

2001 No. 178

ANIMALS

ANIMAL HEALTH

The Import and Export Restrictions (Foot-and-Mouth Disease) (Scotland) Amendment (No. 5) Regulations 2001

Made 9th May 2001

Coming into force at 6.00 p.m. on 9th May 2001

Laid before the Scottish Parliament 14th May 2001

The Scottish Ministers in exercise of the powers conferred by section 2(2) of the European Communities Act 1972(a) and of all other powers enabling them in that behalf, hereby make the following Regulations:

Citation, commencement and cessation

1.—(1) These Regulations may be cited as the Import and Export Restrictions (Foot-and-Mouth Disease) (Scotland) Amendment (No. 5) Regulations 2001 and shall come into force at 6.00 p.m. on 9th May 2001.

(2) These Regulations shall remain in force until midnight on 18th May 2001.

Amendment to the Import and Export Restrictions (Foot-and-Mouth Disease) (Scotland) Regulations 2001

2.—(1) The Import and Export Restrictions (Foot-and-Mouth Disease) (Scotland) Regulations 2001(b) are amended in accordance with the following paragraphs of this regulation.

(2) In regulation 2—

- (a) in paragraph (1) for the definition of “the Decision”(c), there is substituted—
““the Decision” means Commission Decision 2001/356/EC of 4th May 2001(d) concerning certain protection measures with regard to foot-and-mouth disease in the United Kingdom and repealing Commission Decision 2001/172/EC(e);”;
- (b) in paragraph (1) the definition of “restricted area of Northern Ireland”(f), shall be omitted;
- (c) after paragraph (3) there is inserted—

(a) 1972 c.68. Section 2(2) was amended by the Scotland Act 1998 (c.46), Schedule 8, paragraph 15(3). The functions conferred upon the Minister of the Crown under section 2(2) of the 1972 Act, insofar as within devolved competence, were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998.

(b) S.S.I. 2001/95, as amended by S.S.I. 2001/112, 127, 141 and 158.

(c) The definition of the Decision was last substituted by S.S.I. 2001/158.

(d) O.J. No. L 125, 5.5.01, p.46.

(e) O.J. No. L 62, 2.3.01, p.22, which repealed Decision 2001/145/EC (O.J. No. L 53, 23.2.01, p.25), and as amended by Commission Decision 2001/190/EC (O.J. No. L 67, 9.3.01, p 88), Commission Decision 2001/209/EC (O.J. No. L 76, 16.3.01, p.35), Commission Decision 2001/239/EC (O.J. No. L 86, 27.3.01, p 33), Commission Decision 2001/268/EC (O.J. No. L 94, 4.4.01, p 27), Commission Decision 2001/316/EC (O.J. No. L 109, 19.4.01, p.72) and Commission Decision 2001/318/EC (O.J. No. L 109, 19.4.01, p.75).

(f) Inserted by S.S.I. 2001/141, and amended by S.S.I. 2001/158.

“(4) Any reference in these Regulations (or in a certificate required by virtue of these Regulations) to Commission Decision 2001/172/EC shall be construed as a reference to the Decision, except in the definition of “the Decision” above.”.

(3) For regulation 4 there is substituted—

“Export of fresh meat

4.—(1) No person shall export any fresh meat of animals of the bovine, ovine, caprine or porcine species or other biungulate.

(2) The prohibition in paragraph (1) shall not apply in relation to—

- (a) fresh meat, minced meat or meat preparations obtained before 1st February 2001, provided that the meat, minced meat or meat preparations is clearly identified and since that date has been transported and stored separately from meat, minced meat or meat preparations which is not destined for dispatch outside the United Kingdom;
- (b) fresh meat obtained from cutting plants under the following conditions:—
 - (i) the only meat processed in the establishment is fresh meat described in sub-paragraph (a) above or fresh meat from animals reared and slaughtered outside the United Kingdom;
 - (ii) all the meat must bear the health mark in accordance with Chapter XI of Annex I to Council Directive 64/433/EEC (on health problems affecting the production and marketing of meat products and certain other products of animal origin(a));
 - (iii) the plant is operated under strict veterinary control; and
 - (iv) the meat is clearly identified and transported and stored separately from meat which is not destined for export; and
- (c) minced meat and meat preparations obtained from establishments approved under the Minced Meat and Meat Preparations (Hygiene) Regulations 1995(b) under the following conditions:—
 - (i) the only meat processed in the establishment is fresh meat described in sub-paragraph (a) above or fresh meat from animals reared and slaughtered outside the United Kingdom;
 - (ii) all the minced meat and meat preparations must bear the health mark in accordance with Chapter VI of Annex 1 to Council Directive 94/65/EC (laying down the requirements for the production and placing on the market of minced meat and meat preparations);
 - (iii) the plant is operated under strict veterinary control; and
 - (iv) the meat, minced meat and meat preparations are clearly identified and transported and stored separately from meat, minced meat and meat preparations which are not destined for export.

(3) Meat, minced meat or meat preparations consigned to another member State shall be accompanied by an official certificate prepared on behalf of the Scottish Ministers which bears the following words:—

“Meat conforming to Commission Decision 2001/172/EC of 1st March 2001 concerning certain protection measures with regard to foot-and-mouth disease in the United Kingdom”.

(4) In paragraph (1), the reference to “fresh meat” includes minced meat and meat preparations to which Council Directive 94/65/EC(c) applies.”.

(4) In regulations 5(1) and (3)(b)(ii), 6(3)(a) and (d) and 7(3)(a) and (b) for “Great Britain or the restricted area of Northern Ireland” each time those words appear there is substituted “the United Kingdom”.

(a) O.J. No. L 121, 27.9.1964, p.2012/64; Directive updated by Directive 91/497/EEC (O.J. No. L 268, 24.9.1991, p.69) as last amended by Directive 95/23/EC (O.J. No. L 243, 11.10.1995, p.7).

(b) S.I. 1995/3205 amended by S.I. 1996/3124, S.S.I. 2000/62, 171, 288.

(c) O.J. No. L 368, 31.12.94, p.10.

(5) In regulation 6(2)(a) after “sterilization” there is inserted “so as to produce a negative reaction to the peroxidase test.”.

(6) For regulation 12(1) there is substituted—

“**12.**—(1) Where reference is made to a commercial document being endorsed in accordance with this regulation, the document must have attached to it an official certificate prepared on behalf of the Scottish Ministers stating that the production process has been audited and found to be in accordance with these Regulations and suitable to destroy the foot-and-mouth disease virus or that the products concerned have been produced from pre-processed materials which have been certified accordingly and that provisions are in place to avoid possible re-contamination with the foot-and-mouth disease virus after treatment.”.

(7) In regulation 14(1) after “another vehicle),” there shall be added “train,”.

DAVID R DICKSON

A member of the staff of the Scottish Ministers

Pentland House,
Edinburgh
9th May 2001

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations implement in Scotland a change in the restrictions on imports and exports of certain animals and animal products in accordance with Commission Decision 2001/356/EC concerning certain protection measures with regard to foot-and-mouth disease in the United Kingdom and repealing Commission Decision 2001/172/EC.

They continue to regulate the export of biungulates, equidae, fresh meat, meat products, milk, milk products and other animal products.

They make alterations to the restrictions in relation to fresh meat exports, the sterilization of milk, the endorsement of commercial documents and the powers of inspectors.

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