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SCOTTISH STATUTORY INSTRUMENTS

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**2002 No. 1**

**ANIMALS**

**ANIMAL HEALTH**

**The BSE Monitoring (Scotland) Amendment Regulations 2002**

<i>Made</i>	- - - -	<i>8th January 2002</i>
<i>Laid before the Scottish Parliament</i>	- - - -	<i>9th January 2002</i>
<i>Coming into force</i>	- -	<i>30th January 2002</i>

The Scottish Ministers, in exercise of the powers conferred by section 2(2) of the European Communities Act 1972<sup>(1)</sup> and of all other powers enabling them in that behalf, hereby make the following Regulations:

**Citation, commencement and extent**

1.—(1) These Regulations may be cited as the BSE Monitoring (Scotland) Amendment Regulations 2002 and shall come into force on 30th January 2002.

(2) These Regulations extend to Scotland only.

**Amendment of the BSE Monitoring (Scotland) Regulations 2001**

2.—(1) The BSE Monitoring (Scotland) Regulations 2001<sup>(2)</sup> are amended in accordance with the following provisions of this regulation.

(2) In regulation 2 (interpretation)—

(a) in paragraph (1)—

(i) the definition of “the Commission Decisions” is omitted;

(ii) after the definition of “bovine animal”, there is inserted the following definition:—

““the Commission Regulation” means Commission Regulation (EC) No. 1248/2001<sup>(3)</sup> amending Annexes III, X and XI to Regulation (EC)

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(1) 1972 c. 68. Section 2(2) was amended by the Scotland Act 1998 (c. 46), Schedule 8, paragraph 15(3). The function conferred upon the Minister of the Crown under section 2(2) of the European Communities Act 1972, insofar as within devolved competence, was transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998.

(2) S.S.I. 2001/231.

(3) O.J. No. L 173, 27.6.2001, p.12.

No. 999/2001(4) as regards epidemic-surveillance and testing of transmissible spongiform encephalopathies;” and

(iii) for the definition of “notifiable bovine animal”, there is substituted the following definition:–

““notifiable bovine animal” means a bovine animal over 24 months of age which has died or has been killed but which was not–

- (a) killed for destruction pursuant to Commission Regulation (EC) No. 716/1996(5);
- (b) killed in the framework of an epidemic such as foot-and-mouth disease; or
- (c) slaughtered for human consumption;” and

(b) paragraph (2) is omitted.

(3) In paragraph (4)(g) of regulation 4 (powers of entry, examination, search and sampling etc.), for “Commission Decisions”, there is substituted “Commission Regulation”.

### **Amendment of the Cattle Identification Regulations 1998**

3. Regulation 2(1) of the Cattle Identification Regulations 1998(6) is amended by substituting for the definition of “notifiable bovine animal” the following definition:–

““notifiable bovine animal” means a bovine animal over 24 months of age which has died or has been killed but which was not–

- (a) killed for destruction pursuant to Commission Regulation (EC) No. 716/1996;
- (b) killed in the framework of an epidemic such as foot-and-mouth disease; or
- (c) slaughtered for human consumption;”.

### **Amendment of the Cattle (Identification of Older Animals) (Scotland) Regulations 2001**

4. Regulation 2(1) of the Cattle (Identification of Older Animals) (Scotland) Regulations 2001(7) is amended by substituting for the definition of “notifiable bovine animal” the following definition:–

““notifiable bovine animal” means a bovine animal over 24 months of age which has died or has been killed but which was not–

- (a) killed for destruction pursuant to Commission Regulation (EC) No. 716/1996;
- (b) killed in the framework of an epidemic such as foot-and-mouth disease; or
- (c) slaughtered for human consumption;”.

Pentland House,  
Edinburgh  
8th January 2002

*ROSS FINNIE*  
A member of the Scottish Executive

(4) O.J. No. L 147, 31.5.2001, p.1.

(5) O.J. No. L 99, 20.4.1996, p.14.

(6) S.I.1998/871, amended by S.I. 1998/2969, 1999/1339 and S.S.I. 2001/231. The definition of “notifiable bovine animal” was inserted by S.S.I. 2001/231.

(7) S.S.I. 2001/1, amended by S.S.I. 2001/231. The definition of “notifiable bovine animal” was inserted by S.S.I. 2001/231.

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations principally make amendments to the BSE Monitoring (Scotland) Regulations 2001 ([S.S.I. 2001/231](#)).

The amendments give effect to the obligations in article 1.1 of Commission Regulation ([EC](#)) [No. 1248/2001](#) (O.J. No. L 173, 27.6.2001, p.12) amending Annex III to Regulation ([EC](#)) [No. 999/2001](#) (O.J. No. L 147 31.5.2001, p.1) as regards epidemio-surveillance and testing of transmissible spongiform encephalopathies.

These require member States to ensure that certain categories of bovine animals over 24 months of age are examined in accordance with the prescribed minimum requirements for monitoring BSE. The definition of “notifiable bovine animal” has been amended to reflect the change in age of animals to which the obligation applies, with consequential amendments to substitute that term in the Cattle Identification Regulations 1998 and the Cattle (Identification of Older Animals) Regulations 2001.

A Regulatory Impact Assessment for these Regulations has been prepared and placed in the Scottish Parliament Information Centre. Copies may be obtained from SEERAD, Robb’s Loan, Edinburgh EH14 1TY.