STATUTORY INSTRUMENTS

2008 No. 1035

CONSTITUTIONAL LAW

DEVOLUTION, SCOTLAND

AGRICULTURE

LIVESTOCK INDUSTRIES

ANIMALS

ANIMAL HEALTH

DISEASES OF ANIMALS

POULTRY

The Scotland Act 1998 (Agency Arrangements) (Specification) Order 2008

Made	*9th April 2008*
Laid before Parliament	*16th April 2008*
Laid before the Scottish Parliament	*16th April 2008*
Coming into force	*7th May 2008*

At the Court at Windsor Castle, the 9th day of April 2008

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred upon Her by section 93 of the Scotland Act 1998(**a**) is pleased, by and with the advice of Her Privy Council, to order as follows:

(**a**) 1998 c.46.

Citation, commencement and extent

1.—(1) This Order may be cited as the Scotland Act 1998 (Agency Arrangements) (Specification) Order 2008 and shall come into force on 7th May 2008.

(2) This Order does not extend to Northern Ireland.

Specification of functions

2. The functions exercisable by the Scottish Ministers under or by virtue of the enactments or Community instruments mentioned in each Part of the Schedule to this Order are hereby specified for the purposes of section 93(1) of the Scotland Act 1998.

Judith Simpson
Clerk of the Privy Council

SCHEDULE

Article 2

FUNCTIONS EXERCISABLE BY THE SCOTTISH MINISTERS

PART 1

The Artificial Insemination of Pigs (Scotland) Regulations 1964

1. In regulation 2 of the Artificial Insemination of Pigs (Scotland) Regulations 1964(**a**) ("the 1964 Regulations") (interpretation), paragraph (1) (approval of boars).
2. In regulation 4 of the 1964 Regulations (licensing of artificial insemination centres), paragraphs (1)(a) and (b), (3) and (4)(c).
3. In regulation 5 of the 1964 Regulations (regulation of artificial insemination centres), paragraphs (2) to (6) and (8).
4. In regulation 6 of the 1964 Regulations (licences to Veterinary Surgeons), paragraphs (1) and (2).
5. Regulation 7 of the 1964 Regulations (licences to other persons).
6. In regulation 8 of the 1964 Regulations (provisions relating to animal health), paragraph (1).
7. Regulation 9 of the 1964 Regulations (restriction on distribution and sale of unsuitable semen).
8. In regulation 10 of the 1964 Regulations (duty to keep records), paragraph (2).

PART 2

The Export of Horses (Protection) Order 1969

1. In article 11 of the Export of Horses (Protection) Order 1969(**b**) ("the 1969 Order") (exemptions from resting and veterinary inspection), paragraphs (3) and (4).
2. In article 12 of the 1969 Order (licences), paragraph (1).

(**a**) S.I. 1964/1171. The relevant functions are conferred on the Secretary of State and were, in so far as exercisable within devolved competence, transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1999 (c.46). Article 3 of the Artificial Insemination of Pigs (EEC) Regulations 1992 disapplies S.I. 1964/1171 as regards the collection, processing, storage and transport of porcine semen for the purpose of export to another member State.

(**b**) S.I. 1969/1784. Relevant functions are conferred on "the Minister", those words being defined in article 2(1) of the Order to mean the Secretary of State in the application of the Order to horses shipped or intended to be shipped from Scotland. The functions were, in so far as exercisable within devolved competence, transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46).

PART 3

The Rabies (Importation of Dogs, Cats and Other Mammals Order 1974)

1. In article 4 of the Rabies (Importation of Dogs, Cats and Other Mammals) Order 1974(**a**) ("the 1974 Order") (prohibition on landing of animals in Great Britain), paragraphs (3), (4) and (6).

2. In article 5 of the 1974 Order (detention and isolation in quarantine), paragraphs (2) to (5).

3. In article 5C of the 1974 Order(**b**) (release from quarantine in Scotland), paragraphs (1) to (3).

4. Article 6 of the 1974 Order (vaccination of dogs and cats in quarantine).

5. In article 7 of the 1974 Order (control of movement of animals after landing), paragraph (3).

6. In article 9 of the 1974 Order (authorised quarantine premises), paragraphs (1), (2) and (3).

7. Article 10 of the 1974 Order (authorised carrying agents).

8. In article 11 of the 1974 Order (records), paragraph (1).

9. In article 12 of the 1974 Order (detention of animals on board vessels in harbour), paragraph (9).

10. In article 13 of the 1974 Order (action in case of illegal handling or breach of quarantine), paragraphs (2) and (5).

11. Article 14 of the 1974 Order (power to destroy imported animals).

PART 4

The Importation of Animals Order 1977

1. In article 3 of the Importation of Animals Order 1977(**c**) ("the 1977 Order"), (prohibition on landing of imported animals in Great Britain otherwise than under licence), paragraphs (2) and (6).

