



# TRADE IN ANIMAL AND RELATED PRODUCTS ORDER 2016

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Statutory Document No. 2016/0358

*Animal Health Act 1996*

# TRADE IN ANIMAL AND RELATED PRODUCTS ORDER 2016<sup>1</sup>

*Laid before Tynwald:* 17 January 2017  
*Coming into Operation:* 1 January 2017

The Department of Environment, Food and Agriculture makes the following Order under sections 8 and 9 of and Schedule 1 to the Animal Health Act 1996.

## PART 1

### INTRODUCTION

#### 1 Title

This Order is the Trade in Animal and Related Products Order 2016.

#### 2 Commencement

This Order comes into operation on 1 January 2017.

#### 3 Interpretation

(1) In this Order—

“**animal**” means an animal of any kind, including a bird, fish or invertebrate;

“**border control post**” means a place, together with the facilities contained at that place, that meet the requirements of Article 64 of the EU Regulation and has been designated by the United Kingdom Secretary of State in accordance with Article 59 and listed by the EU Commission in accordance with Article 60 for the performance of the official controls set out in Article 47(1);

“**CHED**” means a Common Health Entry Document referred to in Article 56 of the EU Regulation;

“**genetic material**” means any germinal product that includes semen, oocytes and embryos intended for artificial reproduction and hatching eggs;

“**importer**” means the natural or legal person who presents animals or products for importation into the Isle of Man;

“**premises**” includes any place, vehicle, trailer, container, stall, moveable structure, ship or aircraft;

“**product**” –

- (a) has the meaning assigned to it in the Trade in Animals and Related Products Regulations 2011<sup>1</sup>, as amended from time to time; and
  - (b) includes composite products listed in Commission Decision 2007/275 concerning lists of composite products to be subject to controls at border control posts.<sup>2</sup>
- (2) Terms and expressions used in this Order and any EU Regulation or Council Directive referred to in this Order have the same meanings as in those Regulations or Directives.
  - (3) All references in Schedule 1 to European Union instruments are references to those instruments as amended from time to time.
  - (4) In this Order any reference to “the EU Regulation” is a reference to Regulation (EU) 2017/625 of the European Parliament and of the Council on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products.<sup>3</sup>
  - (5) In this Order “pet animal” has the same meaning as in Article 4(11) of Regulation (EU) 2016/429.<sup>4</sup>

#### 4 [Revoked]<sup>5</sup>

#### 5 International agreements

Trade with the Faroe Islands, Greenland, Iceland, Liechtenstein, Norway and Switzerland under any agreement between those countries and the European Union is treated as trade with member States in accordance with such agreements for the purposes of this Order.<sup>6</sup>

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<sup>1</sup> SI 2011/1197

<sup>2</sup> OJ L 84, 31.3.2016, p. 1.

## PART 2

### MOVEMENT BETWEEN MEMBER STATES

#### 6 **Movement of animals and genetic materials between the Isle of Man and member States**

- (1) No animal or germinal product may be brought into the Island from a member State with different animal health status, unless it is accompanied by either, a relevant –
  - (a) original signed health certificate required for the relevant animal or genetic material; or
  - (b) downloaded electronic version from the TRACES database which contains the “ORIGINAL” watermark.
- (2) No animal product may be brought into the Isle of Man from a member State, unless it is accompanied by a relevant commercial document.
- (3) No animal or germinal product may be consigned to a member State without a relevant certified export health certificate.
- (4) The consignee of an incoming consignment must keep the certificate for at least 3 years, from the date of issue of that certificate.<sup>7</sup>

#### 7 **Preparation of a health certificate**

- (1) In order to prepare a health certificate for the consignment of an animal, animal product or genetic material to a member State, or genetic material to another member State, the person intending to despatch the consignment must apply to the Department for a uniquely numbered certificate.<sup>8</sup>
- (2) The certificate must then be completed by a person authorised to do so by the Department, in accordance with the instructions sent by the Department with the certificate.
- (3) The person completing the certificate must ensure that the conditions specified in the certificate are fulfilled and that all necessary examinations have been carried out.
- (4) If everything is in order the person must sign the certificate.
- (5) No person may sign a certificate unless authorised by the Department.
- (6) No person may sign a certificate knowing it to be false, or not believing it to be true

## **8 Notification of movement of animals and genetic material between the Isle of Man and member States<sup>9</sup>**

- (1) No animal or genetic material may be consigned to a member State unless the consignor has notified the competent authority of the member State of destination, at least 24 hours in advance of the intended arrival of the consignment and using the Traces system established under Commission Decision 2004/292/EC<sup>3</sup>.<sup>10</sup>
- (2) No animal or genetic material may be brought into the Island from a member State unless the person bringing in the consignment has notified the Department, at least 24 hours in advance of the intended arrival of consignment.<sup>11</sup>

## **9 Disapplication of Part 2**

Articles 6 to 8 do not apply in respect of the movement of animals and genetic material between the Island and the United Kingdom.

## **10 Additional requirements in specific cases**

Part 1 of Schedule 2 makes additional requirements for specific cases.

## **10A Use of Common Health Entry Document “CHED”**

- (1) Where there is a requirement for the imported consignment to be accompanied, either in hard copy or an electronic equivalent version by a Common Health Entry Document (“CHED”) to the final destination premises the operator responsible for the consignment must complete the relevant part of the document for the complete identification of the consignment and the place of destination.
- (2) Where a CHED is required the operator responsible for the consignment must comply with the provisions of Article 56 of the EU Regulation.<sup>12</sup>

# **PART 3**

## **IMPORTATION FROM A THIRD COUNTRY**

## **11 Scope of this Part**

This Part applies in relation to the importation into the Island from a third country of any animal or product specified in Commission Decision 2007/275/EC<sup>4</sup>, including a situation where the ultimate destination is outside the Island.<sup>13</sup>

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<sup>3</sup> OJ No. L. 94, 31.3.2004, p.63 as last amended by Commission Decision 2005/515/EC (OJ No. L 187, 19.7.2005)

<sup>4</sup> OJ L 116, 4.5.2007, p. 9–33

## 12 Importation

No person shall import any animals or animal products either for entry into the Island or for export to the European Union, or for immediate re-export, either directly or indirectly, outside the European Union —

