SCOTTISH STATUTORY INSTRUMENTS

2003 No. 411

The Animal By-Products (Scotland) Regulations 2003

PART 1

Introductory provisions

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Animal By-Products (Scotland) Regulations 2003, and, subject to paragraph (2), shall come into force on 1 October 2003.

(2) Regulation 12 shall come into force on 1st January 2004.

(3) These Regulations extend to Scotland only.

Interpretation

2.—(1) In these Regulations–

"approval" and "authorisation" mean an approval or authorisation granted by the Scottish Ministers;

"the Community Regulation" means Regulation (EC) No. 1774/2002 of the European Parliament and of the Council of 3 October 2002 laying down health rules concerning animal by-products not intended for human consumption(**1**) as amended by and as read with–

(a) Commission Regulation (EC) No. 808/2003 amending 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 (**2**);

(b) Regulation (EC) 811/2003(**3**);

(c) Regulation (EC) 813/2003(**4**);

(d) Commission Decision 2003/320/EC on transitional measures under Regulation (EC) No. 1774/2002 of the European Parliament and of the Council as regards the use in feed of used cooking oil(**5**);

(e) Commission Decision 2003/321/EC on transitional measures under Regulation (EC) No. 1774/2002 of the European Parliament and of the Council as regards the processing standards for mammalian blood(**6**);

(f) Commission Decision 2003/326/EC on transitional measures under Regulation (EC) No. 1774/2002 of the European Parliament and of the Council as regards the separation of Category 2 and Category 3 oleochemical plants(**7**); and

(**1**) O.J. No. L 273, 10.10.2002, p.1.
(**2**) O.J. No. L 117, 13.5.2003, p. 1.
(**3**) This Regulation is defined later in this paragraph.
(**4**) This Regulation is defined later in this paragraph.
(**5**) O.J. No. L 117, 13.5.2003, p. 24.
(**6**) O.J. No. L 117, 13.5.2003, p. 30.
(**7**) O.J. No. L 117, 13.5.2003, p. 42.

(g) Commission Decision 2003/327/EC on transitional measures under Regulation (EC) No. 1774/2002 of the European Parliament and of the Council as regards the low capacity incineration or co-incineration plants which do not incinerate or co-incinerate specified risk material or carcases containing them(**8**);

"inspector" means–

(a) a person appointed as such for the purposes of these Regulations by the Scottish Ministers; and

(b) a person appointed as such for the purposes of these Regulations by a local authority in relation to its enforcement responsibilities under these Regulations;

"local authority" means a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994(**9**);

"Regulation (EC) 811/2003" means 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(**10**);

"Regulation (EC) 813/2003" means Commission Regulation (EC) No. 813/2003 on transitional measures under Regulation (EC) No. 1774/2002 of the European Parliament and of the Council as regards the collection, transport and disposal of former foodstuffs(**11**); and

"poultry" includes birds of all species including wild birds.

(2) Expressions defined in the Community Regulation have the same meaning in these Regulations, and Category 1 material, Category 2 material and Category 3 material comprise the animal by-products set out in Articles 4, 5 and 6 respectively of the Community Regulation.

(3) Unless the context otherwise requires, any reference in these Regulations–

(a) to a numbered regulation is a reference to the regulation so numbered in these Regulations;

(b) to a numbered paragraph is a reference to the paragraph so numbered in the regulation, Schedule or part of a Schedule in which that reference occurs; and

(c) to a numbered Schedule is a reference to the Schedule to these Regulations so numbered.

(4) Any person appointed by the Scottish Ministers or a local authority to be an inspector for the purposes of the Animal Health Act 1981(**12**) or the Animal By-Products Order 1999(**13**) shall be deemed to have been appointed by the Scottish Ministers or that authority to be an inspector for the purposes of these Regulations.

(5) Other than in relation to the issuing of an approval, authorisation, registration, notice or instructions in accordance with regulation 3, any reference in these Regulations to anything done in writing or produced in written form includes a reference to an electronic communication, as defined in the Electronic Communications Act 2000(**14**), which has been recorded and is consequently capable of being reproduced.

(**8**) O.J. No. L 117, 13.5.2003, p. 44.
(**9**) 1994 c. 39.
(**10**) O.J. No. L 117, 13.5.2003, p. 14.
(**11**) O.J. No. L 117, 13.5.2003, p. 22.
(**12**) 1981 c. 22.
(**13**) S.I. 1999/646, amended by S.S.I. 2001/171 and 2002/255.
(**14**) 2000 c. 7.

Approvals etc.

3. Any approval, authorisation, registration, notice or instructions issued under these Regulations or the Community Regulation shall be in writing, and may be made subject to such conditions as are necessary to–

(a) ensure that the provisions of the Community Regulation and these Regulations are complied with; and

(b) protect public and animal health.