2. In article 10 of the 1977 Order, (approval and regulation of approved premises) paragraphs (1) and (3)(c).

3. In article 11 of the 1977 Order (detention of imported animals at approved premises), paragraph (1).

4. In article 12 of the 1977 Order (action in case of disease among imported animals), paragraph (5).

5. Article 13 of the 1977 Order (slaughter of injured animals).

6. In article 14 of the 1977 Order (action in case of contraventions of the order, etc.), paragraph (3).

(**a**) S.I. 1974/2211; relevant amending instruments are S.I. 1977/361 and S.S.I. 2003/229. Relevant functions are conferred on "the Minister", those words being defined in article 2(1) of the Order to mean the Secretary of State in the application of the Order to Scotland. The functions were, in so far as exercisable within devolved competence, transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46).

(**b**) Article 5C was inserted by S.S.I. 2003/229.

(**c**) S.I. 1977/944; relevant amending instruments are S.I. 1995/2922, 1996/1760 and 1998/190 and S.S.I. 2000/167 and 216 and 2003/426. Relevant functions are conferred on "the appropriate Minister" as defined in article 2(1) of the Order to mean, in the application of the Order to Scotland, the Secretary of State. The functions were, in so far as exercisable within devolved competence, transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46).

7. In article 16 of the 1977 Order (unlicensed animals not to be brought into harbour in Great Britain), paragraph (1)(b).

8. In article 19 of the 1977 Order (compensation and expenses), paragraphs (1) and (2).

PART 5

The Diseases of Animals (Approved Disinfectants) Order 1978

1. In article 5 of the Diseases of Animals (Approved Disinfectants) Order 1978(**a**) ("the 1978 Order")(disinfectants listed in Schedule 1), paragraph (3).

2. In article 7 of the 1978 Order (testing and approval of disinfectants), paragraphs (1) to (4).

3. In article 9 of the 1978 Order (marketing), paragraph (e).

PART 6

The Importation of Birds, Poultry and Hatching Eggs Order 1979

1. Article 4 of the Importation of Birds, Poultry and Hatching Eggs Order 1979(**b**) ("the 1979 Order") (prohibition of landing of poultry and eggs).

2. In article 9 of the 1979 Order (miscellaneous provisions), paragraph (2).

PART 7

The Importation of Embryos, Ova and Semen Order 1980

1. In article 4 of the Importation of Embryos, Ova and Semen Order 1980(**c**) ("the 1980 Order") (prohibition of landing of embryos, ova or semen), paragraphs (1), (3), (4) and (5).

2. In article 6 of the 1980 Order (miscellaneous provisions), paragraph (2).

(**a**) S.I. 1978/32; relevant amending instruments are S.I. 1978/934 and 1999/919, and S.S.I. 2001/45 and 51, 2003/34, 2004/537, 2005/99 and 587. The Order, which applied to Great Britain, was repealed in respect of England by S.I. 2007/448. Relevant functions were conferred on "the Minister", as defined in article 2 of the Order to mean the Minister of Agriculture, Fisheries and Food, the Secretary of State for Wales, and the Secretary of State for Scotland, acting jointly. The functions, so far as exercisable within devolved competence, were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46).

(**b**) S.I. 1979/1702, amended by S.I. 1984/1326; there are other amending instruments but none is relevant to this Order. Relevant functions are conferred on the "appropriate Minister", as defined in article 2 to mean the Secretary of State for Scotland in the application of the Order to Scotland. The functions, so far as exercisable within devolved competence, were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46).

(**c**) S.I. 1980/12, relevantly amended by S.I. 1984/1326; there are other amending instruments but none is relevant to this Order. Article 3 contains a definition of the "appropriate Minister". The functions of the Secretary of State for Scotland as the appropriate Minister in the application of the Order to Scotland were, so far as exercisable within devolved competence, transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46).

PART 8

The Artificial Insemination of Pigs (EEC) Regulations 1992

1. In regulation 2 of the Artificial Insemination of Pigs (EEC) Regulations 1992(**a**) (intra-Community trade in porcine semen), paragraphs (2), (3) and (5).

