

SCHEDULE 5

REGULATIONS RELATING TO IMPORTS AND EXPORTS: CONSEQUENTIAL PROVISIONS

PART II

Consequential modifications to the Products of Animal Origin (Import and Export) Regulations 1996

2.—(1) In regulation 3(1)(a) the words “by the Minister of Agriculture, Fisheries and Food” to the end of that sub-paragraph are deleted and there is substituted the words “the Scottish Ministers and the Agency in relation to Scotland”.

(2) For paragraph (2) of regulation 3 there is substituted the following—

“(2) Subject to paragraph (4) below where the Scottish Ministers are satisfied that a local authority in Scotland is failing or has failed to execute or enforce these Regulations, either generally or in any individual case or in any class of case, they may, after giving notice to that authority, direct that the duty to enforce or execute these Regulations in respect of the failure specified in the notice shall be discharged by the Scottish Ministers or by the Agency on their behalf.”.

(3) In paragraph (3) of regulation 3, for the words “The Minister” there is substituted the words “The Scottish Ministers, or the Agency on their behalf”.

(4) After paragraph (4) of regulation 3 there is inserted the following—

“(4A) Subject to paragraph (4B) below, the Agency may direct, in relation to cases of a particular description, or a particular case, that these Regulations shall be executed and enforced by the Agency instead of the local authority, or jointly by the Agency and the local authority.

(4B) The Agency shall not issue a direction under paragraph (4A) above to a local authority, in relation to any case or description of case, where a direction has been issued to the authority in respect of the case or description of case by the Scottish Ministers, under paragraph (2) above.”; and

(5) Paragraph (5) of regulation 3 is deleted.