- (a) from anywhere other than a member State; and
- (b) from the European Union if the animals originated in a country which is not a member State and the consignment is not accompanied by a CHED issued by the official veterinary surgeon at the border control post and the movement is in accordance with the CHED.<sup>14</sup>

## 13 Supervision and monitoring consignments

In the case of an animal or a product, if the CHED requires a consignment to be taken to a specific destination in the Isle of Man —

- (a) the movement must be under customs supervision if this is specified in the entry document; and
- (b) on arrival, the occupier of the destination premises must immediately notify the Department of its arrival.<sup>15</sup>

## 14 Unchecked consignments

- (1) The Department must seize any consignment—
  - (a) brought into the Island other than through a border control post approved for that animal or product;<sup>16</sup>
  - (b) removed from a border control post without a CHED or the authority of the official veterinary surgeon or official fish inspector (as relevant) at the post; or<sup>17</sup>
  - (c) transported from the border control post to a destination other than that specified in the entry document.<sup>18</sup>
- (2) Where the Department suspects that a consignment does not satisfy the conditions in Schedule 2 relating to that animal, product or genetic material —
  - (a) it may detain or, seize or cause the consignment to be detained or seized, pending investigations; and
  - (b) any costs incurred shall be at the expense of the person responsible for the consignment.

## 15 Action following failure of checks or seizure — products

- (1) In the case of a product, if the checks at a border control post show that the consignment does not comply with the rules referred to in Article 1(2) of the EU Regulation, the official veterinary surgeon or the official fish

inspector (as appropriate) must place the consignment under detention and must refuse its entry.

- (2) After consultation with the person responsible for the consignment, unless immediate action is necessary in order to respond to a risk to human or animal health or to the environment, the official veterinary surgeon or the official fish inspector (as appropriate) may order the person responsible for the consignment to —
  - (a) subject the consignment to special treatment in accordance with Article 71(1) and (2) or to any other measure necessary to ensure compliance with the rules referred to in Article 1(2) of the EU Regulation and, where appropriate, allocate the consignment for purposes other than those for which it was originally intended provided there is no risk to human or animal health;
  - (b) where health conditions permit, require the person in charge of the consignment to re-dispatch the product outside the European Union in accordance with Article 72 of the EU Regulation from the same border control post to a destination agreed with the person responsible for the consignment, using the same means of transport, within a maximum time limit of 60 days; or
  - (c) if the person responsible for the consignment gives immediate agreement, re-dispatch is impossible or the 60-day time limit has elapsed, destroy the products.
- (3) The official veterinary surgeon or official fish inspector (as appropriate) may exceptionally authorise partial destruction, re-dispatch, special treatment, or other measure to be taken in respect of a part of the consignment only, provided that the action taken —
  - (a) is such as to ensure compliance;
  - (b) does not pose a risk to human or animal health; and
  - (c) does not disrupt official control operations.
- (4) Pending re-dispatch or confirmation of the reasons for rejection, the person responsible for the consignment must store the consignment under the supervision of the enforcement authority at the expense of the person responsible for the consignment.
- (5) If a consignment of products is seized outside a border control post under article 14 of this Order (unchecked consignments), the Department must order that such consignment be retained or recalled, and placed under official detention without delay, and paragraphs 2 and 3 of this article shall apply.
- (6) The importer or the importer's representative is liable for the costs incurred in these measures but is entitled to the value of the product after deduction of these costs.



- (7) The importer or the importer's representative may immediately, and not later than 24 hours after notification of the non-compliance, make written representations to the Department regarding any decision taken under this article, and any such representations must be considered and a written response given within 24 hours of receipt of such representations.<sup>19</sup>

## **16 Consignments of products likely to constitute a risk to animal or human health**

If a veterinary inspection indicates that a consignment is likely to constitute a danger to animal or human health, the official veterinary surgeon or the official fish inspector (as relevant) must immediately place the consignment under official detention and order that the person responsible for the consignment destroy it or arrange special treatment in accordance with Article 71 of the EU Regulation at the expense of the person responsible for the consignment.<sup>20</sup>

## **17 Serious or repeated infringements and breach of maximum residue limits**

- (1) If the official veterinary surgeon or official fish inspector (as appropriate) suspects that products coming in from a particular third country, part of a third country or establishment in a third country are implicated in serious or repeated infringements of any import requirement, or where those checks reveal that maximum residue levels have been exceeded, this article applies to the next ten consignments or a net weight of 300 tonnes, whichever is the lowest, imported from that third country, part of a third country or an establishment in that country.
- (2) If the official veterinary surgeon or official fish inspector (as appropriate) has reason to suspect fraudulent or deceptive practices by an operator responsible for a consignment then the Department may apply intensified official controls in line with measures in Articles 66 to 69 of the EU Regulation.
- (3) The official veterinary surgeon or official fish inspector (as appropriate) must carry out a physical check on the suspected non-compliant consignment, take samples for analysis and take measures in accordance with Articles 66 to 69 of the EU Regulation.
- (4) The person responsible for the consignment must lodge with the official veterinary surgeon a deposit or guarantee sufficient to assure payment of all charges, including the taking of samples, and tests or analysis.<sup>21</sup>

## **18 Action following seizure – animals**

- (1) If the checks at a border control post show that an animal does not comply with the rules referred to in Article 1.2 of the EU Regulation relating to that animal, or where such checks reveal an irregularity, the official veterinary surgeon must initially place the animal either under detention,

isolation or quarantine, as appropriate, where it must be kept, cared for or treated under appropriate conditions pending further official decision on the fate of the animal.