PART 9

The Bovine Embryo (Collection, Production and Transfer) Regulations 1995

1. In regulation 4 of the Bovine Embryo (Collection, Production and Transfer) Regulations 1995(**b**) ("the 1995 Regulations") (approvals), paragraphs (1) and (2).
2. Regulation 5 of the 1995 Regulations (approval of bovine embryo collection teams for all purposes including intra-Area trade).
3. Regulation 6 of the 1995 Regulations (approval of bovine embryo collection teams for purposes other than intra-Area trade).
4. Regulation 7 of the 1995 Regulations (approval of bovine embryo production teams).
5. Regulation 8 of the 1995 Regulations (approval of bovine embryo transfer teams).
6. Regulation 9 of the 1995 Regulations (registration numbers).
7. In regulation 11 of the 1995 Regulations (collection of bovine embryos not intended for intra-Area trade), paragraph (3).
8. In regulation 13 of the 1995 Regulations (approval of stores for bovine embryos for use in intra-Area trade), paragraph (1).
9. In regulation 16 of the 1995 Regulations (approval of stores for bovine embryos not intended for use in intra-Area trade), paragraph (1).
10. In Schedule 4 to the 1995 Regulations (conditions relating to the collection, processing storage and transport of bovine embryos for the purposes of intra-Area trade), paragraph 13.
11. In Schedule 7 to the 1995 Regulations (conditions relating to the production of bovine embryos), paragraphs 4 and 5.

(**a**) S.I. 1992/3161. See section 10(8) of the Animal Health and Welfare Act 1984 (c.40) for a definition of "appropriate Minister". The functions are conferred on the Secretary of State for Scotland as the appropriate Minister in relation to Scotland and were, in so far as exercisable within devolved competence, transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46).

(**b**) S.I. 1995/2478. See section 10(8) of the Animal Health and Welfare Act 1984 (c.40) for a definition of "appropriate Minister". The functions of the Secretary of State for Scotland as the appropriate Minister in relation to Scotland were, so far as exercisable within devolved competence, transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46).

PART 10

Regulation (EC) No 999/2001

1. Article 11 (notification) of Regulation (EC) No 999/2001 of the European Parliament and of the Council laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies(**a**) ("the Community TSE Regulation").

2. In Article 12 of the Community TSE Regulation (movements of animals, official controls over holdings, and killing of animals on suspicion of TSE), paragraphs (1) to (3).

3. In Article 13 of the Community TSE Regulation (movements from, and official controls over, holdings after confirmation of TSE), paragraphs (1) and (2).

4. In Article 21 of the Community TSE Regulation (Community controls), paragraph (1).

5. In Annex III of the Community TSE Regulation (monitoring system), point 7(2) of Part II of Chapter A (tracing and testing of animal parts in a slaughterhouse).

6. In Annex III of the Community TSE Regulation, Chapter B (record keeping) Part III, point 1.

7 In Annex IV of the Community TSE Regulation (animal feeding), Part II (derogations from the ban on feeding protein from animals to ruminants and other animals), point B (use of fishmeal in the feeding of non-ruminant farmed animals), paragraphs (c), (e) and (f).

8. In Annex IV of the Community TSE Regulation, Part II, Point C (dicalcium phosphate or tricalcium phosphate in food for non-ruminant farmed animals), paragraphs (a), (c) and (d).

9. In Annex IV of the Community TSE Regulation, Part II, Point D (blood products and blood meal in food for non-ruminant farmed animals and fish), paragraphs (a) to (c), (e) and (f).

10. In Annex IV of the Community TSE Regulation, Part III (general implementing conditions), Point C (storage and transport of bulk processed animal protein, bulk fishmeal, bulk dicalcium phosphate or tricalcium phosphate and blood products and blood meal), paragraphs (a) and (c).

11. In Annex IV of the Community TSE Regulation, Part III, point E (export of processed animal proteins, and products containing such proteins derived from ruminants, to third countries), paragraph (2).

12. In Annex IV of the Community TSE Regulation, Part III, point F (official controls).

13. In Annex V of the Community TSE Regulation (specified risk material), points 8.1 and 9(e) (contamination of head meat at slaughterhouses and cutting plants).

14. In Annex VII of the Community TSE Regulation (Eradication of TSE), Chapter A (measures following confirmation of TSE), points 2.2, 3.3(b), 4(c), (h) and (i) and 5(b)(iii).

