SCOTTISH STATUTORY INSTRUMENTS

2019 No. 34

EXITING THE EUROPEAN UNION

ANIMALS

The Animal Welfare (EU Exit) (Scotland) (Amendment) Regulations 2019

Made - - - - *6th February 2019*

Laid before the Scottish Parliament *8th February 2019*

Coming into force in accordance with regulation 1

The Scottish Ministers make the following Regulations in exercise of the powers conferred by paragraphs 1(1) and (3) of schedule 2 of the European Union (Withdrawal) Act 2018(**a**) and all other powers enabling them to do so.

Citation and commencement

1. These Regulations may be cited as the Animal Welfare (EU Exit) (Scotland) (Amendment) Regulations 2019, and come into force on exit day.

Amendment of the Animal Health and Welfare (Scotland) Act 2006

2.—(1) The Animal Health and Welfare (Scotland) Act 2006(**b**) is amended as follows.

(2) In schedule 1 (powers on inspectors and constables)—

(a) in the italic heading immediately preceding paragraph 1, for "EU obligations" substitute "an obligation under retained EU law";

(b) in paragraph 1(1), for "EU obligation" substitute "obligation under retained EU law".

Amendment of Welfare of Animals (Slaughter or Killing) Regulations 1995

3.—(1) The Welfare of Animals (Slaughter or Killing) Regulations 1995(**c**) are amended as follows.

(2) In regulation 23(4) (powers of authorised persons), omit from ", including" to the end.

(**a**) 2018 c.16.
(**b**) 2006 asp 11.
(**c**) S.I. 1995/731.

Amendment of the Welfare of Animals (Transport) (Scotland) Regulations 2006

4.—(1) The Welfare of Animals (Transport) (Scotland) Regulations 2006(**a**) are amended as follows.

(2) In regulation 3(1) (transport)—

(a) in sub-paragraph (d), after "6(1)" insert "and (1A)"(**b**);

(b) in sub-paragraph (e), after "6(5)" insert "and (5A)"(**c**).

(3) In regulation 4 (transporters), for paragraph (d) substitute—

"(d) Article 6(9) (transporters);".

(4) In regulation 9(1) (control posts), after "post" insert "as referred to in Council Regulation (EC) No. 1255/97 of 25 June 1997 concerning Community criteria for staging points and amending the route plan referred to in the Annex to Directive 91/628/EEC".

(5) In regulation 18 (competent authority)—

(a) in paragraph (2)(b), for "6(5)" substitute "6(5A)";

(b) in paragraph (3)(a) for "Articles 3 and 4(2)" substitute "Article 3";

(c) in paragraph (4)—

(i) for "of a member State" substitute "the Appropriate Minister";

(ii) omit from "and for designating" to the end.

(6) In regulation 23(d) (powers of inspectors), for "EU obligations" substitute "an obligation under retained EU law".

Amendment of the Welfare of Farmed Animals (Scotland) Regulations 2010

5.—(1) The Welfare of Farmed Animals (Scotland) Regulations 2010(**d**) are amended as follows.

(2) Omit paragraph (2) of regulation 2 (interpretation).

(3) Omit regulation 4 (appointment of competent authority).

(4) Omit regulation 10 (powers of entry: representative of the European Commission).

(5) In schedule 1 (general conditions), for paragraph 27 substitute—

"**27.**—(1) No other substance, with the exception of those given for therapeutic or prophylactic purposes for the purpose of zootechnical treatment, may be administered to animals unless it has been demonstrated by scientific studies of animal welfare or established experience that the effect of the substance is not detrimental to the health or welfare of the animals.

(2) In this paragraph "zootechnical treatment" means the administering to any animal, after examination by (or supervised by) a veterinarian, of any substance authorised by the Scottish Ministers for synchronising oestrus and preparing donors and recipients for the implantation of embryos.".

(6) In schedule 2 (conventionally reared meat chickens)—

(a) in paragraph 1, after the definition of "daily mortality rate" insert—

""flock" means a group of chickens which are placed in a house of a holding and are present in this house at the same time;";

(**a**) S.S.I. 2006/606, as amended by S.I. 2011/1043 and S.S.I. 2009/339.

(**b**) Paragraph (1A) of Article 6 of Council Regulation (EC) No 1/2005 (OJ L 3, 5.1.2005, p.1) is inserted by regulation 3(7) of the Animal Welfare (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/XXX).

(**c**) Paragraph (5A) of Article 6 of Council Regulation (EC) No 1/2005 is inserted by regulation 3(10) of the Animal Welfare (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/XXX).

(**d**) S.S.I. 2010/388, as amended by S.S.I. 2018/391.

(b) in paragraph 2—

(i) for head (a) of sub-paragraph (1) substitute—

"(a) a certificate recognised by the Scottish Ministers as evidence that a keeper of chickens has completed sufficient training in the matters specified in sub-paragraph (1A);";

(ii) after sub-paragraph (1) insert—

"(1A) The specified matters are—

(a) the requirements of these Regulations;

(b) physiology, in particular drinking and feeding needs, animal behaviour, and the concept of stress;

(c) the practical aspects of the careful handling of chickens, and catching, loading and transport;

(d) emergency care for chickens, emergency killing and culling; and

(e) preventative biosecurity measures.".

(7) In paragraph 34 of schedule 6 (keeping of pigs)—

(a) number the existing sentence as sub-paragraph (1);

(b) after that sub-paragraph insert—

"(2) In this paragraph a reference to a dry pregnant sow is to a sow between weaning her piglets and the perinatal period.".

Amendment of the Welfare of Animals at the Time of Killing (Scotland) Regulations 2012

6.—(1) The Welfare of Animals at the Time of Killing (Scotland) Regulations 2012(**a**) are amended as follows.

(2) In regulation 13(1)(b) (suspension or revocation of certificate of competence) omit ", or in another member state,".

(3) In regulation 19(3) (powers of entry) omit ",including any representative of the European Commission".

MAIRI GOUGEON
Authorised to sign by the Scottish Ministers

St Andrew's House
Edinburgh
6th February 2019

(**a**) S.S.I. 2012/321, as amended by S.S.I. 2012/355 and 2015/100 and 161.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made by the Scottish Ministers in exercise of the powers conferred by paragraphs 1(1) and (3) of Schedule 2 to the European Union (Withdrawal) Act 2018 (c.16), in order to address failures of EU derived domestic law to operate effectively and other deficiencies as regards Scotland that arise from the withdrawal of the UK from the European Union.

These Regulations make amendments in the fields of animal health and animal welfare.

Regulation 2 amends schedule 1 of the Animal Health and Welfare (Scotland) Act 2006 (asp 11), in order to ensure that the powers of inspectors and constables appointed under that Act as regards the enforcement of EU obligations will be available after exit day in respect of obligations under retained EU law.

Regulations 3 to 6 amend subordinate legislation so far as is necessary to update cross-references to retained EU direct law, to provide for functions of the Scottish Ministers on or after exit day, to provide for certificates of competence in animal welfare matters on or after that day, and for related matters.

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