- (2) After consultation with the importer or the importer's representative, unless immediate action is necessary in order to respond to a risk to human or animal health or animal welfare or to the environment, the official veterinary surgeon may order the person responsible for the consignment to –
  - (a) shelter, feed and water and, if necessary, treat the animal;
  - (b) if necessary, place it in quarantine or isolate it for so long as is necessary to ensure that there is no risk to human or animal health; or
  - (c) re-dispatch the animal in accordance with Article 72 of the EU Regulation without delay.
- (3) The official veterinary surgeon may exceptionally authorise partial destruction, re-dispatch, special treatment, or other measure to be taken in respect of a part of a consignment of animals, provided that such action –
  - (a) is such as to ensure compliance;
  - (b) does not pose a risk to human or animal health; and
  - (c) does not disrupt official control operations.
- (4) If re-dispatch is impossible, in particular for welfare reasons, the official veterinary surgeon may order the importer or the importer's representative to arrange for the slaughter of the animal to spare any avoidable pain, distress or suffering.
- (5) If an animal is seized outside a border control post under article 14 of this Order (unchecked consignments) the Department must order the consignment to be retained or recalled, and placed under official detention without delay, and paragraphs (1) and (2) of this article shall apply. The Department must consider any representations made within 24 hours of notification of the non-compliance by the person responsible for the consignments.
- (6) The importer or the importer's representative is liable for the costs incurred in these measures but is entitled to the slaughter value of the animal after deduction of these costs.<sup>22</sup>

## 19 Appeals

Any person who is aggrieved by a decision referred to in article 15 or 18 may appeal within one month of the decision to a court of summary jurisdiction by way of complaint for an order and the Summary Jurisdiction Act 1989<sup>5</sup> applies to the proceedings.

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<sup>5</sup> 1989 c.15

### **19A Review of decisions by an appointed person**

- (1) Any person aggrieved by a decision made under this Order, other than decisions referred to in articles 15 or 18, may request a review of that decision by a person appointed by the Department (“the appointed person”).
- (2) Within 21 days of the appointment of the appointed person written representations may be made by the aggrieved person to the appointed person.
- (3) The right of review does not affect the Department’s requirement to take prompt action to eliminate or contain the risks to human or animal health.
- (4) The appointed person must consider any written representations made when reviewing the disputed decision and must report in writing to the Department within a period of 21 days with a recommended course of action resulting from the review.
- (5) The Department must consider the report of the appointed person and promptly notify the owner of the outcome of the review and provide a copy of the report of the appointed person.
- (6) A review does not affect the obligation on the relevant decision-maker to take prompt action to eliminate or contain the risks to human or animal health.<sup>23</sup>

### **20 Additional requirements in specific cases**

Part 2 of Schedule 2 makes additional requirements for specific cases.

### **21 Exclusions**

The provisions of this Part do not apply in the cases specified in Schedule 3.

### **22 Re-importation**

The person responsible for the re-importation of a consignment of products originating in the Isle of Man and refused by a third country may be required either to —

- (a) transport the re-imported consignment direct to that nominated place of destination in a leak-proof means of transport that has been identified and sealed by the official veterinary surgeon; or
- (b) dispose of product in the consignment as animal by-product in accordance with Regulation (EC) No 1069/2009.<sup>24</sup>

### 23 Admission of products into warehouses

No person may bring a consignment of products that does not comply with the import requirements of this Order into a warehouse in a free zone or a free warehouse as established in accordance with Regulation (EU) No 952/2013.<sup>25</sup>

## PART 4

### SAFEGUARD MEASURES

### 24 Safeguard measures

- (1) Where the Department –
  - (a) has reasonable grounds for suspecting the existence of a disease, zoonosis, phenomenon or circumstance outside the Isle of Man;
  - (b) has evidence that the entry into the Isle of Man of certain animals or products originating from abroad are liable to pose risk to human or animal health; and
  - (c) is of the opinion that there is evidence of serious non-compliance with the rules in Article 1(2) of the EU Regulation,the Department may publish a declaration of the special measures necessary in order to contain such risks and prevent potentially non-compliant animals or products entering into Isle of Man.
- (2) The Department must identify affected animals or products by referring to Commission Decision 2007/275/EC and may include –
  - (a) prohibition of entry into the Isle of Man of relevant animals originating in or dispatched from the relevant country or regions thereof;
  - (b) the requirement that the animals and products prior to dispatch, are made the subject of specific treatment or controls;
  - (c) the requirement that the animals and products be subject, upon entry into the Isle of Man, to specific treatment or controls;
  - (d) the requirement that a consignment of animals or products must be accompanied by an official certificate, an official attestation, or by any other evidence (in any format that may be specified) that the consignment complies with requirements established by the rules referred to in Article 1.2 of the EU Regulation or with requirements recognised to be at least equivalent thereto;
  - (e) other measures that the Department considers necessary to contain the risk.<sup>26</sup>

## PART 5

### ADMINISTRATION

#### 25 Notifications and authorisations

Any notification or authorisation must be in writing, may be subject to conditions and may be amended, suspended or revoked by further notice in writing at any time.

#### 26 Importation of animals and products constituting a risk to animal or public health

- (1) If an imported animal or product is suspected by Department of constituting a serious risk to human or animal health or animal welfare, or in the case of suspicion of non-compliance, the animal or product comes from a region contaminated by an epizootic disease, an officer of the Department may require —
  - (a) an investigation in order to confirm or eliminate that suspicion, and the importer must assist the officer with establishing the region of origin of the animal or product;
  - (b) an investigation into the extent of any suspected non-compliance and to establish the operator's responsibilities;
  - (c) intensified official controls on consignments of animals, products from a particular region until such imports no longer are regarded by the officer of constituting such health risk;
  - (d) the official detention of animals and products and of any unauthorised substances or products as appropriate that are suspected of constituting a health risk;
  - (e) appropriate measures to ensure that the operator concerned remedies the non-compliance and prevents further occurrences of such non-compliance.
- (2) Where the Department is satisfied that imported animals or products constitute a risk to animal or public health, an officer of the Department may, following written notice, take any reasonable action to ensure compliance with any rules laid down in accordance with Article 1.2 of the EU Regulation, including —
  - (a) taking samples for testing and ordering or performing of veterinary treatments on animals;
  - (b) ordering the unloading of animals, transfer of them via another means of transport to a specified holding for a specified quarantine period, (which could involve the postponement of the slaughter of animals);