(**a**) O.J. L 147, 31.5.2001, p.1. The 2001 Community Regulation has been amended by Regulations (EC) of the European Parliament and of the Council No. 1128/2003 (O.J. L 160, 28.6.2003, page 1), 932/2005 (O.J. L 163, 23.6.2005, page 1) and 1923/2006 (O.J. L 404, 30.12.2006, page 1), and Commission Regulations 1248/2001 (O.J. L 173, 27.6.2001, page 12), 1326/2001 (O.J. L 177, 30.6.2001, page 60), 270/2002 (O.J. L 45, 15.2.2002, page 4), 1494/2002 (O.J. L 225, 22.8.2002, page 3), 260/2003 (O.J. L 37, 13.2.2003, page 7), 650/2003 (O.J. L 95, 11.4.2003, page 15), 1053/2003 (O.J. L 152, 20.6.2003, page 8), 1139/2003 (O.J. L 160, 28.6.2003, page 22), 1234/2003 (O.J. L 173, 11.7.2003, page 6), 1809/2003 (O.J. L 265, 16.10.2003, page 10), 1915/2003 (O.J. L 283, 31.10.2003, page 29), 2245/2003 (O.J. L 333, 20.12.2003, page 28), 876/2004 (O.J. L 162, 30.4.2004, page 52), 1471/2004 (O.J. L 271, 19.8.2004, page 24), 1492/2004 (O.J. L 274, 24.8.2004, page 3), 1993/2004 (O.J. L 344, 20.11.2004, page 12), 36/2005 (O.J. L 10, 13.1.2005, page 9), 214/2005 (O.J. L 37, 10.2.2005, page 9), 260/2005 (O.J. L 46, 17.2.2005, page 31), 1292/2005 (O.J. L 205, 6.8.2005, page 3), 1974/2005 (O.J. L 317, 3.12.2005, page 4), 36/2005 (O.J. L 13, 20.1.2005, page 9), 253/2006 (O.J. L 44, 15.2.2006, page 9), 339/2006 (O.J. L 55, 25.2.2006, page 5), 657/2006 (O.J. L 116, 29.4.2006, page 9), 688/2006 (O.J. L 120, 5.5.2006, page 10), 1041/2006 (O.J. L 187, 8.7.2006, page 10), 1791/2006 (O.J. L 363, 20.12.2006, page 1), 722/2007 (O.J. L 164, 26.6.2007, page 7), 727/2007 (O.J. L 165, 27.6.2007, page 8) and 1275/2007 (O.J. L 284, 30.10.2007, page 8). The functions specified in Part 9 of the Schedule are exercisable by the Scottish Ministers as the competent authority for the purposes of the Community TSE Regulation by virtue of their designation as such by regulation 3 of the Transmissible Spongiform Encephalopathies (Scotland) Regulations 2006 (S.S.I. 2006/530). Article 3 of the Community TSE Regulations contains a definition of "competent authority".

15. In Annex VII of the Community TSE Regulation, Chapter B (breeding for resistance to TSE), Part 1, point 6.

16. In Annex X of the Community TSE Regulation (reference laboratories), Chapter C (sampling and laboratory analysis), points 1, 2, 3.2(c)(i) and 3.3.

PART 11

Regulation (EC) No 1774/2002

1. In Article 10 (approval of intermediate plants) of Regulation (EC) No 1774/2002 of the European Parliament and of the Council laying down health rules concerning animal by-products not intended for human consumption(**a**) ("the 2002 Community Regulation") paragraphs (1), (2)(d) and (3)(d).

2. In Article 11 of the 2002 Community Regulation (approval of storage plants), paragraphs (1) and (2)(b).

3. In Article 12 of the 2002 Community Regulation (approval of incineration and co-incineration plants), paragraphs (2) and (3).

4. In Article 13 of the 2002 Community Regulation (approval of Category 1 and Category 2 processing plants), paragraphs (1), (2)(c) and (e).

5. In Article 14 of the 2002 Community Regulation (approval of Category 2 and 3 oleochemical plants), paragraphs (1) and (2)(c).

6. In Article 15 of the 2002 Community Regulation (approval of biogas and composting plants), paragraph (1).

7. In Article 17 of the 2002 Community Regulation (approval of Category 3 processing plants), paragraphs (1) and (2)(e).

8. In Article 18 of the 2002 Community Regulation (approval of petfood and technical plants), paragraphs (1) and (2)(a)(iii) to (v).

9. In Article 23 of the 2002 Community Regulation (derogations regarding the use of animal by-products), paragraphs (1), (2)(a) and (d), and (4).

10. In Article 24 of the 2002 Community Regulation (derogations regarding the disposal of animal by-products), paragraph (1), paragraph (3) so far as relating to the last mentioned paragraph, and paragraph (5).

11. In Article 25 of the 2002 Community Regulation (plants' own checks), paragraph (2)(a), (c) and (d).

12. Article 26 of the 2002 Community Regulation (official controls and lists of approved plants), paragraphs (1) and (3).

13. In Annex II of the 2002 Community Regulation (hygiene requirements for the collection and transport of animal by-products and processed products), Chapter II (vehicles and containers), paragraph 4.

