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SCOTTISH STATUTORY INSTRUMENTS

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**2002 No. 449**

**The Bovines and Bovine Products (Trade)  
Amendment (Scotland) Regulations 2002**

**Amendment of the Bovines and Bovine Products (Trade) Regulations 1999**

2.—(1) The Bovines and Bovine Products (Trade) Regulations 1999<sup>(1)</sup> are amended in accordance with the following provisions of this regulation.

(2) In regulation 2(1) (interpretation)—

(a) the definitions of “bovine embryo” and “export dedicated establishment” are omitted;

(b) after the definition of “establishment” there is inserted—

““export approved establishment” means an establishment approved as such under regulation 12 below;”;

and

(c) after the definition of “inspector” there is inserted—

““justice of the peace” means a full justice as defined in section 9 of the District Courts (Scotland) Act 1975<sup>(2)</sup>;”.

(3) In regulation 3(1)(a) (trade in live bovine animals, bovine embryos, mammalian meat and bone meal and related products), “or bovine embryo” is omitted.

(4) After regulation 5 there is inserted—

**“Offers to despatch or consign**

**5A.** No person shall offer to despatch or consign, or accept orders for the despatch or consignment of anything prohibited from being despatched or consigned by these Regulations.”.

(5) In regulation 10 (approval of establishments for the slaughter of DBES eligible animals and preparation of DBES goods)—

(a) for paragraph (3)(c) there is substituted—

“(c) that all parts of the premises, and equipment on the premises, used for the production, processing, treatment, handling, storage, loading or unloading of any bovine product not eligible for despatch abroad have been thoroughly cleaned after such use;”;

and

(b) in paragraph (3)(e)(i) for “dedicated” there is substituted “approved”.

(6) In regulation 11(3)(c) (requirements imposed on the operator of an establishment approved under regulation 10) for “dedicated” there is substituted “approved”.

(7) In regulation 12 (approval of establishments for the preparation or despatch of foreign origin export eligible goods, DBES and ECHS goods and foreign origin bovine by products)—

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<sup>(1)</sup> S.I.1999/1103, amended by S.I. 1999/1554 and S.S.I. 2000/62 and 184.

<sup>(2)</sup> 1975 c. 20. The definition of “full justice” was inserted by section 8 of the [Bail, Judicial Appointments etc. \(Scotland\) Act 2000](#) (asp 9).

- (a) in paragraph (2)(a)(i) for “dedicated” in both places where it appears there is substituted “approved”;
- (b) paragraph (2)(a)(ii) is omitted;
- (c) for paragraph (3) there is substituted–
  - “(3) The requirements for the approval of an establishment under this regulation are–
    - (a) that all parts of the premises, and equipment on the premises, used for the production, processing, treatment, handling, storage, loading or unloading of any bovine product not eligible for despatch abroad have been thoroughly cleaned after the last such use;
    - (b) that the methods of operation for the preparation of export eligible goods comply with the requirements of the first column in Schedule 2 or 3 to these Regulations or both as appropriate and the Scottish Ministers have determined how those requirements are to apply to the establishment as indicated in the second and third columns of those Schedules as appropriate; and
    - (c) that there is in operation at the establishment a system which ensures it is possible–
      - (i) to identify the origin of the raw material contained in any export eligible goods or foreign origin bovine by products despatched from that establishment and to trace that raw material through each stage of preparation of the goods at the establishment; and
      - (ii) to record all amounts of incoming and outgoing materials and cross check consignments entering or leaving the establishment.”; and
  - (d) in paragraph (4) for “export dedicated establishment or an application for approval of an establishment which is not an export dedicated establishment” there is substituted “export approved establishment for the preparation of DBES goods or an application for an export approved establishment for the preparation of foreign origin export eligible goods”.
- (8) In regulation 13(3) (requirements imposed on the operator of an establishment approved under regulation 12)–
  - (a) in paragraphs (2)(b) and (4)(c) for “dedicated” there is substituted “approved”;
  - (b) in paragraph (2)(b) for “to these Regulations” there is substituted “or 3 to these Regulations or both as appropriate”; and
  - (c) paragraph (2)(c) is revoked.
- (9) For regulation 17(7) (seizure of illegal goods) there is substituted–
  - “(7) Where the justice of the peace, on the basis of evidence appropriate in the circumstances, is satisfied that a consignment is illegal, but is also satisfied that there is no relevant risk in respect of the consignment if it is returned to the owner, the justice of the peace shall order–
    - (a) the consignment to be returned to the owner; and
    - (b) any expenses reasonably incurred in connection with storage of the consignment to be defrayed by the owner of the consignment.
  - (7A) Subject to paragraph (7B) below, where a notice served under this regulation is withdrawn or the justice of the peace refuses to make an order under paragraph (6), the body who appointed the inspector who served the notice shall compensate the owner of the consignment for any depreciation in its value resulting from the action taken by the inspector.

(7B) Paragraph (7A) shall not apply if the notice was served because the consignment was not accompanied by the correct documentation or certificate and the consignment was detained until the correct documentation or certificate was provided.”.

(10) For Schedules 1, 2 and 3 there are substituted Schedules 1, 2 and 3 contained in the Schedule to these Regulations.

(11) For paragraph 1(c) of Schedule 6 (official seal) there is substituted–

“(c) bear the capital letters–

- (i) XAP (in respect of an official seal for an export approved establishment handling foreign origin export eligible goods); and
- (ii) XAPD (in respect of an official seal for an export approved establishment handling DBES goods)”.