- (c) the slaughter or killing of animals provided that this is the most appropriate measure to safeguard human health as well as animal health and welfare;
  - (d) restricting or prohibiting the placing on the market, the movement or the export of the animal or product, or requiring return to the country of despatch;
  - (e) ordering the importer to increase the frequency and thoroughness of their own systematic checks and controls before importing further animals or goods from the same region;
  - (f) ordering the isolation or closure, for an appropriate period of time, of all or part of a business operation (including any related internet and on-line sales of products that may constitute a risk to animal or human health) affected by the import of an animal or product that constitutes a risk to animal or human health;
  - (g) the recall, withdrawal, removal and destruction of products, authorising, where appropriate, the use of the products for purposes other than those for which they were originally intended;
  - (h) the treatment of products for human consumption, the alteration of labels or corrective information to be provided to consumers; or
  - (i) the temporary suspension or withdrawal of the registration or approval of an affected establishment, plant, holding or means of transport concerned, or of an authorisation of a transporter.
- (3) The officer of the Department must provide an affected business operator, or its representative, with –
- (a) written notification of the decision concerning the action or measure to be taken in accordance with this article, together with the reasons for that decision; and
  - (b) information on any right of appeal against such decisions and on the applicable procedure and time limits with respect to such right of appeal.
- (4) All expenditure incurred under this article shall be borne by the responsible operators.
- (5) In the case of issuance of false or misleading official certificates in Isle of Man, or where there is evidence of abuse of official certificates, an officer of the Department, may take appropriate measures, including –
- (a) the temporary suspension of the certifying officer from certifying any certificates related to any relevant trade;
  - (b) the withdrawal of the authorisation of a person to sign official certificates;
  - (c) any other measure believed by the officer to be necessary to prevent a reoccurrence of any non-compliance or abuse.<sup>27</sup>

**27 Exchange of information**

- (1) The Collector of Customs and Excise, a general customs official and the Department may exchange information for the purposes of this Order, and may divulge information to the enforcement authorities in the United Kingdom for the purposes of this Part or the equivalent legislation in those jurisdictions.
- (2) Paragraph (1) is without prejudice to any other power in the Customs and Excise Acts, any general customs official or the Department to disclose information.
- (3) No person, including a servant of the Crown, may disclose any information received from the Collector of Customs and Excise or a general customs official under paragraph (1) if—
  - (a) the information relates to a person whose identity —
    - (i) is specified in the disclosure; or
    - (ii) can be deduced from the disclosure;
  - (b) the disclosure is for a purpose other than the purposes specified in paragraph (1); and
  - (c) the Collector of Customs and Excise have not given their prior consent to the disclosure.

**28 Offences**

Breach of the following provisions is an offence—

<i>Provision</i>	<i>Description of the offence</i>
article 6(1), (2) and (3)	Movements without correct accompanying document <sup>28</sup>
article 6(4) <sup>29</sup>	Failing to keep a certificate for at least 3 years
article 7(5)	Signing a certificate without being authorised by the Department
article 7(6)	Signing a certificate knowing it to be false, or not believing it to be true
article 8	Failure to Notify
article 12	Removal from a border control post without a CHED <sup>30</sup>
article 12	Failing to transport a consignment to the place specified in the CHED <sup>31</sup>
article 13	Movement other than under Customs supervision and failure to notify the Department
article 23	Bringing a non-compliant product into a warehouse etc.
article 24(4)	Bringing in an animal or product in breach of a declaration
article 27(3)	Disclosure of information
Schedule 2:	
paragraph 5(1)	Trading in apes
paragraph 6(2)	Failure to keep records

paragraph 6(3)	Notification of movement
paragraph 7	Movement of animal by-products
paragraph 8(2)	Slaughter of animals
paragraph 8(3)	Keeping animals at their place of destination
paragraph 9(2)	Transport of birds to approved quarantine facilities or centres
paragraph 9(3)	Release of birds from quarantine
paragraph 11	Failure to use a certificate relating to ships' stores
Schedule 3	
paragraph 4(3)	Failure to destroy or re-dispatch in accordance with the authorisation

## 29 Offences by bodies corporate

- (1) Where a body corporate is guilty of an offence under this Order, 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,
 that person as well as the body corporate is guilty of the offence and liable to be proceeded against and punished accordingly.
- (2) For the purposes of this article “director”, in relation to a body corporate whose affairs are managed by its members, means a member of the body corporate.

## 30 Offences by partnerships and unincorporated associations

- (1) Proceedings for an offence under this Order alleged to have been committed by a partnership or an unincorporated association may be brought in the name of the partnership or association.
- (2) For the purposes of such proceedings rules of court relating to the service of documents are to have effect as if the partnership or association were a body corporate.
- (3) A fine imposed on a partnership or association on its conviction for an offence under this Order is to be paid out of the funds of the partnership or association.
- (4) Where an offence under this Order committed by a partnership is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, a partner, that partner (as well as the partnership) is guilty of the offence and is liable to be proceeded against and punished accordingly.

For these purposes, “**partner**” includes a person purporting to act as a partner.



- (5) Where an offence under this Order committed by an unincorporated association is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, an officer of the association, that officer (as well as the association) is guilty of the offence and is liable to be proceeded against and punished accordingly.

For these purposes, “**officer**” means an officer of the association or a member of its governing body, or a person purporting to act in such capacity.

### **31 Penalties**

- (1) A person guilty of an offence of disclosure in breach of article 27(3) (disclosure of information) is liable—
- (a) on summary conviction, to a fine not exceeding £5,000, to imprisonment not exceeding 3 months, or to both;
  - (b) on conviction on indictment, to imprisonment for a term not exceeding 2 years, to a fine or to both.
- (2) A person guilty of any other offence under this Order is liable on summary conviction to a fine not exceeding £5,000 or, on conviction on indictment, to a fine.

### **32 Disapplication of provisions**

The provisions of the legislation listed in Schedule 4 shall not apply to imports from the European Union of animals and animal products to which a Directive listed in Part 1 of Schedule 2 applies, or to imports of an animal to which a decision listed in Part 2 of Schedule 2 applies from the country subject to that decision, to the extent specified in column 2 of Schedule 4.

### **33 Revocations**

The following are revoked—

- (a) The Animal and Animal Products (Import and Export) Order 2001<sup>6</sup>;
- (b) The Importation of Carcasses (Prohibition) Order 1974<sup>7</sup>.

