EXECUTIVE NOTE

THE WELFARE OF ANIMALS (TRANSPORT) (SCOTLAND) AMENDMENT REGULATIONS 2009

SSI 2009/339

The above Regulations, which amend the Welfare of Animals (Transport) (Scotland) Regulations 2006 ("the principal Regulations") are made in exercise of powers conferred by section 2(2) of, and paragraph 1A of Schedule 2 to, the European Communities Act 1972 which provide for the implementation and enforcement of Community obligations. The instrument is subject to the negative resolution procedure.

Policy Objectives

The purpose of this amending instrument is to address issues which were raised by the Subordinate Legislation Committee in relation to the principal Regulations when this instrument was being considered prior to it coming into force.

EU Regulation 1/2005 on the welfare of animals during transport came into force on 5 January 2007; enforcement provisions and national derogations were implemented in Scotland by the principal Regulations. This instrument amends the principal Regulations –

- by inserting ambulatory references to Council Regulation (EC) No 1/2005 and Council Regulation (EC) No 1255/97;
- by inserting a definition of inspector to provide for the appointment of inspectors to exercise the powers in regulation 22;
- to include provision for a right of appeal against a decision of an appointed person under regulation 21 or against an inspector's decision to serve a notice in regulation 22;
- to include provision for the serving of notices;
- to clarify that a control post requires to be approved prior to being operated; and
- to clarify that a notice may be served by an inspector, in relation to regulation 22(1), on a person who is responsible for animals on a permanent or temporary basis.

Consultation

Public consultation was not required as no policy changes have taken place.

Financial Effects

No Regulatory Impact Assessment has been prepared for this amending instrument as it will have no financial effect on those moving animals in connection with an economic activity or on the Scottish Government or local authorities.

Scottish Government / Rural Directorate
October 2009