

---

SCOTTISH STATUTORY INSTRUMENTS

---

**2000 No. 216**

**The Animals and Animal Products (Import and Export) (Scotland) Regulations 2000**

**PART II**

**INTRA-COMMUNITY TRADE**

**Application of Part II**

4. This Part of these Regulations shall apply to trade between member States in live animals and all animal products which are the subject of the Directives and other measures referred to in Part I of Schedule 3, except aquaculture products for human consumption controlled by Council Directive [91/67/EEC](#) (concerning the animal health conditions governing the placing on the market of aquaculture animals and products)(1).

**Exports**

5.—(1) No person shall export or consign for export to another member State any animal or animal product controlled under one or more of the Directives or other measures referred to in Part I of Schedule 3 unless—

- (a) it complies with the relevant provisions of those Directives or measures (including any option permitted by those Directives or measures which has been exercised by the member State of destination);
- (b) when required by a Directive or other measure, it is accompanied by an export health certificate signed by a veterinary inspector (or, where specified in a Directive or other measure, signed by a veterinary surgeon nominated by the exporter) or any other document required by a Directive or other measure;
- (c) when required by a Directive or other measure, any notification of a disease on the holding from which the animal has been consigned has been made within the time and in the manner (if any) specified in the Directive or other measure; and
- (d) if the animal is acquired through an assembly centre, that centre has been approved by the Scottish Ministers for the purposes of intra-Community trade, and it complies with the provisions of Article 11 of Council Directive [64/432/EEC](#), and Part I of Schedule 3.

(2) If an inspector has reasonable cause to suspect that a person in charge of animals or animal products intends to export them in contravention of this regulation he may by notice served on the consignor, his representative or person in charge of the animals or animal products prohibit that exportation and require the person on whom the notice is served to take the animals or animal products to such place as may be specified in the notice and to take such further action in relation to them as may be specified in the notice.

---

(1) O.J. No. L 46, 19.2.91, p.1 as amended and read with the provisions listed in paragraph 8 of Schedule 3.

(3) In the event of a notice served under paragraph (2) above not being complied with an inspector may seize or cause to be seized any animal or animal product to which it relates and arrange for the requirements of the notice to be complied with.

(4) No person shall export to another member State any animal to which the provisions of Articles 7, 9 and 10 of Council Directive [92/65/EEC](#) (laying down animal health requirements governing trade in and imports into the Community of animals, semen, ova and embryos not subject to animal health requirements laid down in specific Community rules referred to in Annex A(1) to Council Directive [90/425/EEC](#))(2) apply unless the animal originates from a holding which has been registered with the Scottish Ministers and the owner or person in charge of that holding has given to the Scottish Ministers undertakings in accordance with Article 4 of Council Directive [92/65/EEC](#).

### **Imports**

**6.—**(1) No person shall import from another member State any animal or animal product subject to a Directive or other measure listed in Part I of Schedule 3 and in free circulation in another member State unless it complies with the relevant provisions of that Directive or measure and any additional requirements specified in Part I of Schedule 3.

(2) If an animal is imported for slaughter, the importer shall ensure that it is slaughtered without undue delay; and if it is not slaughtered without undue delay, an inspector may by notice served on the importer, his representative or person in charge of the animals require the animals to be slaughtered as may be specified in the notice.

(3) In the event of a notice served under paragraph (2) not being complied with an inspector may seize or cause to be seized any animal to which it relates and arrange for the requirements of the notice to be complied with.

### **Transport of animals and animal products**

**7.—**(1) No person shall transport any animal or animal product in intra-Community trade unless it is accompanied by the documents required by Article 3.1.d of Council Directive [90/425/EEC](#).

(2) No person shall deliver any animal or animal product imported from another member State other than to the address specified in the required consignment documentation unless required to do so by means of a notice served on him by an inspector; and, if an animal or animal product is delivered to an address other than that specified in the required consignment documentation and not in compliance with a notice served by an inspector, an inspector may serve a notice on the person appearing to him to be in charge of the animal or animal product requiring that person to transport it, at that person's expense, to the address specified in the required consignment documentation.

(3) In the event of a notice served under paragraph (2) not being complied with an inspector may seize or cause to be seized any animal or animal product to which it relates and arrange for the requirements of the notice to be complied with.

(4) In the case of the transport of cattle or pigs, the provisions of Part II of Schedule 3 shall have effect, and any failure to comply with those provisions may lead to a withdrawal of an authorisation to transport those animals granted under article 12 of the Welfare of Animals (Transport) Order 1997(3) in accordance with Schedule 9 of that Order.

