks have been carried out, no person may move a product from –

- (a) an inspection post;
- (b) a place which is specified in a direction under section 21(2);
- (c) a customs controlled area; or
- (d) an animal centre or quarantine unit.

(2) If a consignment is split the official veterinary surgeon may issue certified true copies of the original certificate issued under subsection (1) so that each part of the consignment may be accompanied by a copy of the original certificate.

(3) No person shall present a copy of the certificate which is referred to in subsection (2) above as an original.

Consignments
not meeting
requirements.

25.—(1) When the checks carried out at an inspection post or other place reveal that the products do not meet the requirements of this Ordinance and in consequence animal or public health is at risk, the official veterinary surgeon may by notice require the importer within a specified time to do the following—

- (a) arrange for the care of the animals;
- (b) place the animals in quarantine and take any other measures to avert the introduction or spread of disease;

- (c) re-export the animals, if the hygiene conditions and welfare conditions permit it; or
- (d) destroy the products.

(2) Before imposing any of the requirements under subsection (1) the official veterinary surgeon shall take into account any representations made by the importer.

(3) If the products are re-exported in accordance with subsection (1) the official veterinary surgeon shall cancel any certificate or other document which accompanied the consignment.

(4) If a person does not comply with a requirement made under subsection (1) the official veterinary surgeon may exercise the powers conferred on him under section 26.

26.— If the checks carried out at an inspection post or other place reveal that a product or a consignment of products may pose a risk to public or animal health the official veterinary surgeon may arrange the immediate confiscation and destruction of animal products or the slaughter of animals, as the case may be.

Consignments posing a risk to animal or public health.

27. No person may import products coming from a third country where checks have been carried out in a member state or the Republic unless the consignment is accompanied by—

Certificates.

- (a) a certificate confirming that all checks required by Community veterinary legislation were carried out at the point of entry into a member state or the Republic;
- (b) a certified copy of the original certificate or other accompanying documents issued by the third country.

28.—(1) Notwithstanding the other provisions of this Part the Administrator may by order prohibit the importation of products whether imported directly from a third country (or part of it) or via a member state or the Republic where there is an outbreak of animal disease in the third country which might endanger animal or public health or for other reasons related to animal or public health.

Prohibition on imports from a third country.

(2) The Competent Authority shall immediately inform the Commission of the measures being taken under subsection (1).

(3) If a third country, following the spot checks made by experts of the Commission, does not take the necessary measures, the Chief Officer may act in accordance with any relevant decision of the Commission.

(4) The resumption of imports from a third country may be permitted following a decision of the Commission.

PART 4 – POWERS

29. For the purposes of this Ordinance the Competent Authority and Fiscal Officer may—

Duties and powers of the Competent Authority and Fiscal Officer.

- (a) carry out veterinary checks on products intended for intra-community trade or imported from third countries;
- (b) inspect the premises of undertakings and traders;
- (c) control the export, import and transportation of products to prevent the spread of animal diseases and control the

placing on the market of products posing a danger to animal or public health;

- (d) apply other necessary measures to prevent the entry and spread of animal diseases.

30.—(1) For the purposes of this Ordinance the Competent Authority may —

- (a) issue appropriate certificates;
- (b) determine the protective measures to be taken in response to epizootological conditions prevailing in a member state or a third country;
- (c) charge and collect fees from traders, undertakings and importers in relation to the carrying out of checks and other procedures required under this Ordinance.

(2) Subject to any specific legislation which applies to the Areas, the scale of the fees charged under subsection (1)(c) shall be the same as is required to be charged under the veterinary fees legislation of the Republic relating to fees chargeable for the carrying out of the checks and other procedures in the corresponding enactment of the Republic.

