EXECUTIVE NOTE

THE ANIMAL BY-PRODUCTS (MISCELLANEOUS AMENDMENTS) (SCOTLAND) REGULATIONS 2012

SSI 2012/179

The Animal By-Products (Miscellaneous Amendments) (Scotland) Regulations 2012 are made by the Scottish Ministers in exercise of powers conferred by section 2(2) of the European Communities Act 1972. These Regulations make provisions for laying down health rules from animal by-products not intended for human consumption.

Policy Objectives

The purpose of this instrument is to enforce regulation 6 of the Animal By-Product (Enforcement) (Scotland) Regulations 2011 (ABPER) and make minor amendments in relation to raw petfood to the Avian Influenza (H5N1 in Wild Birds) (Scotland) Order 2007 and the Avian Influenza (H5N1 in Poultry) (Scotland) Order 2007.

Policy Background

Regulation 6 of the ABPER states that a carcase or part of a carcase of any farmed animal that has not been slaughtered for human consumption must be held, pending consignment or disposal in such a manner as to ensure that any animal or bird will not have access to it. The ABPER is drafted so that offences are committed where there is a contravention of the requirements set out in Schedule 1.

The requirement in Schedule 1 of the ABPER that relates to regulation 6 is read with Article 11 of Regulation (EC) No 1069/2009 (EU Control Regulation). Article 11 of the EU Control Regulation deals with the restriction on use of animal by-products and derived products, not the removal of animal carcases. This amendment enables the enforcement of contraventions of the requirement in relation to regulation 6 of the ABPER by allowing it to be read with the correct Articles of the EU Control Regulation.

The amendments to the Avian Influenza (H5N1 in Wild Birds) (Scotland) Order 2007 and the Avian Influenza (H5N1 in Poultry) (Scotland) Order 2007 are in relation to raw petfood. The amendments allow raw petfood to be moved under a licence authorised by a veterinary inspector during an Avian Influenza disease outbreak.

Consultation

No consultation was carried out. The change to the ABPER ensures that contraventions of the requirement in regulation 6 is enforceable.

Impact Assessment

An Impact Assessment has not been prepared for this instrument. The impact on business is minimal as farmers will be carrying out good farming practice by disposing of fallen stock without undue delay.

There is no additional impact on business, charities or voluntary bodies and there is no impact on the public sector with regards to the Avian Influenza (H5N1 in Wild Birds) (Scotland) Order 2007 and the Avian Influenza (H5N1 in Poultry) (Scotland) Order 2007.

Financial Effects

A Business Regulatory Impact Assessment has not been prepared as the instrument has no financial effects on the Scottish Government, local government or on business.

Animal Health and Welfare Division
Directorate for Agriculture, Food and Rural Communities
The Scottish Government

May 2012