

Statutory Document No. 2016/0359

*Animal Health Act 1996*

## NON-COMMERCIAL MOVEMENT OF PET ANIMALS 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 section 7, 8, and 9 of and Schedule 1 to the Animal Health Act 1996.

### 1 Title

This Order is the Non-Commercial Movement of Pet Animals Order 2016.

### 2 Commencement

This Order comes into operation on 1 January 2017.

### 3 Interpretation

(1) In this Order, —

“**carrier**” means any undertaking carrying goods or passengers for hire by land, sea or air;

“**Commission Implementing Regulation**” means Commission Implementing Regulation (EU) No 577/2013<sup>1</sup> on the model identification documents for the non-commercial movement of dogs, cats and ferrets, the establishment of lists of territories and third countries and the format, layout and language requirements of the declarations attesting compliance with certain conditions provided for in Regulation (EU) No 576/2013<sup>2</sup> of the European Parliament and of the Council;

“**Decision 2007/25/EC**” means Commission Decision 2007/25/EC<sup>3</sup> as regards certain protection measures in relation to highly pathogenic avian influenza and movements of pet birds accompanying their owners into the Community;

<sup>1</sup> OJ No L 178, 28.06.2013, p. 109-148

<sup>2</sup> OJ No L 178, 28.6.2013, p. 1–26

<sup>3</sup> OJ No L 8, 13.01.2007, p. 29-34

“**declaration**” means a declaration given in accordance with Article 12(1)(c), Article 25(3) or Article 30(3) of the Pets Regulation;

“**health certificate**” means a certificate issued in accordance with Article 26 or Article 31 of the Pets Regulation;

“**pet bird**” has the same meaning as in Decision 2007/25/EC<sup>4</sup>;

“**the Pets Regulation**” means Regulation (EU) No 576/2013 of the European Parliament and of the Council on the non-commercial movement of pet animals and repealing Regulation (EC) No 998/2003<sup>5</sup>;

“**the supplementary Regulation**” means Commission Delegated Regulation (EU) No 1152/2011<sup>6</sup> supplementing Regulation (EC) No 998/2003<sup>7</sup> of the European Parliament and of the Council as regards preventive health measures for the control of *Echinococcus multilocularis* infection in dogs<sup>8</sup>.

(2) Terms and expressions used in this Order and in the Pets Regulation have the same meaning as in the Pets Regulation.

(3) In this Order, —

(a) any reference to Decision 2007/25/EC is a reference to that Decision as amended from time to time.

(b) any reference to the Pets Regulation or the supplementary Regulation is a reference to those regulations as amended from time to time.

#### 4 Designation

(1) The Department is the competent authority for, —

(a) the purposes of Articles 3(g) and (h), 10(3)(b), 22(3), 23 and 32(1)(b)(i), 33(2), 34 and 35 of the Pets Regulation; and

(b) Article 2(1) of Decision 2007/25/EC.

(2) The Department acts as the member State for the purposes of Article 1(1) of Decision 2007/25/EC.

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<sup>4</sup> OJ No L 8, 13.01.2007, p 29-34

<sup>5</sup> OJ No L 178, 28.06.2013, p 1-26

<sup>6</sup> OJ No L 296, 15.11.2011, p 6-12

<sup>7</sup> OJ No L 178, 28.06.2013, p 1-26

<sup>8</sup> OJ No L 296, 15.11.2011, p6.

## PART 2

### CONTROL ON DISEASES

#### 5 Control on rabies and certain other diseases of animals

The Rabies (Importation of Dogs, Cats and Other Mammals) Order 2016<sup>9</sup> does not apply to the landing of a pet animal in Island which, —

- (a) is an animal of a species listed in Part A or B of Annex I to the Pets Regulation; and is brought into the Island from another member State in accordance with that Regulation and the requirement in respect of *Echinococcus multilocularis* in article 9 (where applicable) applies, or
- (b) is brought into the Island from Northern Ireland, the Channel Islands or Great Britain.

#### 6 *Echinococcus multilocularis*

The requirement in respect of *Echinococcus multilocularis* is that a dog complies with the preventive health measures in Article 7 of the supplementary Regulation, except where those measures do not apply by virtue of Article 2(2) of that Regulation.

#### 7 Highly pathogenic avian influenza

- (1) Paragraphs (2) to (4) apply where a pet bird is part of a movement into the Island which does not comply with Decision 2007/25/EC.
- (2) An inspector may serve a written notice on the person accompanying the bird, requiring that person to, —
  - (a) return the bird to its country of origin,
  - (b) place the bird in quarantine for such period, at such place and subject to such conditions as may be specified in the notice, or
  - (c) where the return or quarantine of the bird is not possible, cause the bird to be destroyed by a date specified in the notice.
- (3) A person on whom a notice is served must comply with it at that person's own expense.
- (4) Where a notice is not complied with, an inspector may seize the bird, detain it and arrange for it to be treated as required by the notice at the expense of the person on whom notice is served.

