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SCOTTISH STATUTORY INSTRUMENTS

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**2005 No. 173**

**ANIMAL HEALTH**

**The TSE (Scotland) Amendment Regulations 2005**

*Made* - - - - 22nd March 2005  
*Laid before the Scottish  
Parliament* - - - - 22nd March 2005  
*Coming into force* - - 1st May 2005

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 TSE (Scotland) Amendment Regulations 2005 and shall come into force on 1st May 2005.

(2) These Regulations extend to Scotland only.

**Amendment of the TSE (Scotland) Regulations 2002**

2.—(1) The TSE (Scotland) Regulations 2002<sup>(2)</sup> are amended in accordance with paragraphs (2) and (3).

(2) In regulation 3(1) (interpretation) for the definition of “the Community Transitional Measures” substitute—

““the Community Transitional Measures” means—

- (a) Commission Regulation (EC) No. 1248/2001 of 22nd June 2001 amending Annexes III, X and XI to Regulation (EC) No. 999/2001 of the European Parliament and of the Council as regards epidemio surveillance and testing of transmissible spongiform encephalopathies<sup>(3)</sup>;
- (b) Commission Regulation (EC) No. 1326/2001 of 29th June 2001 laying down transitional measures to permit the changeover to the Regulation of the European Parliament and of the Council (EC) No. 999/2001 laying down rules for the prevention, control

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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 a Minister of the Crown under section 2(2) of the 1972 Act, 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. 2002/255, as amended by S.S.I. 2003/198, S.S.I. 2003/411 and 2004/277.

(3) O.J. No. L 173, 27.6.01, p.12.

- and eradication of certain transmissible spongiform encephalopathies, and amending Annexes VII and XI to that Regulation<sup>(4)</sup>;
- (c) Commission Regulation (EC) No. 270/2002 of 14th February 2002 amending Regulation (EC) No. 999/2001 of the European Parliament and of the Council as regards specified risk material and epidemio-surveillance for transmissible spongiform encephalopathies and amending Regulation (EC) No. 1326/2001 as regards animal feeding and the placing on the market of ovine and caprine animals and products thereof<sup>(5)</sup>;
- (d) Commission Regulation (EC) No. 1494/2002 of 21st August 2002 amending Annexes III, VII and XI to Regulation (EC) No. 999/2001 of the European Parliament and the Council as regards monitoring of bovine spongiform encephalopathy, eradication of transmissible spongiform encephalopathy, removal of specified risk materials and rules for importation of live animals and products of animal origin<sup>(6)</sup>;
- (e) Commission Regulation (EC) No. 1139/2003 of 27th June 2003 amending Regulation (EC) No. 999/2001 of the European Parliament and of the Council as regards monitoring programmes and specified risk material<sup>(7)</sup>; and
- (f) Commission Regulation (EC) No. 1492/2004 of 23rd August 2004 amending Regulation (EC) No. 999/2001 of the European Parliament and of the Council as regards eradication measures for transmissible spongiform encephalopathies in bovine, ovine and caprine animals, the trade and importation of semen and embryos of ovine and caprine animals and specified risk material<sup>(8)</sup>”.
- (3) In Schedule 6A (Enforcement of Annex VII to the Community TSE Regulation)–
- (a) in paragraph 1(2) omit “Commission Regulation (EC) No. 1494/2002”;
- (b) in paragraph 10, for “paragraph 3.1” substitute “paragraph 4”;
- (c) in paragraph 11, for “paragraph 3.2” substitute “paragraph 5”;
- (d) in paragraph 12, for “paragraph 5” substitute “paragraph 7”;
- (e) in paragraph 13, for “paragraph 6” substitute “paragraph 8”;
- (f) in paragraph 14–
- (i) in sub paragraph (1) for “paragraph 4” substitute “paragraph 6”; and
- (ii) in sub paragraph (2) for “paragraph 7” substitute “paragraph 9”.

St Andrew’s House, Edinburgh  
22nd March 2005

*RHONA BRANKIN*  
Authorised to sign by the Scottish Ministers

(4) O.J. No. L 177, 30.6.01, p.60.  
 (5) O.J. No. L 45, 15.2.02, p.4.  
 (6) O.J. No. L 225, 22.8.02, p.3.  
 (7) O.J. No. L 160, 28.6.03, p.22.  
 (8) O.J. No. L 274, 24.8.04, p.3.

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## EXPLANATORY NOTE

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

These Regulations amend the TSE (Scotland) Regulations 2002 ([S.S.I. 2002/255](#) as already amended “the principal Regulations”).

These Regulations amend the principal Regulations by bringing up to date the definition of “the Community Transitional Measures” in regulation 3(1) of that instrument so as to include the amendments of Regulation [\(EC\) No. 999/2001](#) of the European Parliament and of the Council laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies (O.J. No. L 147, 31.5.01, p.1) by–

- (a) Commission Regulation [\(EC\) No. 1494/2002](#) (O.J. No. L 225, 22.8.02, p.3);
- (b) Commission Regulation [\(EC\) No. 1139/2003](#) (O.J. No. L 160, 28.6.03, p.22); and
- (c) Commission Regulation [\(EC\) No. 1492/2004](#) (O.J. No. L 274, 24.8.04, p.3) (regulation 2(2)).

These Regulations also make consequential amendments to Schedule 6A of the principal Regulations to reflect changes made to Annex VII of Regulation [\(EC\) No. 999/2001](#) by the Commission Regulations referred to above (regulation 2(3)).

A full Regulatory Impact Assessment of the effect these Regulations will have on the costs of business has been prepared and placed in the Scottish Parliament Information Centre. Copies may be obtained from the Food Standards Agency, 6th Floor, St Magnus House, 25 Guild Street, Aberdeen AB11 6NJ.