2001 No. 257

AGRICULTURE

The Products of Animal Origin (Import and Export) Amendment (Scotland) Regulations 2001

Made	*29th June 2001*
Laid before the Scottish Parliament	*4th July 2001*
Coming into force	*3rd July 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 extent

1.—(1) These Regulations may be cited as the Products of Animal Origin (Import and Export) Amendment (Scotland) Regulations 2001 and come into force on 3rd July 2001.

(2) These Regulations extend to Scotland only.

Amendment of the Products of Animal Origin (Import and Export) Regulations 1996

2.—(1) The Products of Animal Origin (Import and Export) Regulations 1996(**b**) in so far as they apply to Scotland are amended in accordance with the following paragraphs of this regulation.

(2) For regulation 16(3) there shall be substituted the following:–

"(3) Subject to the following paragraph, if an authorised officer of the Scottish Ministers, the Agency or a local authority has reasonable grounds for believing that any product of animal origin does not comply with an animal or public health condition relating to import into Great Britain or the European Community he may, by means of a notice served on the person appearing to him to have charge of the consignment, prohibit the movement of the consignment except as specified in the notice.".

(3) For regulation 20(3), there shall be substituted the following:–

(a) 1972 c.68; section 2(2) was amended by the Scotland Act 1998 (c.46), Schedule 8, paragraph 15(3). The function conferred upon the Minister of the Crown under section 2(2) of the European Communities Act 1972, insofar as within devolved competence, was transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998.

(b) S.I. 1996/3124, as amended by S.I. 1997/3023, 1998/994, 1999/663, 2000/656 and, as regards Scotland, S.S.I. 2000/62, 171, 288 and 2001/169.

"(3) Where an authorised officer of the Scottish Ministers, the Agency or a local authority has reasonable grounds for believing that any product of animal origin does not comply with animal or public health conditions relating to import that authorised officer may, by notice in writing, require the person appearing to be in charge of that product to destroy it, or re-export it, in each case under the control and direction of the authorised officer.".

ROSS FINNIE
A member of the Scottish Executive

St Andrew's House,
Edinburgh
29th June 2001

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which extend only to Scotland, implement provisions of Council Directive 99/78/EC (O.J. No. L 24, 30.1.98, p.9) by amending the Products of Animal Origin (Import and Export) Regulations 1996 ("the principal Regulations") so as to extend the powers of authorised officers as regards products of animal origin which have been imported otherwise than in accordance with animal or public health conditions.

The effect of the amendments made by these Regulations is to confer on authorised officers of the Scottish Ministers, the Food Standards Agency or a local authority the power–

(i) in respect of intra-community trade, to prohibit the movement of products of animal origin which they have reasonable grounds for believing do not comply with animal or public health conditions relating to import into Great Britain or the European Community (regulation 2(2)) (products detained under this power may, under regulation 16(4) of the principal Regulations be ordered to be destroyed, re-exported or used for specified purposes); and

(ii) in respect of imports from third countries, to require the destruction or re-export of products of animal origin which they have reasonable grounds for believing do not comply with animal or public health conditions relating to import (regulation 2(3)).

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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£1.75

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Printed in the UK by The Stationery Office Limited
under the authority and superintendence of Carol Tullo, the Queen's Printer for Scotland
350 08/01 19593

ISBN 0-11-059788-5

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