

---

SCOTTISH STATUTORY INSTRUMENTS

---

**2011 No. 390**

**ANIMALS**

**ANIMAL HEALTH**

**The Enzootic Bovine Leukosis  
(Scotland) Amendment Regulations 2011**

*Made* - - - - *3rd November 2011*  
*Laid before the Scottish*  
*Parliament* - - - - *7th November 2011*  
*Coming into force* - - *6th December 2011*

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 2(2) of the European Communities Act 1972(1) and all other powers enabling them to do so.

**Citation and commencement**

1. These Regulations may be cited as the Enzootic Bovine Leukosis (Scotland) Amendment Regulations 2011 and come into force on 6th December 2011.

**Amendment of the Enzootic Bovine Leukosis (Scotland) Regulations 2000**

2.—(1) The Enzootic Bovine Leukosis (Scotland) Regulations 2000(2) (“the principal Regulations”) are amended as follows.

(2) In regulation 2 (interpretation), omit the definition of “approved laboratory”.

(3) Omit regulation 6 (sampling of milk).

(4) In regulation 7(1) (veterinary inquiry), for “regulations 3, 4, 5 or 6” substitute “regulation 3, 4 or 5”.

(5) In regulation 16 (offences), in paragraph (1)—

(a) in sub-paragraph (a)(i), omit “, with the exception of regulation 6(5)”; and

(b) in sub-paragraph (b), omit “with regulation 6(5) or”.

---

(1) [1972 c.68](#). Section 2(2) was amended by the Scotland Act 1998 ([c.46](#)) (“the 1998 Act”), Schedule 8, paragraph 15(3) (which was amended by section 27(4) of the Legislative and Regulatory Reform Act 2006 ([c.51](#)) (“the 2006 Act”). Section 2(2) was also amended by section 27(1)(a) of the 2006 Act and by the European Union (Amendment) Act 2008 ([c.7](#)), section 3(3) and Schedule, Part 1. The functions conferred upon the Minister of the Crown under section 2(2), insofar as within devolved competence, were transferred to the Scottish Ministers by virtue of section 53 of the 1998 Act.

(2) [S.S.I. 2000/365](#).

**Saving provision**

3. Notwithstanding the amendments made by regulation 2 of these Regulations—
- (a) the obligation imposed by regulation 6(5)(e) of the principal Regulations continues to apply to tests carried out before 1st April 2011; and
  - (b) the principal Regulations as they had effect prior to 6th December 2011 continue to have effect for the purpose of that obligation.

St Andrew's House,  
Edinburgh  
3rd November 2011

*RICHARD LOCHHEAD*  
A member of the Scottish Executive

## EXPLANATORY NOTE

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

These Regulations amend the Enzootic Bovine Leukosis (Scotland) Regulations 2000.

Regulation 2 of these Regulations removes provisions relating to the obligation placed on primary purchasers of milk to submit samples for testing to approved laboratories. Milk sampling was discontinued on 1st April 2011 as more than five years has elapsed since Scotland was declared officially free of enzootic bovine leukosis by the Commission Decision of 23rd June 2003 (OJ L 156, 25.6.2003, p.74). Therefore, the requirement under Annex D, paragraph F(d) of Council Directive [64/432/EEC](#) on animal health problems affecting intra-Community trade in bovine animals and swine (OJ L 121, 29.7.1964, p.1977) no longer applies.

Regulation 3 of these Regulations contains a saving provision to ensure that a person in charge of an approved laboratory maintains a record of test results until 31st March 2012.