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<sup>9</sup> SD 2016/0360

## PART 3

### MICROCHIPPING OF PET ANIMALS

#### 8 Minimum qualifications for micro chipping of pet animals

- (1) No person may implant a microchip in an animal of the species listed in Part A of Annex I to the Pets Regulation for the purposes of a non-commercial movement unless, —
  - (a) he or she is a veterinary surgeon, a veterinary nurse or student veterinary nurse acting under the direction of a veterinary surgeon, or
  - (b) he or she has been satisfactorily assessed on a training course approved by the Department for that purpose.

- (2) In this article, —

“**microchip**” has the same meaning as “transponder” in the Pets Regulation;

“**student veterinary nurse**” and “**veterinary nurse**” have the meanings given by Schedule 1 to the Veterinary Surgeons Act 2005<sup>10</sup>;

“**veterinary surgeon**” has the same meaning as in section 1(1) of the Veterinary Surgeons Act 2005.

## PART 4

### CARRIERS

#### 9 Approval of carriers

- (1) A carrier who moves a pet animal which is subject to Article 6 or 10 of the Pets Regulation into the Island must be approved for the purpose by the Department.
- (2) Approval is not required where, —
  - (a) the movement is from the Republic of Ireland , or
  - (b) the carrier is a Community air carrier, or a Union carrier, and the movement is of a recognised assistance dog.
- (3) Approval may be granted subject to such terms and conditions as the Department considers necessary or expedient to ensure that pet animals are checked by or on behalf of the carrier for compliance with the Pets Regulation and (if applicable) the supplementary Regulation and Decision 2006/146/EC<sup>11</sup>.

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<sup>10</sup> 2005 c. 1

<sup>11</sup> OJ No L 55, 25.2.2006, p. 44–46

- (4) The Department may amend an approval by giving notice in writing to the carrier.
- (5) In this article, —
- “**Community air carrier**” has the meaning given by Article 2 of Regulation (EC) No 1107/2006<sup>12</sup> of the European Parliament and of the Council concerning the rights of disabled persons and persons with reduced mobility when travelling by air, and for the purposes of travelling by air, “**recognised assistance dog**” shall be interpreted in accordance with that Regulation; and
- “**Union carrier**” has the meaning given by Article 3 of Regulation (EU) No 1177/2010<sup>13</sup> of the European Parliament and of the Council concerning the rights of passengers when travelling by sea and inland waterway and amending Regulation (EC) No 2006/2004<sup>14</sup>, and for the purposes of travelling by sea and inland waterway “recognised assistance dog” shall be interpreted in accordance with that Regulation.

## 10 Suspension or withdrawal of approvals

- (1) Where the Department is satisfied that a carrier has failed to comply with its approval, it may suspend or withdraw the approval by giving notice in writing to the carrier.
- (2) A suspension or withdrawal under paragraph (1) has effect at the end of the period of 21 days beginning with the date of service of the notice.
- (3) But if it is necessary for the protection of public or animal health the Department may specify in the notice that the suspension or withdrawal has immediate effect.
- (4) The notice must, —
- (a) give reasons,
  - (b) state when it comes into effect and, in the case of suspension, state on what date or event it is to cease to have effect, and
  - (c) explain the right of the carrier to make written representations in accordance with paragraph (6), and details of the person to whom such representations may be made.
- (5) Where the notice does not have immediate effect and representations are made under paragraph (6), a suspension or withdrawal does not have effect until the final determination of the Department in accordance with paragraph (9), unless the Department decides that it is necessary for the protection of public or animal health for the suspension or withdrawal to have immediate effect and gives notice to that effect.

<sup>12</sup> OJ No L 204, 26.07.2006, p. 1-9.

<sup>13</sup> OJ No L 334, 17.12.2010, p. 1-16

<sup>14</sup> OJ No L 334, 17.12.2010, p. 1-16

- (6) A carrier may make written representations against a suspension or withdrawal of its approval to a person appointed for the purpose by the Department.
- (7) Written representations must be made within the period of 21 days beginning with the date on which notice is served on the carrier to suspend or withdraw its approval.
- (8) The appointed person must consider the representations and report in writing to the Department.
- (9) The Department must give to the carrier written notification of its final determination and the reasons for it.

## **PART 5**

### **ENFORCEMENT**

#### **11 Enforcement authority**

The Department enforces the Pets Regulation, the Commission Implementing Regulation, Decision 2003/459/EC<sup>15</sup>, Decision 2006/146/EC<sup>16</sup>, Decision 2007/25/EC<sup>17</sup>, the supplementary Regulation and this Order (in this Part, “the relevant instruments”).

#### **12 Appointment of authorised officers**

The Department may authorise inspectors for the purpose of enforcing the relevant instruments.

#### **13 Offences**

Failure to comply with either of the following is an offence, —

- (a) a notice served under article 7(2),
- (b) article 9(1), except where article 9(2) applies.

**MADE            5 DECEMBER 2016**

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<sup>15</sup> OJ No L 154, 21.6.2003, p. 112–113

<sup>16</sup> OJ No L 55, 25.2.2006, p. 44–46

<sup>17</sup> OJ No L 8, 13.01.2007, p. 29–34

## 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.