(**a**) O.J. L 273, 10.10.2002, p.1. The 2002 Community Regulation has been amended by Commission Regulations (EC) No. 808/2003 (O.J. L 117, 13.5.2003, page 1), 668/2004 (O.J. L 112, 19.4.2004, page 1), 92/2005 (O.J. L 19, 21.1.2005, page 27), 93/2005 (O.J. L 19, 21.1.2005, page 34), 416/2005 (O.J. L 66, 12.3.2005, page 10), 181/2006 (O.J. L 29, 2.2.2006, page 31), 208/2006 (O.J. L 36, 8.2.2006, page 25), 2007/2006 (O.J. L 379, 28.12.2006, page 98) and 829/2007 (O.J. L 191, 21.7.2007, page 1). The functions specified in Part 10 of the Schedule are exercisable by the Scottish Ministers as the competent authority for the purposes of the 2002 Community Regulation by virtue of regulation 13 of the Animal By-Products (Scotland) Regulations 2003 (S.S.I. 2003/411). Article 2(1)(i) of the 2002 Community Regulation contains a definition of "competent authority".

14. In Annex II of the 2002 Community Regulation, Chapter III (commercial documents and health certificates), paragraph 5.

15. In Annex II of the 2002 Community Regulation, Chapter VIII (control measures).

16. In Annex IV of the 2002 Community Regulation (requirements for incineration and co-incineration plants), Chapter II (Operating conditions), paragraph 3.

17. In Annex IV of the 2002 Community Regulation, Chapter VII (incineration of Category 1 material referred to in Article 4(1)(b)), paragraph 8.

18. In Annex V of the 2002 Community Regulation (general hygiene requirements for the processing of Category 1, 2 and 3 material), Chapter I (general approval requirements), paragraphs 4 and 5.

19. In Annex V of the 2002 Community Regulation, Chapter III (processing methods), method 7, paragraph 1.

20. In Annex V of the 2002 Community Regulation, Chapter IV (supervision of production), paragraph 1.

21. In Annex V of the 2002 Community Regulation, Chapter V (validation procedures), paragraphs 1 and 4.

22. In Annex VI of the 2002 Community Regulation (specific requirements for the processing of Category 1 and 2 material and for biogas and composting plants), Chapter I (specific processing requirements), paragraphs 2 and 8.

23. In Annex VI of the 2002 Community Regulation, Chapter II (specific requirements for the approval of biogas and composting plants), paragraphs 3, 12, 13a, 14 and 15.

24. In Annex VII of the 2002 Community Regulation (specific hygiene requirements for the processing and placing on the market of processed animal protein and other processed products that could be used as feed material), Chapter I (approval of Category 3 processing plants), paragraph 2.

25. In Annex VII of the 2002 Community Regulation, Chapter II (specific requirements for processed animal protein), paragraphs 10 to 12 and 13(b).

26. In Annex VII of the 2002 Community Regulation, Chapter V (specific requirements for milk, milk-based products and colostrum), paragraph 3(b)(ii).

27. In Annex VIII (requirements for the placing on the market of petfood, dogchews and technical products) of the 2002 Community Regulation, Chapter III (requirements for manure, processed manure and manure products), paragraphs 1(a)(ii) and (b) and 5(c).

28. In Annex VIII of the 2002 Community Regulation, Chapter VIII (requirements for wool, hair, pig bristles and feathers), paragraph 1(a).

29. In Annex VIII of the 2002 Community Regulation, Chapter IX (requirements for apiculture products), paragraph 1(a)(i).

30. In Annex VIII of the 2002 Community Regulation, Chapter XI (requirements for the manufacture of feed including petfood, and certain technical products), paragraph 7(a) and (c).

31. In Annex IX of the 2002 Community Regulation (rules applicable to the use of category 2 and 3 material for the feeding of certain animals), paragraphs 3(**a**) and 5(a)(i) and (iii).

(**a**) Paragraph 3 provides that the Member State may authorise the use of a Category 2 processing plant as a collection centre. The Scottish Ministers are the competent authority for the purpose of this authorisation by virtue of regulation 13(2)(h) of the Animal By-Products (Scotland) Regulations 2003 (S.S.I. 2003/411).

PART 12

The Pet Travel Scheme (Scotland) Order 2003

1. In article 5 (recognition of laboratories) of the Pet Travel Scheme (Scotland) Order 2003 (**a**) ("the 2003 Order"), paragraph 1.

2. In article 7 (carriers) of the 2003 Order, paragraphs (1), (2) and (4).

3. Article 10 (approvals) of the 2003 Order.

4. In Schedule 5 to the 2003 Order (qualifying non-European countries and territories and requirements relating to these), paragraph 7(3) (release from quarantine).

PART 13

Regulation (EC) No 811/2003

1. In Article 6 (disposal of animal by-products in the event of an outbreak of disease) of Commission Regulation (EC) No 811/2003 implementing Regulation (EC) No 1774/2002 of the European Parliament and of the Council as regards the intra-species recycling ban for fish, the burial and burning of animal by-products and certain transitional measures (**b**), paragraphs (1) and (3).