**MADE 5 DECEMBER 2016**

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<sup>6</sup> SD 43/01

<sup>7</sup> 4/9/1974



## SCHEDULE 1

[Articles 3 and 6]

## EUROPEAN UNION LEGISLATION

EU Legislation	Subject
Council Directive 64/432/EEC on animal health problems affecting intra-Community trade in bovine animals and swine <sup>8</sup>	Bovine animals and Swine
Council Directive 88/407/EEC laying down the animal health requirements applicable to intra-Community trade in and imports of semen of domestic animals of the bovine species <sup>9</sup>	Bovine semen
Council Directive 89/556/EEC on animal health conditions governing intra-Community trade in and importation from third countries of embryos of domestic animals of the bovine species <sup>10</sup>	Veterinary checks
Council Directive 89/662/EEC concerning veterinary checks in intra-Community trade with a view to completion of the internal market <sup>11</sup>	Fresh and frozen bovine embryos
Council Directive 90/425/EEC 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 <sup>12</sup>	Veterinary checks
Council Directive 90/429/EEC laying down the animal health requirements applicable to intra-Community trade in and imports of semen of domestic animals of the porcine species <sup>13</sup>	Porcine semen
Council Directive 91/496/EEC laying down the principles governing the organisation of veterinary checks on animals entering the Community from third countries <sup>14</sup>	Veterinary checks
Council Directive 91/68/EEC on animal health conditions governing intra-Community trade in ovine and caprine animals <sup>15</sup>	Sheep and goats

EU Legislation	Subject
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<sup>8</sup> OJ No. L 121, 29.7.64, p. 1977 as last amended by Commission Decision 2009/976/EU (OJ No. L 336, 18.12.2009 p. 36).

<sup>9</sup> OJ No. L 194, 22.7.1988, p. 10 as last amended by Council Directive 2008/73/EC (OJ No. L 219, 14.8.2008, p.40).

<sup>10</sup> OJ No. L 302, 19.10.1989, p. 1 as last amended by Council Directive 2008/73/EC.

<sup>11</sup> OJ No. L 395, 30.12.1989, p. 13 as last amended by Directive 2004/41/EC (OJ No. L 157, 30.4.2004, p.33)

<sup>12</sup> OJ No. L 224, 18.8.1990, p. 29 as last amended by Directive 2002/33/EC (OJ No. L315, 19.11.2002, p.14)

<sup>13</sup> OJ No. L 224, 18.8.1990, p. 62 as last amended by Council Directive 2008/73/EC.

<sup>14</sup> OJ No. L 268, 24.9.1991, p. 56 as last amended by Directive 2008/73/EC, (OJ No. L219, 14.8.2008, p. 40)

<sup>15</sup> OJ No. L 46, 19.2.1991, p. 19 as last amended by Council Directive 2008/73/EC.

Council Directive 92/65/EEC 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 <sup>16</sup>	Other animals and products specified in the Directive
Council Directive 92/118/EEC 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 <sup>17</sup>	Miscellaneous products
[Revoked]	[Revoked] <sup>32</sup>
Council Directive 97/78/EEC laying down the principles governing the organisation of veterinary checks on products entering the Community from third countries <sup>18</sup>	Veterinary checks
Regulation (EC) No 178/2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down the procedures in matters of food safety <sup>19</sup>	Animal products for human consumption
Council Directive 2002/99/EC laying down the animal health rules governing the production, processing, distribution and introduction of products of animal origin for human consumption <sup>20</sup>	Animal products for human consumption
Council Directive 2004/68/EC laying down animal health rules for the importation into and transit through the Community of certain live ungulate animals <sup>21</sup>	Certain live ungulate animals including bovine, ovine, caprine, porcine

EU Legislation	Subject
[Revoked]	[Revoked] <sup>33</sup>
Regulation (EC) No 852/2004 of the European Parliament and of the Council on the hygiene of foodstuffs <sup>2234</sup>	Animal products for human consumption
Regulation (EC) No 853/2004 of the European Parliament and of the Council laying down specific hygiene rules for food of animal origin <sup>23</sup>	Animal products for human consumption
[Revoked]	[Revoked] <sup>35</sup>

<sup>16</sup> OJ No. L 268, 14.9.1992, p. 54 as last amended by Commission Regulation (EU) No 176/2010 (OJ No. L 52, 3.3.2010, p. 14).

<sup>17</sup> OJ No. L 62, 15.3.1993, p. 49 as last amended by Commission Regulation (EC) No 445/2004 (OJ No. L 72, 11.3.2004, p. 60).

<sup>18</sup> OJ No. L24, 30.1.1998, p. 9 as last amended by Directive 2006/104/EC (OJ L.363, 20.12.2006)

<sup>19</sup> OJ No. L 31, 1.2.2002, p. 1 as last amended by Regulation (EC) No. 596/2009 of the European Parliament and of the Council.

<sup>20</sup> OJ No. L 21, 28.1.2004, p. 11 as last amended by Regulation (EC) No. 596/2009 of the European Parliament and of the Council.

<sup>21</sup> OJ No. L 139, 30.4.2004, p. 1 as last amended by Regulation (EC) No. 219/2009 of the European Parliament and of the Council (OJ No. L 87, 31.3.2009, p. 109).

<sup>22</sup> OJ No. L 139, 30.4.2004, p. 206 as last amended by Commission Regulation (EU) No 151/2011 (OJ No. 46, 19.2.2011, p. 17).

<sup>23</sup> OJ No. L 35, 8.2.2005, p. 1 as last amended by Regulation (EC) No. 219/2009 of the European Parliament and of the Council.



