

2005 No. 278

ANIMALS

ANIMAL HEALTH

**The Animals and Animal Products (Import and Export)
(Scotland) Amendment Regulations 2005**

<i>Made</i> - - - -	<i>25th May 2005</i>
<i>Laid before the Scottish Parliament</i>	<i>26th May 2005</i>
<i>Coming into force</i> - -	<i>1st July 2005</i>

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 and Commencement

1. These Regulations may be cited as the Animals and Animal Products (Import and Export) (Scotland) Amendment Regulations 2005 and shall come into force on 1st July 2005.

Amendment to the Animals and Animal Products (Import and Export) (Scotland) Regulations 2000

2.—(1) The Animals and Animal Products (Import and Export) (Scotland) Regulations 2000(b) are amended in accordance with the following paragraphs of this regulation.

(2) For regulation 6 substitute—

“6.—(1) No person shall import from another member State any animal or animal product subject to a Directive or other measure listed in Part I of Schedule 3 and in free circulation in another member State unless it complies with the relevant provisions of that Directive or measure and any additional requirements specified in Part I of Schedule 3.

(2) Where an animal subject to a Directive or other measure listed in Part 1 of Schedule 3 is imported from another Member State either for entry into the UK or by way of transit to another Member State, the importer, and the person in charge of the animal, if different, shall comply with all the relevant provisions of that Directive or other measure until it arrives at its place of destination or leaves Scotland, as the case may be.

(3) If an animal is imported for slaughter, other than an animal taken to an assembly centre, the importer shall ensure that it is slaughtered without undue delay; and if it is not slaughtered without undue delay, an inspector may by notice served on the importer, his

(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. 2000/216, as amended by S.S.I. 2000/300, S.S.I. 2002/125 and S.S.I. 2002/196.

representative or person in charge of the animal require the animal to be slaughtered as may be specified in the notice.

(4) Where cattle, pigs, sheep or goats are imported for slaughter and are taken to an assembly centre, the importer shall ensure that they are removed from the assembly centre directly to a slaughterhouse and slaughtered there—

- (a) in the case of sheep and goats within 5 days of their arrival at the assembly centre; and
- (b) in the case of cattle and pigs within 3 days of their arrival at the assembly centre.

(5) Where an animal to which paragraph (4) applies is not slaughtered within the specified period, an inspector may by notice served upon the importer, their representative, or person in charge of the animal require the animal to be slaughtered as may be specified in the notice.

(6) In the event of a notice served under paragraphs (3) or (5) not being complied with an inspector may seize or cause to be seized any animal to which the notice relates and arrange for the requirements of the notice to be complied with.”.

(3) In regulation 7(4) for “cattle or pigs” substitute “cattle, pigs, sheep or goats”.

(4) In regulation 8(4) for “cattle and pigs” substitute “cattle, pigs, sheep or goats”.

(5) In regulation 12—

(a) for paragraph (2) substitute—

“(2) The assembly centre shall be approved by the Scottish Ministers and given a number, and approval shall only be given if the Scottish Ministers are satisfied that—

- (a) in the case of an assembly centre used for cattle or pigs, the centre complies with the requirements of paragraphs (a) to (d) of Article 11.1 of Council Directive 64/432/EEC(a);
- (b) in the case of an assembly centre used for sheep or goats, the centre complies with the requirements of paragraph (a) to (d) of Article 8a(1) of Council Directive 91/68/EEC(b); and
- (c) the operator of the assembly centre has agreed to comply with any requirements as may be specified by the inspector as to the operation of that centre which an inspector believes are necessary to ensure the centre is capable of being operated in accordance with the second indent of Article 3(2) of Council Directive 90/425/EEC(c).”;

(b) for paragraph (4)(b) substitute—

“(b) record on a register—

- (i) in the case of cattle, pigs, sheep and goats, the name of the owner, the registration number, the transporter and the licence number of the lorry delivering or collecting animals from the centre;
- (ii) in the case of cattle, the origin, date of entry and exit, number and identification number and the proposed destination as well as the information in sub-paragraph (4)(b)(i) above;
- (iii) in the case of pigs, the registration number of the holding of origin or of the herd of origin and the proposed destination as well as the information in sub-paragraph (4)(b)(i) above; and
- (iv) in the case of sheep and goats, the identification of the animals, or the registration number of the holding of origin of the animals, and, where applicable, the approval or registration number of any assembly centre

(a) O.J. No. L 121, 29.7.1964 p.1977/64. Directive last amended by Commission Regulation (EC) No. 1226/2002 (O.J. No. L 179, 9.7.2002, p.13).

(b) O.J. No. L 46, 19.2.1991, p.19. Directive as last amended by Council Directive 2003/50/EC (O.J. No. L 169, 8.7.2003, p.51).

(c) O.J. No. L 224, 18.8.90, p.29.

through which the animals have passed prior to entering the centre as well as the information in sub-paragraph (4)(b)(i) above,

and shall preserve the register for a minimum of 3 years.”.

(6) In Schedule 3, Part I, paragraph 2–

(a) after the entry for Council Directive 93/60/EEC^(a) insert–

“Council Directive 2003/43/EC (O.J. No. L 143, 11.6.2003, p.23); and

Commission Decision 2004/101/EC (O.J. No. L30, 4.2.2004, p.15),”;

(b) after “Relevant provisions:” for “Articles 3 4.1 and 6” substitute “Articles 3 and 6”.

(7) In Schedule 3, Part I, paragraph 9–

(a) after the entry for Commission Decision 2001/327/EC^(b) insert–

“Council Directive 2003/50/EC (O.J. No. L 169, 8.7.2003, p.51).”;

(b) after “Relevant provisions:” for “Articles 4, 5, 6 and 9” substitute “Articles 3, 4, 4a, 4b, 4c, 5, 6 and 9”.