PART 14

The Animal By-Products (Scotland) Regulations 2003

1. In regulation 19 of the Animal By-Products (Scotland) Regulations 2003(**c**) ("the 2003 Regulations") (sampling at biogas and composting plants), paragraph (3)(a) and (b)(i).

2. In regulation 21 of the 2003 Regulations (laboratories), paragraphs (1) to (2), and (7) to (9).

3. In regulation 26 of the 2003 Regulations (derogations regarding the use of animal by-products), paragraphs (1), (2)(a), (3) and (4).

4. In regulation 27 of the 2003 Regulations (collection centres), paragraph (1).

5. In regulation 30 of the 2003 Regulations (burning or burial in the event of a disease outbreak), paragraph (1)(a).

6. Regulation 40 of the 2003 Regulations (grant of approvals).

7. In regulation 41 of the 2003 Regulations (suspensions, amendment or revocation of approvals, authorisations and registrations), paragraphs (1) and (4) to (6).

8. In regulation 42 of the 2003 Regulations (review), paragraph (2)(a) and (d), and paragraphs (3) to (6).

9. In regulation 49 of the 2003 Regulations(**d**) (enforcement), paragraphs (1) and (3).

(**a**) S.S.I. 2003/229.

(**b**) O.J. L 117, 13.5.2003, p.14. The functions specified in Part 11 of the Schedule are exercisable by the Scottish Ministers as the competent authority by virtue of their designation as such by regulation 30(2) of, and paragraph 1(1) of Part 2 of Schedule 4 to, the Animal By-Products (Scotland) Regulations 2003 (S.S.I. 2003/411).

(**c**) S.S.I. 2003/411, relevantly amended by S.S.I. 2006/3; there are other amendments to the 2003 Regulations which are not relevant to this Order.

(**d**) Regulation 49 was amended by SSI 2006/3, Schedule 7, paragraph 44.

10. In Schedule 1 to the 2003 Regulations (additional requirements for biogas and composting plants), paragraph 2 of Part 2 (treatment systems and parameters for catering waste).

11. In Schedule 2 to the 2003 Regulations (testing Methods), paragraph 6 of section B of Part 2 (methods for the isolation of salmonella).

PART 15

Regulation (EC) No 1739/2005

1. Article 4 (registration of circuses) of Commission Regulation (EC) No. 1739/2005 laying down animal health requirements for the movement of circus animals between Member States(**a**) ("the 2005 Community Regulation").

2. In Article 7 (animal passports) of the 2005 Community Regulation, paragraphs (1) and (2).

3. In Article 8 (obligations of the circus operator) of the 2005 Community Regulation, paragraph (1)(c).

4. In Article 10 (information on movements of circuses between Member States) of the 2005 Community Regulation, paragraphs (1) and (2).

PART 16

The Transmissible Spongiform Encephalopathies (Scotland) Regulations 2006

1. In regulation 2 of the of the Transmissible Spongiform Encephalopathies (Scotland) Regulations 2006(**b**) ("the 2006 Regulations") (interpretation), paragraph (1) (approval of research premises).

2. In regulation 6 of the 2006 Regulations (approvals, authorisations, licences and registrations), paragraphs (1), (3), and (4)(a).

3. In regulation 8 of the 2006 Regulations (suspension and amendment), paragraphs (1), (2)(a) and (5).

4. In regulation 9 of the 2006 Regulations (revocation of approvals, etc.), paragraph (1).

5. Regulation 10 of the 2006 Regulations (appeals procedure).

6. In regulation 11 of the 2006 Regulations (valuations), paragraphs (2) to (5).

7. Regulation 12 of the 2006 Regulations (appointment of inspectors).

8. In regulation 20 of the 2006 Regulations (enforcement), paragraphs (2) and (4).

9. In Schedule 2 to the 2006 Regulations (TSE Monitoring), paragraphs 1(1), 3(2) to (4), 4(3), 5(4), and 6(1) and (2) of Part 1 (monitoring for TSE).

10. In Schedule 3 to the 2006 Regulations (control and eradication of TSE in bovine animals), paragraphs 1(1) to (3), 4(1)(c), 6, 8, 9(3) and 10.

(**a**) O.J. L 279, 22.10.2005, p.47. The functions specified in Part 12 of the Schedule are exercisable by the Scottish Ministers as the competent authority for the purposes of the 2005 Community Regulation by virtue of their designation as such by regulation 5(7) of the Animal and Animal Products (Import and Export)(Scotland) Regulations 2007 (S.S.I. 2007/194).

(**b**) S.S.I 2006/530, as amended by S.S.I. 2007/357.

