

2001 No. 367

ANIMALS

ANIMAL HEALTH

The Import and Export Restrictions (Foot-and-Mouth Disease) (Scotland) (No. 2) Amendment (No. 3) Regulations 2001

Made 28th September 2001

Coming into force at 8.00 p.m. on 30th September 2001

Laid before the Scottish Parliament 8th October 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. 3) Regulations 2001 and shall come into force at 8.00 p.m. on 30th September 2001.

(2) These Regulations shall remain in force until midnight on 30th November 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 30th September 2001”, there is substituted “midnight on 30th November 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 and 271.

(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L 125, 5.5.01, p.46, repealing Commission Decision 2001/172/EC of 1st March 2001 (O.J. No. L 62, 2.3.01, p.22) which repealed Decision 2001/145/EC (O.J. No. L 53, 23.2.01, p.25), as amended by Commission Decision 2001/190/EC (O.J. No. L 67, 9.3.01, p.88), Commission Decision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), Commission Decision 2001/547/EC(e) and the Commission Decision of 28th September 2001(f);” and

- (b) after the definition of “restricted area” there is inserted-
““semen collection centre” means a semen collection centre authorised by the Scottish Ministers for the purposes of regulation 8(2A) for the dispatch of frozen bovine semen;”.

- (4) After regulation 8(2) there is inserted-

“(2A) The prohibition in paragraph (1) shall not apply in relation to frozen bovine semen produced after 30th September 2001 in a semen collection centre in accordance with the provisions of Council Directive 88/407/EEC and the following conditions-

- (a) the donor bull showed no clinical sign of foot-and-mouth disease on the day of collection of the semen;
- (b) the donor bull was kept in the semen collection centre for at least three months (which may include the isolation period of at least 30 days in isolation accommodation attached to the semen collection centre) prior to the collection of the semen;
- (c) no animal was introduced into the semen collection centre during the 30 days prior to the collection of the semen;
- (d) the semen collection centre has been free of confirmed cases of foot-and-mouth disease for at least three months and no case of foot-and-mouth disease occurred within a 10 kilometre radius around the semen collection centre for the 30 days before and after the collection of the semen;
- (e) no animal in the semen collection centre has been vaccinated against foot-and-mouth disease;
- (f) the donor bull showed a negative response to a test for antibodies against foot-and-mouth disease virus carried out at least 21 days after the collection of the last semen of the consignment and the negative test results were available before dispatch of the semen;
- (g) the frozen semen was stored for a period of at least 30 days between collection and dispatch and during this period no animal in the semen collection centre showed any sign of foot-and-mouth disease;
- (h) the semen was collected, processed and stored separately from semen which is not eligible for dispatch; and
- (i) all semen collected, processed and frozen in the semen collection centre is dispatched from the semen collection centre in a way that avoids any risk of introducing foot-and-mouth disease into the centre.”.

- (5) In regulation 14(1), for “exporting equidae to another Member State”, there is substituted “dispatching equidae”.

Consequential Amendments

3.—(1) In regulations 1(2) of the Import and Export Restrictions (Foot-and-Mouth Disease) (Scotland) (No. 2) Amendment Regulations 2001(g) and the Import and Export Restrictions (Foot-and-Mouth Disease) (Scotland) (No. 2) Amendment (No. 2) Regulations 2001(h) for “midnight on 30th September 2001”, there is substituted “midnight on 30th November 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) Commission Decision of 28th September 2001 amending for the seventh time Decision 2001/356/EC concerning certain protection measures with regard to foot-and-mouth disease in the United Kingdom.

(g) S.S.I. 2001/243, as amended by S.S.I 2001/271.

(h) S.S.I. 2001/271.

(2) Regulations 2(2), 2(3)(a) and 3(2) of the Import and Export Restrictions (Foot-and-Mouth Disease) (Scotland) (No. 2) Amendment (No. 2) Regulations 2001 are revoked.

Pentland House,
Edinburgh
28th September 2001

DAVID DICKSON
A member of the staff of the Scottish Ministers

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations implement in Scotland the Commission Decision of 28th September 2001 amending Commission Decision 2001/356/EC (concerning certain protection measures with regard to foot-and-mouth disease in the United Kingdom) for the seventh time. 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 to continue the effect of those restrictions until midnight on 30th November 2001.

The Regulations also permit the dispatch of frozen bovine semen produced after 30th September 2001 in accordance with specified conditions in a semen collection centre authorised by the Scottish Ministers to dispatch such semen (regulation 2(4)).

The Regulations also require horses dispatched from Scotland to Northern Ireland or the Isle of Man to be accompanied by a health certificate (regulation 2(5)).

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

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