(8) In Schedule 3 for Parts II and III substitute–

“PART II

Regulation 7(4)

ADDITIONAL REQUIREMENTS FOR THE TRANSPORT OF CATTLE, PIGS, SHEEP AND GOATS

1. Any person transporting cattle, pigs, sheep or goats in intra-Community trade shall do so in accordance with this Part.

2. He shall, for each vehicle used for the transport of those animals, keep a register containing the following information, and shall keep the register for 3 years–

(a) places and dates of pick-up, and the name or business name and address of the holding or assembly centre where the animals are picked up;

(b) places and dates of delivery, and the name or business name and address of the consignee;

(c) species and number of animals carried;

(d) date and place of disinfection; and

(e) the unique identifying number of accompanying health certificates.

3. He shall ensure that the means of transport is constructed in such a way that the animal faeces, litter or feed cannot leak or fall out of the vehicle.

4. He shall have cleansing and disinfection facilities for the vehicles which are approved for the purpose by the Scottish Ministers under this paragraph (and which must include facilities for storing litter and faeces) or he shall provide documentary evidence to the Scottish Ministers that the cleansing and disinfection operations are carried out by a third party approved by the Scottish Ministers.

5. He shall give a written undertaking to the Scottish Ministers stating that–

(a) all measures have been taken to ensure compliance with–

(i) in the case of cattle or pigs, Council Directive 64/432/EEC, and in particular the provisions laid down in Article 12 of that Directive and the provisions of that Directive relating to the appropriate documentation that must accompany the animals; and

^(a) O.J. No. L 186, 28.7.93, p.28.

^(b) O.J. No. L 115, 25.4.01, p.12.

- (ii) in the case of sheep or goats, Council Directive 91/68/EEC, and in particular the provisions laid down in Article 8c of that Directive and the provisions of that Directive relating to the appropriate documentation that must accompany the animals; and
- (b) the transport of animals will be entrusted to staff who possess the necessary ability, professional competence and knowledge.

PART III

Regulation 8(4)

ADDITIONAL REQUIREMENTS FOR DEALERS IN CATTLE, PIGS, SHEEP AND GOATS

1. Every dealer in cattle, pigs, sheep or goats engaging in intra-Community trade shall comply with the provisions of this Part.

2. The dealer shall—

- (a) be approved by the Scottish Ministers under this paragraph; and
- (b) be registered with, and have a registration number issued by the Scottish Ministers,

and the Scottish Ministers shall only issue an approval if they are satisfied that the dealer will comply with the provisions of this Part.

3. The dealer shall ensure that he only imports or exports animals that are identified and meet the requirements of Community law for intra-Community trade and, in the case of cattle, come from herds that are officially free of tuberculosis, brucellosis and leukosis, or are slaughter animals meeting the requirements of Article 6.3, or if slaughter animals under a disease control programme of Article 13.1(a), of Council Directive 64/432/EEC.

4. The dealer shall keep a record for all cattle, pigs, sheep and goats which he imports or exports, either on the basis of identification numbers or marks on the animals, and keep the record for 3 years, of—

- (a) the name and address of the seller;
- (b) the origin of the animals;
- (c) the date of purchase;
- (d) the categories, number and identification (or registration number of the holding of origin) of cattle, sheep and goats;
- (e) the registration number of the holding of origin or the herd of origin of pigs;
- (f) the approval or registration number of the assembly centre through which he has acquired sheep or goats (where applicable);
- (g) the registration number of the transporter or the licence number of the lorry delivering and collecting animals;
- (h) the name and address of the buyer and the destination of the animals; and
- (i) copies of route plans and numbers of health certificates.

5. In the case of a dealer who keeps animals on his premises, he shall ensure that—

- (a) specific training in the care and welfare of animals is given to the staff in charge of the animals; and
- (b) all necessary steps are taken to prevent the spread of disease.

6.—(1) The dealer shall only use premises approved for the purpose by the Scottish Ministers under this paragraph.

(2) The Scottish Ministers shall issue an approval number for premises approved under this paragraph.

(3) The Scottish Ministers shall only issue an approval under this paragraph if they are satisfied that the premises comply with, in the case of a dealer in cattle or pigs, Article 13(2) of Council Directive 64/432/EEC or, in the case of a dealer in sheep and goats, Article 8b(2) of Council Directive 91/68/EEC.”.

St Andrew's House,
Edinburgh
25th May 2005

ROSS FINNIE
A member of the Scottish Executive

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Animals and Animal Products (Import and Export) (Scotland) Regulations 2000 (“the principal Regulations”).

They implement in Scotland Council Directive 2003/50/EC (amending Council Directive 91/68/EEC as regards the reinforcement of controls on movements of ovine and caprine animals) (O.J. No. L 169, 8.7.2003, p.51).

The principal Regulations are amended to provide for health controls for assembly centres, dealers and transporters in relation to sheep and goats (regulation 2(2),(3),(4),(5),(7) and (8)).

The Regulations also implement in Scotland Council Directives 2003/43/EC and 2004/101/EC (both amending Council Directive 88/407/EEC as regards the animal health requirements applicable to intra-Community trade in and imports of deep-frozen semen of domestic animals of the bovine species) (O.J. No. L 143, 11.6.2003, p.23 and O.J. No. L 30, 4.2.2004, p.15) (regulation 2(6)).

A Regulatory Impact Assessment has not been prepared for these Regulations, as they have no impact on business.

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£3.00

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Printed in the UK by The Stationery Office Limited
under the authority and superintendence of Carol Tullo, the Queen's Printer for Scotland
250 05/05 19593

ISBN 0-11-069587-9



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