11. In Schedule 4 to the 2006 Regulations (control and eradication of TSE in sheep and goats), paragraphs 1(1) to (3), 6(1) and (2), 7(1), 8(1), 9, 11 to 13, 18, 19, 21(1) and (2), 22(3) and (5), 23(1) and (3)(b), 24 and 25(1) and (2).

12. In Schedule 5 to the 2006 Regulations (Feedingstuffs), paragraphs 2(3)(f) and 6(1) of Part 1 (restrictions on Feeding Proteins to Animals).

13. In Schedule 5 to the 2006 Regulations (feedingstuffs), paragraphs 21(1) and (4)(a), 23(1), (2)(a) and (5) and 24(1) of Part 2 (production of protein and feedingstuffs).

14. In Schedule 6 (specified risk material, mechanically recovered meat and slaughtering techniques) to the 2006 Regulations (Feedingstuffs), paragraph 19(2)(b)(ii).

PART 17

The Products of Animal Origin (Third Country Imports)(Scotland) Regulations 2007

1. In regulation 4 of the Products of Animal Origin (Third Country Imports) (Scotland) Regulations 2007(**a**) ("the 2007 PAO Regulations") (exemption for authorised products and personal imports), paragraphs (1) and (2).

2. In regulation 5 of the 2007 PAO Regulations (enforcement authorities and exchange of information), paragraphs (1)(a), (5) and (6).

3. In regulation 30 of the 2007 PAO Regulations (approval of landfills), paragraphs (2) to (4).

4. In regulation 32 of the 2007 PAO Regulations (amendment, suspensions and revocation of approvals), paragraphs (1), (2), (3)(a), (5) and (6).

PART 18

The Animal and Animal Products (Import and Export) (Scotland) Regulations 2007

1. In regulation 3 of the Animal and Animal Products (Import and Export) (Scotland) Regulations 2007(**b**) ("the 2007 AAP Regulations") (enforcement), paragraphs (2) and (3).

2. In regulation 5(**c**)of the 2007 AAP Regulations (exports), paragraphs (7) and (8).

3. In regulation 8 of the 2007 AAP Regulations (dealers), paragraphs (1) and (2).

4. In regulation 9 of the 2007 AAP Regulations (approval of centres and teams), paragraphs (1) to (3).

5. Regulation 10 of the 2007 AAP Regulations (approval of laboratories).

6. In regulation 13 of the 2007 AAP Regulations (assembly centres and slaughterhouses), paragraphs (2), (6), and (7)(b).

7. In regulation 17 of the 2007 AAP Regulations (importation), paragraph (1)(b).

(**a**) S.S.I. 2007/1. Regulation 2(1) defines "third country" to mean a country not comprised in the relevant territories, and defines "the relevant territories" to mean an area comprising the territories of the member States, the Republic of Iceland, the Kingdom of Norway (except Svalbard), the Principality of Andorra, the Faroe Islands and the Republic of San Marino. Regulation 2(2) provides that products brought into Scotland from the Republic of Iceland (other than fishery products) are to be regarded as brought in from a third country.
(**b**) S.S.I. 2007/194, as amended by S.S.I. 2007/375.
(**c**) Paragraphs (7) and (8) were inserted by S.S.I. 2007/375.

8. In regulation 20 of the 2007 AAP Regulations (**a**) (quarantine for captive birds), paragraphs (1), (3)(b), and (6)(c).

9. In Schedule 3 to the 2007 AAP Regulations (intra-Community trade: legislation and additional requirements), Part I (legislation in relation to intra-Community trade), paragraph 10.

10. In Schedule 3 to the 2007 AAP Regulations, Part II (additional requirements for the transport of cattle, pigs, sheep and goats), paragraphs 4 and 5.

11. In Schedule 3 to the 2007 AAP Regulations, Part III (additional requirements for dealers in cattle, pigs, sheep and goats), paragraphs 2 and 6(1) to (3).

12. In Schedule 4 to the 2007 AAP Regulations (poultry health scheme), Part I (membership), paragraphs 3, 5, 7(b), 8, 9(1), and 10.

13. In Schedule 4 to the 2007 AAP Regulations, Part II (registration fee), paragraph 11.

14. In Schedule 4 to the 2007 AAP Regulations, Part III (annual membership fee), paragraph 16.

15. In Schedule 4 to the 2007 AAP Regulations, Part IV (re-inspection fee), paragraph 21.

16. In Schedule 5 to the 2007 AAP Regulations (approval of laboratories under the poultry health scheme), Part I (approval), paragraphs 1 to 5.

17. In Schedule 5 to the 2007 AAP Regulations, Part II (annual approval fee), paragraphs 1 (a) to (c) and 2.

18. In Schedule 8(**b**) to the 2007 AAP Regulations (quarantine of captive birds), Part I (approvals), paragraphs 1 to 3.