[Revoked]	[Revoked] <sup>36</sup>
Council Regulation (EC) No. 183/2005 laying down requirements for feed hygiene <sup>24</sup>	Animal feed
Commission Decision 2007/275 concerning lists of animals and products to be subject to controls at border control posts under Council Directives 91/496/EEC and 97/78/EC <sup>25</sup>	Composite products
Council Directive 2006/88/EC on animal health requirements for aquaculture animals and products thereof, and on the prevention and control of certain diseases in aquatic animals	Aquatic animals
Council Directive 2009/156/EC on animal health conditions governing the movement and importation from third countries of equidae <sup>37</sup>	Equidae

<b>EU Legislation</b>	<b>Subject</b>
Council Directive 2009/158/EC on animal health conditions governing intra-Community trade in, and imports from third countries of, poultry and hatching eggs	Poultry and hatching eggs
[Revoked]	[Revoked] <sup>38</sup>
Council Regulation (EC) No 1069/2009 laying down the health rules as regards animal by-products and derived products not intended for human consumption	Animal by-products
Regulation (EU) 2016/1012 of the European Parliament and of the Council of 8 June 2016 on zootechnical and genealogical conditions for the breeding, trade in and entry into the Union of purebred breeding animals, hybrid breeding pigs and the germinal products thereof	Purebred breeding animals, hybrid breeding pigs and the germinal products thereof <sup>39</sup>
Regulation (EU) 2017/625 of the European Parliament and of the Council on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products <sup>26</sup>	Official controls and other official activities <sup>40</sup>

<sup>24</sup> OJ No. L 229, 1.9.2009, p. 1 as last amended by Commission Regulation (EU) No 939/2010 (OJ No. L 277, 21.10.2010, p. 4).

<sup>25</sup> OJ No. L 300, 14.11.2009, p.1 as last amended by Directive 2010/63/EU of the European Parliament and of the Council (OJ No. L 276, 20.10.2010, p. 33).

<sup>26</sup> OJ L 095, 7.04.2017, p. 1.

**SCHEDULE 2**

[Articles 10 and 20]

**SPECIFIC REQUIREMENTS FOR INDIVIDUAL CASES****PART I****ADDITIONAL REQUIREMENTS FOR TRADE BETWEEN MEMBER STATES****1 Dealers in cattle, sheep, pigs or goats**

- (1) The Department may authorise premises to operate as an assembly centre or dealer's premises in accordance with Council Directive 64/432/EEC<sup>27</sup> (in the case of cattle and pigs) or Council Directive 91/68/EEC<sup>28</sup> (in the case of sheep and goats).
- (2) The authorisation must specify the dealer or operator authorised to operate the premises.
- (3) The Department must be satisfied that the dealer or operator will operate the premises in accordance with Council Directive 64/432/EEC or Council Directive 91/68/EEC.

**2 Transport of cattle, pigs, sheep or goats**

- (1) Any person transporting cattle, pigs, sheep or goats between [the Isle of Man and] member States must comply with this paragraph.<sup>41</sup>
- (2) No person may transport cattle, pigs, sheep or goats to a member State without having been authorised by the Department in accordance with article 6(c) of the Welfare of Animals (Transport) Order 2007<sup>29</sup>.<sup>42</sup>
- (3) The transporter must, for each vehicle used for the transport of those animals, keep a register containing the following information —
  - (a) places and dates of pick-up, and the name or business name and address of the holding or assembly centre where the animals are picked up;
  - (b) places and dates of delivery, and the name or business name and address of the consignee;
  - (c) species and number of animals carried;
  - (d) date and place of disinfection; and
  - (e) the unique identifying number of accompanying health certificates.

<sup>27</sup> OJ 121, 29.7.1964, p. 1977–2012

<sup>28</sup> OJ L 46, 19.2.1991, p. 19–36

<sup>29</sup> SD 573/07

- (4) The register must be kept for at least 3 years.
- (5) The transporter must ensure that the means of transport is constructed in such a way that animal faeces, litter or feed cannot leak or fall out of the vehicle.
- (6) The transporter must give a written undertaking to the Department stating that—
  - (a) in the case of cattle or pigs, Council Directive 64/432/EEC<sup>30</sup>, and in particular the provisions laid down in Article 12 of that Directive and the provisions of that Directive relating to the appropriate documentation that must accompany the animals, will be complied with;
  - (b) in the case of sheep or goats, Council Directive 91/68/EEC<sup>31</sup>, and in particular the provisions laid down in Article 8c of that Directive and the provisions of that Directive relating to the appropriate documentation that must accompany the animals, will be complied with; and
  - (c) the transport of animals will be entrusted to staff who possess the necessary ability, professional competence and knowledge.

### 3 Horses

Registered equidae and equidae for breeding and production (other than registered horses accompanied by identification documentation provided for by Council Directive 90/427/EEC<sup>32</sup> (on the zootechnical and genealogical conditions governing intra-Community trade in equidae) covered by a bi-lateral agreement made under Article 6 of Council Directive 2009/156/EC<sup>33</sup> on animal health conditions governing the movement and importation from third countries of equidae may move between the Isle of Man and member states without a health attestation or a health certificate.<sup>43</sup>

### 4 Poultry Health Scheme

For the purposes of Articles 2 and 6 of, and Annex II to, Council Directive 2009/158/EC<sup>34</sup> (which establishes a poultry health scheme relating to trade between member States) —

- (a) the approval of establishments and laboratories is granted by the Department;

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<sup>30</sup> OJ 121, 29.7.1964, p. 1977–2012

<sup>31</sup> OJ L 46, 19.2.1991, p. 19–36

<sup>32</sup> OJ L 224, 18.8.1990, p. 55–59

<sup>33</sup> OJ L 192, 23.7.2010, p. 1–24

<sup>34</sup> OJ L 343, 22.12.2009, p. 74–113

- (b) an annual inspection of an approved establishment must be carried out by an inspector appointed for the purpose by the Department for the establishment to remain on the register.

## 5 Approvals for the Balai Directive

- (1) No person may trade in apes (*simiae* and *prosimiae*) other than between a centre approved by the Department and a centre approved by the competent authority for a member State in accordance with Article 5 of Council Directive 92/65/EEC<sup>35</sup> (“the Balai Directive”).<sup>44</sup>
- (2) A body seeking approval to use the different health provisions set out in Article 13 of the Balai Directive must be approved by the Department.
- (3) The Department must suspend, withdraw or restore approvals in sub-paragraph (1) or (2) in the circumstances set out in point 6 of Annex C to that Directive.
- (4) The Department must approve a body authorised to engage in trade with member States in ova and embryos in accordance with Article 11 of the Balai Directive if the body meets the conditions applicable to it in respect of approval and the performance of its duties as required by Article 11 of and Annex D to that Directive.<sup>45</sup>
- (5) By way of derogation from sub-paragraph (1), the Department may authorise in writing a body approved under this paragraph to acquire an ape (*simiae* and *prosimiae*) belonging to an individual.

