2001 No. 112

ANIMALS

ANIMAL HEALTH

The Import and Export Restrictions (Foot-and-Mouth Disease) (Scotland) Amendment Regulations 2001

Made	*16th March 2001*
Coming into force	*17th March 2001*
Laid before the Scottish Parliament	*21st March 2001*

The Scottish Ministers in exercise of the powers conferred by section 2(2) of the European Communities Act 1972(**a**) and of all other powers enabling them in that behalf, hereby make the following Regulations:

Citation, commencement and cessation

1.—(1) These Regulations may be cited as the Import and Export Restrictions (Foot-and-Mouth Disease) (Scotland) Amendment Regulations 2001 and shall come into force on 17th March 2001.

(2) These Regulations shall remain in force until midnight on 27th March 2001.

Amendment to the Import and Export Restrictions (Foot-and-Mouth Disease) (Scotland) Regulations 2001

2.—(1) The Import and Export Restrictions (Foot-and-Mouth Disease) (Scotland) Regulations 2001(**b**) are amended in accordance with the following paragraphs of this regulation.

(2) In regulation 2, for the definition of "the Decision", there is substituted–

""the Decision" means Commission Decision 2001/172/EC of 1st March 2001 concerning certain protection measures with regard to foot-and-mouth disease in the United Kingdom and repealing Decision 2001/145/EC(**c**), as amended by Commission Decision 2001/190/EC(**d**) and Commission Decision 2001/209/EC(**e**);".

(3) In regulation 5(3)(a), the words "from meat derived from biungulate animals slaughtered" are omitted.

(4) For regulation 5(3)(b)(i) there is substituted–

"all fresh meat used in the establishment must conform to the conditions in regulation 4(2);".

(5) After regulation 7(2)(c) there is inserted–

"(d) milk products destined for export to a third country where import conditions permit such products to treatment other than laid down in these Regulations."

(a) 1972 c.68. Section 2(2) was amended by the Scotland Act 1998 (c.46), Schedule 8, paragraph 15(3). The functions conferred upon the Minister of the Crown under section 2(2) of the 1972 Act, insofar as within devolved competence, were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998.
(b) S.S.I. 2001/95.
(c) O.J. No. L62, 2.3.01, p.22.
(d) O.J. No. L67, 9.3.01, p 88.
(e) O.J. No. L76, 16.3.01, p.35.

(6) In regulation 7(3)(b) and (5), for "paragraph (2)" there is substituted "paragraph (2)(a), (b) or (c)".

(7) In regulation 9(4), after the word "endorsed" there is inserted "(in the case of sub-paragraph (b) above)".

(8) For regulation 10(6), there is substituted–

"Paragraph (4) shall not apply to products specified in sub-paragraph (e) of paragraph (3) which are accompanied by a commercial document stating either–

(a) that the products have undergone factory washing or have been obtained from tanning; or

(b) that the products comply with the conditions laid down in paragraphs (2) and (4) of Chapter 15 of Annex I to Council Directive 92/118/EEC(**a**).".

(9) After regulation 13, there is inserted–

"Export of Horses

13A–(1) Any person exporting equidae to another member State shall ensure that they are accompanied by an Animal Health Certificate in accordance with the model in Annex C of Directive 90/426/EEC on animal health conditions governing the movement and import from third countries of equidae(**b**).

(2) An inspector shall only issue a certificate referred to in paragraph (1) if satisfied that the animal has not been in an infected area (other than in transit through an infected area by road without being unloaded) to which Part III of the Foot-and–Mouth Disease Order 1983(**c**) applies at any time in the 15 days prior to certification.".

(10) For regulation 15 there is substituted–

"The Scottish Ministers may detain any vehicle, vessel, container or anything which they reasonably suspect to contain animals or products regulated by these Regulations, but only for as long as is reasonably necessary to enable an inspector to exercise a power under these Regulations.".

(11) After regulation 16(3) there is inserted–

"(4) Animals imported in contravention of these Regulations shall be dealt with as provided for in regulation 13 of the Animals and Animal Products (Import and Export) (Scotland) Regulations 2000(**d**).".

D J CRAWLEY
A member of the staff of the Scottish Ministers

Pentland House,
Edinburgh
16th March 2001

(a) O.J. No. L 62, 15.3.93, p.49.
(b) O.J. No. L 224, 18.8.90, p. 42.
(c) S. I. 1983/1950 as amended by S.I. 1993/3119, S.I. 1995/2922, and, as regards Scotland, by S.S.I. 2001/52, 55 and 101.
(d) S.S.I. 2000/216.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the restrictions on imports and exports of certain animals and animal products in the Import and Export Restrictions (Foot-and-Mouth Disease) (Scotland) Regulations 2001 ("the principal Regulations") to implement in Scotland restrictions on the export of certain animals and animal products in accordance with Commission Decision 2001/209/EC amending Commission Decision 2001/172/EC concerning certain protection measures with regard to foot-and-mouth disease in the United Kingdom.

These Regulations prohibit the export of equidae to other member States unless the animals are accompanied by a certificate, which can only be issued if they have not been in an infected area during the 15 days prior to certification (regulation 13A inserted into the principal Regulations by regulation 2(9) of these Regulations).

S C O T T I S H S T A T U T O R Y I N S T R U M E N T S

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