### **Dealers**

**8.—**(1) For the purposes of paragraph (2) below the Scottish Ministers shall keep a register of dealers engaging in intra-Community trade who have applied for registration in accordance with that paragraph.

---

(2) O.J. No. L 268, 14.9.92, p.54

(3) S.I.1997/1480, to which there are amendments not relevant to these Regulations.

(2) If required to do so by a notice served on him by the Scottish Ministers, a dealer engaging in intra-Community trade in animals and animal products shall register as such with the Scottish Ministers and shall give to him such undertakings as to compliance with these Regulations as shall be specified in the notice.

(3) Any person who has registered under paragraph (2) above shall keep a record of all deliveries of animals and, where a consignment is divided up or subsequently marketed, of the subsequent destination of the animals, and shall keep such records for 12 months from the arrival of the consignment.

(4) In the case of dealers in cattle and pigs the provisions of Part III of Schedule 3 shall have effect instead of paragraphs (1) to (3) above.

### **Approval of centres and teams**

**9.**—(1) For the purposes of Articles 5 and 13 of Council Directive [92/65/EEC](#), the Scottish Ministers shall approve any body, institute or centre which has applied for approval in accordance with Article 13 of that Directive and which conforms with the requirements of Annex C to that Directive.

(2) The Scottish Ministers shall suspend, withdraw or restore the approval referred to in paragraph (1) above in accordance with point 3 of Annex C to that Directive.

(3) For the purposes of Article 11 of Council Directive [92/65/EEC](#), the Scottish Ministers shall approve any semen collection centre or embryo collection team which has applied to the Scottish Ministers for approval in accordance with Article 11 of that Directive and which meets the conditions applicable to it in respect of approval and the performance of its duties as required by Article 11 and Annex D to that Directive.

### **Inspection and checking at destination**

**10.**—(1) A veterinary inspector shall have power to inspect, at their place of destination, all animals and animal products imported into Scotland from another member State, so as to ensure that the requirements (including requirements on documentation) of the relevant provisions of the Directives or other measures listed in Part I of Schedule 3 and any additional requirements specified in Part I of Schedule 3 have been complied with.

(2) An inspector shall have power to inspect anywhere and at any time all animals and animal products imported from another member State, as well as all accompanying documents, if he has information leading him to suspect an infringement of the Directives or other measures listed in Part I of Schedule 3 and any additional requirements specified in Part I of Schedule 3.

### **Duties on consignees**

**11.**—(1) No person shall accept a consignment of animals or animal products (other than registered horses accompanied by an identification document provided for by Council Directive [90/427/EEC](#) on the zootechnical and genealogical conditions governing intra-Community trade in equidae)<sup>(4)</sup> unless the importer or consignee has notified to an authorised inspector in writing, at least 24 hours in advance, the nature of the consignment, its anticipated date of arrival and the place of destination.

(2) A consignee shall retain all certificates sent in accordance with these Regulations for 12 months from the date of arrival.

---

(4) O.J. No. L 224, 18.8.90, p.55.

(3) The authorised inspector in regulation 11(1) shall be the inspector authorised by the Scottish Ministers to receive information about the anticipated date of arrival of imported animals or animal products for the area in which the place of destination is situated.

### **Assembly centres and slaughterhouses**

**12.**—(1) Any person operating an assembly centre for the purposes of intra-Community trade in cattle, pigs, sheep or goats shall do so in accordance with this regulation.

(2) The assembly centre shall be approved by the Scottish Ministers and given a number, and approval shall only be given if the Scottish Ministers are satisfied that the centre complies with the requirements of paragraphs (a) to (d) of Article 11.1 of Council Directive [64/432/EEC](#).

(3) In the case of cattle or pigs, the operator shall admit only animals that are identified and come from herds that are eligible for intra-Community trade.

(4) Where animals are consigned to an approved assembly centre, the operator of the assembly centre shall—

(a) ensure that no animal is admitted unless it complies with Article 3.1 of Council Directive [90/425/EEC](#); and

(b) record on a register—

(i) in the case of cattle and pigs, the name of the owner, the registration number of the transporter and the licence number of the lorry delivering or collecting animals from the centre;

(ii) in the case of cattle, the origin, date of entry and exit, number and identification number and the proposed destination as well as the information in paragraph 4(b) (i) above; and

(iii) in the case of pigs, the registration number of the holding of origin or of the herd of origin and the proposed destination as well as the information in paragraph 4(b) (i) above,

and shall preserve the register for a minimum of three years.