31. For the purposes of this Ordinance the Fiscal Officer may—

- (a) prohibit or restrict the importation or the unloading from a ship or aircraft of animals, animal carcasses, animal products and by-products, preparations of biological products related to animal health, animal feeding stuffs of animal or plant origin, litter, manure or other material liable to transmit animal diseases;
- (b) appoint official veterinary surgeons to carry out the veterinary checks at inspection posts;
- (c) appoint official veterinary surgeons for the purpose of carrying out other veterinary checks;
- (d) approve inspection posts for points of entry into the Areas;
- (e) require and check the additional guarantees which competent authorities of third countries and member states must provide in relation to specific animal diseases;
- (f) determine the protective measures to be taken in response to epizootological conditions prevailing in a member state or third country;
- (g) approve places other than inspection posts in which to keep products;
- (h) approve the transit through the Areas of products.

32.—(1) The Fiscal Officer or an official veterinary surgeon, in order to carry out any duties under this Ordinance, may be accompanied by assistants and may—

- (a) enter establishments or holdings, which are engaged in the trade in or the importation of products; or
- (b) board aircraft or ships.

Powers of the
Competent
Authority.

Powers of Fiscal
Officer.

Power of entry and
other powers.

(2) An official veterinary surgeon employed at an inspection post may carry out veterinary checks on imported products.

(3) An official veterinary surgeon may for the purposes of this Ordinance—

- (a) check documents and certificates accompanying products;
- (b) make identity checks and physical checks;
- (c) take samples;
- (d) prohibit or restrict the trading in or importation of a particular consignment of products;
- (e) issue appropriate certificates and notices;
- (f) prohibit or restrict the activities in relation to intra-community trade of a holding, establishment, collection centre or organisation or the movement of products, equipment or associated items, until such time as there is compliance with the provisions of this Ordinance;
- (g) confiscate products;
- (h) slaughter and dispose of animals and destroy animal products;
- (i) isolate, separate, mark or label products;
- (j) prohibit or restrict the movement of products and persons in places where emergency measures have been imposed under the Animal Health Ordinance 2002;
- (k) examine products;
- (l) detain products; and
- (m) recommend the deletion of the name of a trader or undertaking from a register provided for by section 8 or section 9 for the reasons set out in section 11.

Ordinance 5/2002.

(4) Where an official veterinary surgeon prohibits or restricts the importation of a consignment of products he shall notify the importer or trader or his representative (as the case may be) with the reasons.

(5) The Chief Officer, Fiscal Officer or an official veterinary surgeon may call upon the Police and other public services to assist in the carrying out of their duties under this Ordinance.

PART 5 – ADDITIONAL PROVISIONS

33. Where a power is exercised under this Ordinance to destroy animal products or slaughter animals, the expenses arising (including those relating to storage, transport and disposal) may be recovered as a debt due to the Administration from the importer or other person responsible for the products.

Expenses.

34.—(1) A person affected by a decision made under section 32(3) or any power in this Ordinance to confiscate or destroy products may upon payment of the fee determined in accordance with subsection (6) below, appeal to the Chief Officer within 24 hours of the notification of the decision.

Appeals.

(2) In calculating the period of 24 hours for the purposes of subsection (1) any non-working days following the day of the notification of the decision shall be disregarded.

(3) The grounds of the appeal shall be considered as soon as possible by a 3 member committee appointed for this purpose by the Chief Officer to be made up of 2 official veterinary surgeons (but not to include the one who made the decision under appeal) and a private registered veterinary surgeon nominated by the appellant.

(4) The committee may arrange to make additional laboratory or clinical tests and must allow the appellant a reasonable opportunity to arrange his own tests.

(5) The decision of the committee shall be by a majority.

(6) The fee to be paid for an appeal under subsection(1) shall be on the same scale as that charged in equivalent appeals made under the corresponding enactment of the Republic and shall be returned in a case where the appeal is allowed.

(7) An appeal against a decision by an official veterinary surgeon appointed to an inspection post may be made to the Chief Officer who shall appoint a committee to hear the appeal.

(8) The fee to be paid on an appeal under subsection (7) shall be on the same scale as is payable under the corresponding enactment of the Republic.

Offences.