19. In Schedule 8 to the 2007 AAP Regulations, Part II (charges in relation to captive birds in quarantine), paragraphs 1, 3(1) to (3), (6) and (7), 4(1) to (5), and 5(1) to (3).

PART 19

The Bovine Semen (Scotland) Regulations 2007

1. In regulation 3 of the Bovine Semen (Scotland) Regulations 2007(**c**) ("the 2007 BS Regulations") (exceptions), paragraph 1(b)(ii).

2. Regulation 4 of the 2007 BS Regulations (licensing of bovine semen centres).

3. In regulation 5 of the 2007 BS Regulations (application for a licence to operate a bovine semen centre), paragraph (a).

4. Regulation 7 of the 2007 BS Regulations (approval of a bovine animal).

5. Regulation 8 of the 2007 BS Regulations (application for approval of a bovine animal).

6. In regulation 10 of the 2007 BS Regulations (approval of bovine animals for use at unlicensed premises), paragraphs (1) to (3).

7. In regulation 15 of the 2007 BS Regulations (general duties of centre veterinarians), paragraph (3).

8. In regulation 17 of the 2007 BS Regulations (taking blood samples and testing for bovine tuberculosis), paragraph (2).

(**a**) Regulation 20 was substituted by S.S.I 2007/375, regulation 7.
(**b**) Schedule 8 was inserted by S.S.I. 2007/375.
(**c**) S.S.I. 2007/330.

9. Regulation 18 of the 2007 BS Regulations (approval of laboratory for tests).

10. In regulation 19 of the 2007 BS Regulations (bovine animals from which semen may be collected), paragraph (a).

11. Regulation 21 of the 2007 BS Regulations (use of teaser animals).

12. Regulation 29 of the 2007 BS Regulations (power of Scottish Ministers to grant exemptions).

13. Regulation 32 of the 2007 BS Regulations (refusal of an approval or licence).

14. In regulation 33 of the 2007 BS Regulations (provision of information to the Scottish Ministers).

15. In regulation 34 of the 2007 BS Regulations (suspension and amendment), paragraphs (1), (2)(a) and (4).

16. In regulation 35 of the 2007 BS Regulations (revocation of an approval or licence), paragraphs (1) and (2).

17. In regulation 36 of the 2007 BS Regulations (review), paragraphs (1), (2) and (4) to (6).

18. Regulation 40 of the 2007 BS Regulations (examination of bovine semen centres).

19. Regulation 41 of the 2007 BS Regulations (payment of fees).

20. Regulation 42 of the 2007 BS Regulations (refund of fees).

21. In Schedule 3 to the 2007 BS Regulations (duties of the centre veterinarian in EC collection centres), paragraph 1(g) of Part 3 (measures applicable to processing facilities at an EC collection centre).

22. In Schedule 4 to the 2007 BS Regulations (duties of the centre veterinarian in EC storage centres), paragraph 2(a).

23. In Schedule 6 to the 2007 BS Regulations (duties of the centre veterinarian in domestic storage centres), paragraph 2(a).

24. In Schedule 7 to the 2007 BS Regulations (duties of operators of unlicensed premises), paragraph 1(b).

PART 20

The Zoonoses and Animal By-Products (Fees)(Scotland) Regulations 2007

1. Regulation 3 of the Zoonoses and Animal By-Products (Fees) (Scotland) Regulations 2007(**a**) (fees).

(**a**) S.S.I. 2007/577.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order specifies certain functions of the Scottish Ministers for the purposes of section 93(1) of the Scotland Act 1998. Section 93(1) allows the Scottish Ministers to make arrangements for any of their specified functions to be exercised on their behalf by a Minister of the Crown.

The functions of the Scottish Ministers which may be exercised by a Minister of the Crown on their behalf under such an arrangement are those exercisable by the Scottish Ministers under the enactments specified in the Schedule to this Order. These are functions relating to animal health and welfare, export and import of animals and prevention of the spread of animal diseases.

This Order will come into force on 7th May 2008.

STATUTORY INSTRUMENTS

2008 No. 1035

CONSTITUTIONAL LAW

DEVOLUTION, SCOTLAND

AGRICULTURE

LIVESTOCK INDUSTRIES

ANIMALS

ANIMAL HEALTH

DISEASES OF ANIMALS

POULTRY

The Scotland Act 1998 (Agency Arrangements) (Specification) Order 2008

£3.00

© Crown Copyright 2008

Published and printed in the UK by The Stationery Office Limited
under the authority and superintendence of Carol Tullo, Controller of Her Majesty's
Stationery Office and Queen's Printer of Acts of Parliament

130 04/08 19593