

2001 No. 243

ANIMALS

ANIMAL HEALTH

The Import and Export Restrictions (Foot-and-Mouth Disease) (Scotland) (No. 2) Amendment Regulations 2001

Made 19th June 2001

Coming into force at 8 p.m. on 19th June 2001

Laid before the Scottish Parliament 21st June 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) (No. 2) Amendment Regulations 2001 and shall come into force at 8.00 p.m. on 19th June 2001.

(2) These Regulations shall remain in force until midnight on 20th July 2001.

Amendment to the Import and Export Restrictions (Foot-and-Mouth Disease) (Scotland) (No. 2) Regulations 2001

2.—(1) The Import and Export Restrictions (Foot-and-Mouth Disease) (Scotland) (No. 2) Regulations 2001(b) are amended in accordance with the following paragraphs of this regulation.

(2) In regulation 1(3) for “midnight on 19th June 2001”, there is substituted “midnight on 20th July 2001”.

(3) In regulation 2—

(a) for the definition of “the Decision”, there is substituted—

““the Decision” means Commission Decision 2001/356/EC of 4th May 2001 (concerning certain protection measures with regard to foot-and-mouth disease in the United Kingdom and repealing Commission Decision 2001/172/EC of 1st March 2001)(c), as amended by Commission Decision 2001/372/EC(d), Commission Decision

(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. 2001/186.

(c) O.J. No. L 125, 5.5.01, p.46, repealing Commission Decision 2001/172/EC of 1st March 2001 (O.J. No. L 62, 2.3.01, p.22) which repealed Decision 2001/145/EC (O.J. No. L 53, 23.2.01, p.25), as amended by Commission Decision 2001/190/EC (O.J. No. L 67, 9.3.01, p.88), Commission Decision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).

(d) O.J. No. L 130, 12.5.01, p.47.

2001/415/EC(a), Commission Decision 2001/430/EC(b), and Commission Decision 2001/437/EC(c);

- (b) after the definition of “the Decision”, there is inserted–
““dispatch” means dispatch from a place within the restricted area to a place outside the restricted area;”;
- (c) at the end of the definition of “export” there is inserted–
“, and “exporting” and “exported” shall be construed accordingly”; and
- (d) after the definition of “milk” and “milk products”, there is inserted–
““restricted area” means the British Islands other than Northern Ireland and the Isle of Man.”.

(4) In regulations 3(1) and (2), 4(1), (2)(b)(iv) and (c)(iv), 5(1), (3)(a) and (b)(v), 6(1) and (3)(c), 7(1), (2)(d) and (3)(d), 8(1), 9(1), 10(1) and (2), 11(b)(i), 13 and 17(1) and (2), for “export” each time it appears there is substituted “dispatch”.

(5) In regulations 3(2), 4(2)(b)(i) and (c)(i), 5(3)(b)(ii), 6(3)(a) and (d), 7(3)(a) and (b), 11(b)(i) (but only where it firstly appears in that sub-paragraph), for “United Kingdom” each time it appears there is substituted “restricted area”.

- (6) In regulation 4–
 - (a) there is inserted at the end of paragraph (1) “coming from the restricted area or obtained from animals originating in that area”;
 - (b) in paragraph (2)(a) “outside the United Kingdom” is omitted.

- (7) In regulation 5–
 - (a) in paragraph (1) for “United Kingdom” there is substituted “restricted area or prepared using meat obtained from animals originating in that area”;
 - (b) after paragraph (3)(b) there is inserted–
“(c) meat products prepared in parts of the United Kingdom outside the restricted area using meat obtained before 1st February 2001 from the restricted area provided that the meat and meat products are clearly identified and transported and stored separately from meat and meat products not destined for dispatch.”.

- (8) In regulation 6–
 - (a) in paragraph (3) “situated in the United Kingdom” is omitted; and
 - (b) in paragraph (3)(d) after “holdings” there is inserted “in”.

- (9) After regulation 7(2)(d) there is inserted–
“(e) milk products prepared in parts of the United Kingdom outside the restricted area using milk obtained before 1st February 2001 from the restricted area provided that the milk products are clearly identified and transported and stored separately from milk products not destined for dispatch.”

- (10) In regulation 8(2) for “produced before 1st February 2001” there is inserted–
“_

- (a) produced before 1st February 2001; or
- (b) imported into the United Kingdom in accordance with the conditions laid down in Council Directives 88/407/EEC and 89/556/EEC respectively, and which since introduction into the United Kingdom have been stored and transported separately from semen and embryos to which the prohibition in paragraph (1) applies.”.

(11) In regulation 10(4) after “The animal products” there is inserted “consigned to another member State”.

- (12) Regulation 14(2) is substituted by–

“(2) A veterinary inspector shall only issue a certificate referred to in paragraph (1) if–

(a) O.J. No. L 149, 2.6.01, p.38.
(b) O.J. No. L 153, 8.6.01, p.33.
(c) O.J. No. L 154, 9.6.01, p.66.

- (a) satisfied that the animal has not come from a holding in relation to which a notice in Form A has been served in accordance with article 5(1) of the Foot-and-Mouth Disease Order 1983^(a);
- (b) satisfied following inspection of the animal that it has been groomed to remove as far as practicable visible faeces, dirt and debris and that its hooves have been cleaned and disinfected; and
- (c) the owner of the animal or the owner's representative has given a written declaration to the veterinary inspector stating that the equine animal will remain on the holding until sent to the place of destination stated in the health certificate, without stopping at any holding in relation to which a notice in Form A has been served in accordance with article 5(1) of that Order.

(3) The health certificate accompanying equidae exported to another member State in accordance with the provisions of this article shall bear the following words:-

“Equidae conforming to Commission Decision 2001/356/EC of 4th May 2001 concerning certain protection measures with regard to foot-and-mouth disease in the United Kingdom.”

(4) Paragraph (1) shall not apply to equidae in transit from outside the United Kingdom which are accompanied by a valid health certificate in accordance with the model in Annex C of Directive 90/426/EEC on animal health conditions governing the movement and import of equidae from third countries.”.

DAVID R DICKSON

A member of the staff of the Scottish Ministers

Pentland House,
Edinburgh
19th June 2001

^(a) 1983/1950, as amended by S.I. 1993/3119, S.I. 1995/2922 and, as regards Scotland, by S.S.I. 2001/52, 55 and 101.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations implement in Scotland Commission Decisions 2001/415/EC, 2001/430/EC, and 2001/437/EC, each of which amends Commission Decision 2001/356/EC (concerning certain protection measures with regard to foot-and-mouth disease in the United Kingdom). They amend the restrictions on imports and exports of certain animals and animal products contained in the Import and Export Restrictions (Foot-and-Mouth Disease) (Scotland) (No. 2) Regulations 2001 (“the principal Regulations”) to continue the effect of those restrictions until midnight on 20th July 2001.

They make further changes in relation to the restrictions on import and export to the restrictions on the export of horses, to allow for the export of certain animals and animal products if the meat and milk processed originated in Northern Ireland and the Isle of Man and otherwise enable the lifting of the restrictions in those territories, and to lift certain restrictions on frozen bovine semen and embryos.

Regulation 2(8) and (11) corrects omissions in the principal Regulations.

A Regulatory Impact Assessment has not been prepared for these Regulations.

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