35.—(1) Any person who in relation to the importation or exportation of products—

- (a) knowingly gives false or misleading information to the Competent Authority, Fiscal Officer or an official veterinary surgeon ;
- (b) deliberately obstructs an official veterinary surgeon in carrying out his duties;
- (c) fails to comply with any direction or order of the Competent Authority,

is guilty of an offence and shall be liable on conviction to imprisonment for a term not exceeding 6 months or to a fine not exceeding £2000 or to both such penalties and on a subsequent conviction for this offence he shall be liable to imprisonment for a term not exceeding 1 year or a fine not exceeding £4000 or to both such penalties.

(2) The court may in addition to any penalty imposed under subsection (1) order the payment of any expenses incurred in destroying, slaughtering, storing, transporting or disposing of products which are the subject of criminal proceedings under subsection (1).

Notification of measures.

36.—(1) The Competent Authority shall immediately notify the Republic, the member states and the Commission of any measures taken or revoked in accordance with this Ordinance in connection with any disease, and give information in relation to the checks which are being made and the reasons for making them.

(2) The Competent Authority shall take into account every decision of the Commission which relates to any measures referred to in subsection (1).

37.—(1) Where necessary for the application of this Ordinance expert veterinary officials of the Commission may, in cooperation with one or more of the competent authorities of a member state, a third country or the Republic and the Competent Authority of the Areas, carry out spot checks.

Spot checks by Commission.

(2) The Competent Authority shall cooperate with and provide every assistance to the expert veterinary officials of the Commission to carry out spot checks and complete their mission.

(3) The Competent Authority may ask the Commission for information about the results of the checks carried out in the Areas, Republic, a member state or a third country.

(4) The Competent Authority shall take the necessary measures arising out of the results of the checks.

38.—(1) The Administrator may by regulations make further provision in relation to the duties, powers and obligations of the Competent Authority for the better application of this Ordinance.

Power to make Regulations.

(2) Regulations made under this section may provide in particular for-

- (a) fees for appeals in substitution for the provision under section 34;
- (b) the amounts of fees to be charged under section 30(1)(c) in addition to or substitution for the provision under section 30(2).

39.—(1) The Administrator may by order impose—

Power to make orders.

- (a) general conditions for the importation of certain kinds of products from third countries;
- (b) special conditions for importation of products from a third country or groups of third countries;
- (c) special conditions for the importation of certain types of products coming from member states or third countries to which neither Community veterinary legislation nor veterinary legislation in the Areas applies.

(2) The Administrator may by order—

- (a) make provision regarding the operation and organisation of inspection posts;
- (b) impose additional conditions on the importation of particular products.

(3) The Administrator may by order make other exceptions to the application of this Ordinance.

40. The Administrator may make regulations of a technical nature concerning the powers and duties of the Competent Authority under sections 29 and 30 in relation to intra-community trade and concerning the importation from third countries of products, including in relation to—

Technical regulations.

- (a) the organisation and exercise of veterinary checks on products used in intra-community trade;
- (b) the organisation and exercise of veterinary checks on products imported from third countries ;

- (c) the checks to be carried out at the place of destination;
- (d) the conditions for trading and importation under Community veterinary legislation;
- (e) trading conditions for transit trade;
- (f) conditions for the operation, organisation and approval of isolation stations;
- (g) the products and animals under Community veterinary legislation which are excluded from the provisions of this Ordinance;
- (h) the issuing of certificates and other accompanying documents;
- (i) the co-ordination of checks between the Community, the Republic, the member states and the Areas;
- (j) the measures to be taken for the proper operation of the internal market and the protection of animal and public health;
- (k) the organisation and operation of the inspection posts and conditions for their approval under Community veterinary legislation.

Commencement and
application to the
Crown.

41.—(1) This Ordinance shall come into force on the date of its publication in the Gazette.

(2) Subject to subsection(3) this Ordinance binds the Crown.

(3) Section 35 shall not bind the Crown.

(4) For the purposes of this section “the Crown” means Her Majesty in right of Her Administration in the Areas and Her Majesty in right of Her Government in the United Kingdom.

13th June 2005

(128/118)

P. D. Draycott

Chief Officer.