

2001 No. 271

ANIMALS

ANIMAL HEALTH

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

Made 20th July 2001

Coming into force at 8.00 p.m. on 20th July 2001

Laid before the Scottish Parliament 26th July 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 (No. 2) Regulations 2001 and shall come into force at 8.00 p.m. on 20th July 2001.

(2) These Regulations shall remain in force until midnight on 30th September 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 20th July 2001”, there is substituted “midnight on 30th September 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, as amended by S.S.I. 2001/243.

(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L 125, 5.5.01, p.46, repealing Commission Decision 2001/172/EC of 1st March 2001 (O.J. No. L 62, 2.3.01, p.22) which repealed Decision 2001/145/EC (O.J. No. L 53, 23.2.01, p.25), as amended by Commission Decision 2001/190/EC (O.J. No. L 67, 9.3.01, p.88), Commission Decision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), Commission Decision 2001/437/EC(c), Commission Decision 2001/518/EC(d), and Commission Decision 2001/547/EC(e);”;

- (b) for the definition of “dispatch”, there is substituted–
““dispatch” means dispatch from a place within the restricted area to a place outside the restricted area and includes consigning for dispatch;”; and
 - (c) for the definition of “export” there is substituted–
““export” means export outside the British Islands and includes consigning for export, and “exporting” and “exported” shall be construed accordingly”.
- (4) After regulation 12(2), there is inserted–
- “(3) Notwithstanding paragraph (1), in the case of a consolidated load of products (unless the products are fresh meat, minced meat and meat preparations) which individually are eligible for dispatch in accordance with these Regulations and intended for sale to a final consumer, reference to a commercial document endorsed in accordance with this regulation includes a commercial document accompanying that load endorsed by attachment of a copy of an official veterinary certificate prepared on behalf of the Scottish Ministers and signed by a person appointed as an officer of the kind specified in the certificate, in the form specified in paragraph (4).
- (4) A certificate under paragraph (3), shall–
- (a) confirm that the premises of dispatch have been audited and have in place a satisfactory system to ensure that goods can only be dispatched from those premises if they are traceable to documentary evidence of compliance with these Regulations; and
 - (b) also comply with paragraph (2).”.
- (5) In regulation 14(2)(a) and (c)–
- (a) for “has been served” there is substituted “or Form D is in effect”; and
 - (b) there is omitted “article 5(1) of”.
- (6) After regulation 14, there is inserted–

“Offers to dispatch or export goods

14A. No person shall offer to dispatch or export, or accept orders for the dispatch or export of, anything prohibited from being dispatched or exported by these Regulations.”.

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

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

(2) In regulation 1(2) for “midnight on 20th July 2001”, there is substituted “midnight on 30th September 2001”.

(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.
(d) O.J. No. L 186, 7.7.01, p.58.
(e) O.J. No. L 195, 19.7.01, p.61.
(f) S.S.I. 2001/243.

(3) Regulations 2(2) and 2(3)(a), (b) and (c) are revoked.

Pentland House,
Edinburgh
20th July 2001

ANDREW MOXEY
A member of the staff of the Scottish Ministers

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations implement in Scotland Commission Decisions 2001/518/EC and 2001/547/EC, each of which further amends Commission Decision 2001/356/EC (concerning certain protection measures with regard to foot-and-mouth disease in the United Kingdom). The Regulations 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 30th September 2001.

They make further changes to clarify the application of those restrictions to consignments, to permit consolidated consignments in certain circumstances, to provide that restrictions on the export of horses apply from premises subject to Form D restrictions under article 13 of the Foot-and-Mouth Disease Order 1983, and to prohibit offering to dispatch or export, or accept orders to dispatch or export, in contravention of the principal Regulations.

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

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