

EXECUTIVE NOTE

The TSE (Scotland) Amendment (No 2) Regulations 2005 (S.S.I. 2005/469)

The above instrument was made in exercise of the powers conferred by sections 2(2) of the European Communities Act 1972⁽¹⁾. The instrument is subject to negative resolution procedure.

Policy Objectives

The purpose of the instrument is to amend the existing TSE (Scotland) Regulations 2002 to give legal effect to the implementation of BSE testing controls at abattoirs to control the return of beef from cattle aged over thirty months to the human food chain. They also make some amendments required to update and clarify issues in the 2002 Regulations, which have arisen in areas of enforcement, identification and feed controls. Parallel regulations are brought in force in England, Wales and Northern Ireland.

Consultation

Out of about 150 stakeholders consulted in Scotland, only 10 responses were received (6.5%). This pattern was repeated elsewhere in the UK. There was general support for the principles behind the proposed legislation from all, although concerns on the cost of any gold-plating of requirements by the Independent Advisory Group. We have made no major changes to the draft legislation as a result of the consultation process.

Financial Effects

These changes are largely deregulatory. The return of cattle aged over thirty months to the food chain should be financially beneficial to both producers and the Scottish red meat industry. The abattoir sector may incur some additional overheads in order to comply with the testing controls.

Scottish Executive Environment and Rural Affairs Department
September 2005

⁽¹⁾ 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.