## 6 Circuses

- (1) The Department is the competent authority for the purposes of Commission Regulation (EC) No. 1739/2005<sup>36</sup> laying down animal health requirements for the movement of circus animals between member States.
- (2) No person may contravene Article 8 of that Commission Regulation (keeping of records).
- (3) Notwithstanding article 6(1) of this Order, no person may contravene Article 10(1) of that Commission Regulation (notification of movement).

## 7 Animal by-products

Animal by-products to which Article 48 of Regulation (EC) No 1069/2009<sup>37</sup> apply may only be consigned to a member State, or brought into the Isle of Man from a member State, in accordance with that Article.<sup>46</sup>

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<sup>35</sup> OJ L 268, 14.9.1992, p. 54–72

<sup>36</sup> OJ L 279, 22.10.2005, p. 47–62

<sup>37</sup> OJ L 300, 14.11.2009, p. 1–33



## PART 2

### ADDITIONAL PROVISIONS RELATING TO IMPORTS FROM THIRD COUNTRIES

#### 8 Arrival at premises of destination

- (1) This paragraph applies to elephants and to cattle, pigs, sheep, goats and all other animals of the taxa Artiodactyla, and their crossbreeds.
- (2) Animals intended for immediate slaughter must be conveyed without delay from the border control post to the slaughterhouse of destination and slaughtered within 5 working days.<sup>47</sup>
- (3) In any other case the animals must be taken without delay from the border control post to the holding of destination and kept there for at least 30 days (unless consigned from the holding direct to a slaughterhouse).<sup>48</sup>

#### 9 Imported birds

- (1) The Department is the competent authority for Commission Regulation (EC) No. 139/2013<sup>38</sup> laying down animal health conditions for imports of certain birds into the Community and the quarantine conditions thereof.
- (2) An importer must comply with Article 7 (transport of birds) of that Regulation.
- (3) No person may release a bird from quarantine except in accordance with Article 16 (release of birds) of that Regulation.

#### 10 Horses

When a horse is imported from a third country under Commission Implementing Regulation (EU) 2018/659 on the conditions for the entry into the Union of live equidae and of semen, ova and embryos of equidae<sup>39</sup>, the official veterinary surgeon must return the health certificate to the person accompanying the horse, and make a record of the certificate.<sup>49</sup>

#### 11 Ships stores

A product that does not comply with import requirements and is sent from a border control post to a ship must be accompanied by the certificate referred to in the instrument in Schedule 1 relating to that product, and the master of the vessel must confirm delivery of the product by signing the certificate specified in Commission Decision 2000/571/EC<sup>40</sup> (laying down the methods of veterinary checks for products from third countries destined for introduction into free zones,

<sup>38</sup> OJ L 47, 20.2.2013, p. 1–17

<sup>39</sup> OJ L 110, 30.4.2018, p. 1.

<sup>40</sup> OJ L 240, 23.9.2000, p. 14–18

free warehouses, customs warehouses or operators supplying cross border means of sea transport) and returning it as soon as is reasonably practicable to the official veterinary surgeon at the border control post.<sup>50</sup>

**SCHEDULE 3**

[Article 21]

**CASES TO WHICH PART 3 DOES NOT APPLY****1 Disapplication of Part 3**

Part 3 of this Order does not apply in the cases set out in this Schedule.

**2 Case 1: Personal imports and small consignments**

The products of animal origin specified in Article 2 of Commission Regulation (EC) No. 206/2009<sup>41</sup> on the introduction into the Community of personal consignments of products of animal origin.

**3 Case 2: International means of transport**

Products on board means of transport operating internationally that are intended for consumption by the crew and passengers and that are either —

- (a) not unloaded;
- (b) transferred directly from one means of transport operating internationally to another at the same port and under customs supervision; or
- (c) destroyed as soon as they are unloaded.

**4 Case 3: Trade samples and samples for particular study or analysis**

- (1) Products sent as trade samples or intended for exhibitions provided that they are not intended to be marketed and have been authorised in advance for that purpose by the Department.
- (2) Products intended for particular studies or analyses provided that such products are not intended for human consumption and have been authorised in advance for that purpose by the Department.
- (3) When the exhibition is finished or when the particular studies or analyses have been carried out, these products, with the exception of the quantities used for the analyses, must be destroyed or re-dispatched as specified in the import authorisation.
- (4) This case does not apply in relation to any product controlled under Regulation (EC) No. 1069/2009<sup>42</sup> of the European Parliament and of the Council laying down health rules as regards animal by-products and derived products not intended for human consumption and repealing

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<sup>41</sup> OJ L 77, 24.3.2009, p. 1–19

<sup>42</sup> OJ L 300, 14.11.2009, p. 1–33

Regulation (EC) No. 1774/2002<sup>43</sup> (Animal by-products Regulation) (the rules for those products are laid down in that Regulation).

#### **5 Case 4: Consignments cleared in any member State**

Consignments of animals and products that have been presented to a border control post in any member State or the United Kingdom and have been cleared for free circulation.<sup>51</sup>

#### **6 Case 5: Composite products**

- (1) Composite products and foodstuffs listed in Annex II to Commission Decision 2007/275/EC<sup>44</sup>.
- (2) Composite products not containing meat or meat products, where less than half of the product is processed product of animal origin, provided that such products are—
  - (a) shelf-stable at ambient temperature or have clearly undergone, in their manufacture, a complete cooking or heat treatment process throughout their substance, so that any raw product is denatured;
  - (b) clearly identified as intended for human consumption;
  - (c) securely packaged or sealed in clean containers; and
  - (d) accompanied by a commercial document and labelled in an official language of a member State, so that that document and labelling together give information on the nature, quality and number of packages of the composite products, the country of origin, the manufacturer and the ingredient.

#### **7 Case 6: Animals subject to rabies control**

Animals specified in Schedule 1 to the Rabies (Importation of Dogs, Cats and Other Mammals) Order 2016<sup>45</sup> and imported in accordance with a licence under that Order.