(5) Where animals are consigned to a slaughterhouse under the supervision of an official veterinary surgeon appointed under the provisions of regulation 8 of the Fresh Meat (Hygiene and Inspection) Regulations 1995<sup>(5)</sup> or regulation 8 of the Poultry Meat, Farmed Game Bird Meat and Rabbit Meat (Hygiene and Inspection) Regulations 1995<sup>(6)</sup>, the official veterinary surgeon shall ensure that no animal is slaughtered unless it complies with Article 3.1 of Council Directive [90/425/EEC](#).

(6) If, in carrying out inspections under the preceding paragraph, the official veterinary surgeon establishes that animals imported from another member State are accompanied by incorrect certification or cannot readily be identified, he shall forthwith notify a veterinary inspector authorised by the Scottish Ministers to receive such notification, who shall examine the animals and shall either—

(a) certify that they are fit to be slaughtered and used for their intended purpose; or

(b) by notice in writing served on the official veterinary surgeon require the animals to be slaughtered and destroyed or re-exported, in each case at the expense of the importer.

(7) Where paragraphs (4) and (5) above do not apply, any person who markets any animal consigned to him from another member State, or divides up batches of such animals for distribution or marketing—

---

(5) S.I. [1995/539](#) to which there are amendments not relevant to these Regulations.

(6) S.I. [1995/540](#) to which there are amendments not relevant to these Regulations.

- (a) shall check, before the batch is divided up or marketed, that all the animals comply with the relevant provisions of the Directives or other measures listed in Part I of Schedule 3, with respect to identification marks and required consignment documentation;
- (b) shall immediately notify any irregularity or anomaly to a veterinary inspector authorised by the Scottish Ministers to receive such notification; and
- (c) if there is a breach of Article 3.1.d of Council Directive [90/425/EEC](#)(7), shall isolate the animals in question until a veterinary inspector authorised by the Scottish Ministers to do so has authorised their release in writing.

### **Illegal consignments**

**13.**—(1) If a veterinary inspector knows of or suspects the presence of agents responsible for a disease referred to in Schedule 4 or of a zoonosis, any other disease or any cause likely to constitute a serious hazard to animals or humans in animals or animal products imported from another member State, or that those animals or animal products have come from a region contaminated by an epizootic disease, he may by notice served on the person appearing to him to have charge of those animals or products, require that person—

- (a) immediately to detain the imported animal product, imported animal or any animal which has been in contact with such imported animal (and, in the case of detained animals, whether imported or animals which have been in contact with imported animals, keep them isolated from other animals), at such place as may be specified in the notice, and to take such further action in relation to them as may be so specified for the purpose of preventing the introduction or spreading of disease into or within Scotland; or
- (b) without delay, to slaughter them, or slaughter and destroy them, or cause them to be slaughtered and destroyed, or, in the case of products, destroy them or cause them to be destroyed, in accordance with such conditions as may be specified in the notice.

(2) Subject to the provisions of paragraph (3) below, if an inspector knows or suspects that an animal or animal product does not comply with the provisions of Article 3 of Council Directive [90/425/EEC](#), he may, if animal health and welfare considerations so permit, give the consignor or his representative or the person appearing to him to have charge of those animals or products by way of notice the choice of—

- (a) where the cause of non-compliance is the presence in animals of residues in excess of that permitted under regulation 9 of and Schedule 1 to the Animals and Animal Products (Examination for Residues and Maximum Residue Limits) Regulations 1997(8), maintaining the animals under supervision until the residue levels fall to the levels permitted by the legislation and, in the event of the residue levels not falling to the permitted levels, requiring him to take whatever action is specified in that legislation;
- (b) slaughtering the animals or destroying the products in accordance with such conditions as may be specified in the notice; or
- (c) returning the animals or products to the member State of despatch, with the authorisation of the competent authority of the member State of despatch and with prior notification to any member State of transit.

(3) If the consignment fails to comply with legislation only by reason of irregularity in documentation, an inspector shall not cause the animals or animal products to be returned to the country of despatch without first giving the consignor, his representative or the person appearing to him to have charge of those animals or products a notice requiring him to produce the required

---

(7) O.J. No. L 224, 18.8.90, p.29, as read with the provisions listed in Schedule 1.

(8) S.I. [1997/1729](#).

---

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

---

consignment documentation within 7 days and to detain the animal or animal product in accordance with such conditions as may be specified in the notice.

(4) In the event of any notice served under this Regulation not being complied with an inspector may seize or cause to be seized any animal or animal product to which it relates, and arrange for the requirements of the notice to be complied with.