

EXECUTIVE NOTE

THE ANIMALS AND ANIMAL PRODUCTS (IMPORT AND EXPORT) (SCOTLAND) AMENDMENT REGULATIONS 2007 SSI 2007/375

The above instrument was made under section 2(2) of the European Communities Act 1972 and sections 56(1) and (2) of the Finance Act 1973. It is subject to negative resolution procedure.

Policy Objective

The Animals and Animal Products (Import and Export) (Scotland) Regulations 2007 (“the principal Regulations”) implement Council Directive 90/425/EEC concerning veterinary and zootechnical checks applicable to intra-community trade in certain live animals and products, and Council Directive 91/496/EEC laying down the principles governing the veterinary checks on animals entering the EU from third countries.

The objective of this Instrument is to amend the principal regulations in order to enforce new EU Regulations concerning the movement of circus animals and other animal acts between member states (Commission Regulation (EC) No.1739/2005), and new rules governing the quarantine of captive birds imported from third countries (Commission Regulation (EC) No. 318/2007).

Main Changes

Enforcement of Commission Regulation (EC) No. 1739/2005 is effected by an amendment to Part I of Schedule 3 to the principal Regulations to add it to the list of Instruments which impose conditions on the movement of animals within the European Community. Regulation 5 of the principal Regulations is also amended to give Scottish Ministers powers to charge for the necessary expenses incurred by them in the registration of a circus, or animal act as required by Article 4 of Commission Regulation (EC) No. 1739/2005.

Revised rules for the quarantine of captive birds, as set out in Commission Regulation (EC) No. 318/2007, are provided for in regulation 7 of these Regulations which replace regulation 20 of the principal Regulations. Schedule 8 of the principal Regulations is also replaced by the Schedule to these Regulations which sets out the procedures for approvals of quarantine centres or facilities and details the charges which will apply.

Provision has also been made in these Regulations (by adding regulation 32A to the principal Regulations) to enable a warrant to be sought authorising entry to premises, where such entry has been refused, or is likely to be refused, for purposes specified under the Regulations. This brings the powers under these Regulations in line with powers under other regulations in this field.

Consultation

The sectors affected by these Regulations have not been consulted because they implement EU obligations. They have, however, been kept informed of how implementation is to be effected.

Financial Effects

There are no cost implications for Central Government arising from the making of these Regulations. There should be no great economic effect on industry in Scotland as there are, at present no circuses based here (although there may be a very few animals acts who will have to register if they wish to travel within the EU), nor are there any avian quarantine facilities operating in Scotland.

Rural Directorate
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