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<sup>43</sup> OJ L 273, 10.10.2002, p. 1–95

<sup>44</sup> OJ L 116, 4.5.2007, p. 9–33

<sup>45</sup> SD 2016/0360

## SCHEDULE 4

[Article 32]

## LEGISLATION WHICH DOES NOT APPLY

Title	Extent
The Rabies (Importation of Dogs, Cats and Other Mammals) Order 2016 <sup>46</sup>	The Order shall continue to apply to all carnivores, primates and bats it shall continue to apply to the importation of all other animals unless such animals are imported by way of trade and can be shown to have been born on the holding of origin and kept in captivity since birth.
The Animals (Importation) Order 1988 <sup>47</sup>	Articles 3 to 9 and 11, except that article 3 shall continue to apply to ruminating animals and swine other than animals which are the subject of Council Directives 64/432/EC <sup>48</sup> and 91/68/EEC <sup>49</sup> .
The Importation of Embryos, Ova and Semen (Prohibition) Order 1980 <sup>50</sup>	The whole Order except that article 4 shall continue to apply to embryos, ova and semen (as defined in the Order) other than — (a) bovine embryos which is the subject of Council Directive 88/407/EEC <sup>51</sup> , (b) bovine embryos which are the subject of Council Directive 89/556/EEC <sup>52</sup> , (c) porcine semen which is the subject of Council Directive 90/429/EEC <sup>53</sup> , (d) equine ova and embryos which are the subject of Commission Decision 95/294/EC <sup>54</sup> , (e) equine semen which is the subject of Commission Decision 95/307/EC <sup>55</sup> , (f) ovine and caprine semen, ova and embryos which are the subject of Commission Decision 95/388/EC <sup>56</sup> , and (g) porcine ova and embryos which are the subject of Commission Decision 95/483/EC <sup>57</sup>

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<sup>46</sup> SD 2016/0360

<sup>47</sup> GC 97/88

<sup>48</sup> OJ L 121, 29.7.1964, p. 1977–2012

<sup>49</sup> OJ L 46, 19.2.1991, p. 19–36

<sup>50</sup> GC 255/80

<sup>51</sup> OJ L 194, 22.7.1988, p. 10–23

<sup>52</sup> OJ L 302, 19.10.1989, p. 1–11

<sup>53</sup> OJ L 224, 18.8.1990, p. 62–73

<sup>54</sup> OJ L 182, 2.8.1995, p. 27–29

<sup>55</sup> OJ L 185, 4.8.1995, p. 58–61

<sup>56</sup> OJ L 234, 3.10.1995, p. 30–32

<sup>57</sup> OJ L 275, 18.11.1995, p. 30–31

## ENDNOTES

### Table of Endnote References

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<sup>1</sup> The format of this legislation has been changed as provided for under section 75 of, and paragraph 2 of Schedule 1 to, the Legislation Act 2015. The changes have been approved by the Attorney General after consultation with the Clerk of Tynwald as required by section 76 of the Legislation Act 2015.

<sup>2</sup> Para (1) substituted by SD2019/0496.

<sup>3</sup> Para (4) inserted by SD2019/0496.

<sup>4</sup> Para (5) inserted by SD2019/0496.

<sup>5</sup> Art 4 revoked by SD2019/0496.

<sup>6</sup> Art 5 amended by SD2019/0496.

<sup>7</sup> Art 6 substituted by SD2019/0496.

<sup>8</sup> Para (1) amended by SD2019/0496.

<sup>9</sup> Art 8 heading amended by SD2019/0496.

<sup>10</sup> Para (1) amended by SD2019/0496.

<sup>11</sup> Para (2) amended by SD2019/0496.

<sup>12</sup> Art 10A inserted by SD2019/0496.

<sup>13</sup> Art 11 amended by SD2019/0496.

<sup>14</sup> Subpara (b) amended by SD2019/0496.

<sup>15</sup> Art 13 substituted by SD2019/0496.

<sup>16</sup> Subpara (a) amended by SD2019/0496.

<sup>17</sup> Subpara (b) substituted by SD2019/0496.

<sup>18</sup> Subpara (c) substituted by SD2019/0496.

<sup>19</sup> Art 15 substituted by SD2019/0496.

<sup>20</sup> Art 16 substituted by SD2019/0496.

<sup>21</sup> Art 17 substituted by SD2019/0496.

<sup>22</sup> Art 18 substituted by SD2019/0496.

<sup>23</sup> Art 19A inserted by SD2019/0496.

<sup>24</sup> Art 22 substituted by SD2019/0496.

<sup>25</sup> Art 23 amended by SD2019/0496.

<sup>26</sup> Art 24 substituted by SD2019/0496.

<sup>27</sup> Art 26 substituted by SD2019/0496.

<sup>28</sup> Row substituted by SD2019/0496.

<sup>29</sup> Entry amended by SD2019/0496.

<sup>30</sup> Entry amended by SD2019/0496.

<sup>31</sup> Entry amended by SD2019/0496.

<sup>32</sup> Row revoked by SD2019/0496.

<sup>33</sup> Row revoked by SD2019/0496.

<sup>34</sup> Entry amended by SD2019/0496.

<sup>35</sup> Row revoked by SD2019/0496.

<sup>36</sup> Row revoked by SD2019/0496.

<sup>37</sup> Entry amended by SD2019/0496.

<sup>38</sup> Row revoked by SD2019/0496.

<sup>39</sup> Row inserted by SD2019/0496.

<sup>40</sup> Row inserted by SD2019/0496.

<sup>41</sup> Subpara (1) amended by SD2019/0496. [Editorial Note: Regulation 20(24)(a) of SD2019/0496 refers to “paragraph 1” rather than to paragraph 2(1).]

<sup>42</sup> Subpara (2) substituted by SD2019/0496. [Editorial Note: Regulation 20(24)(b) of SD2019/0496 refers to “paragraph 2” rather than to paragraph 2(2).]

<sup>43</sup> Para 3 amended by SD2019/0496.

<sup>44</sup> Subpara (1) amended by SD2019/0496.

<sup>45</sup> Subpara (4) amended by SD2019/0496.

<sup>46</sup> Para 7 amended by SD2019/0496.

<sup>47</sup> Subpara (2) amended by SD2019/0496.

<sup>48</sup> Subpara (3) amended by SD2019/0496.

<sup>49</sup> Para 10 Amended by SD2019/0496.

<sup>50</sup> Para 11 amended by SD2019/0496.

<sup>51</sup> Para 5 amended by SD2019/0496.