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SCOTTISH STATUTORY INSTRUMENTS

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**2012 No. 263**

**PUBLIC HEALTH  
ANIMALS**

**The Food Protection (Emergency Prohibitions)  
(Radioactivity in Sheep) and the Export of Sheep  
(Prohibition) Revocation (Scotland) Order 2012**

*Made* - - - - *26th September 2012*  
*Laid before the Scottish*  
*Parliament* - - - - *28th September 2012*  
*Coming into force* - - *1st October 2012*

The Scottish Ministers make the following Order in exercise of the powers conferred by section 11 of the Animal Health Act 1981(1), sections 1(1) and (2) and 24(3) of the Food and Environment Protection Act 1985(2) and all other powers enabling them to do so.

**Citation and commencement**

1. This Order may be cited as the Food Protection (Emergency Prohibitions) (Radioactivity in Sheep) and the Export of Sheep (Prohibition) Revocation (Scotland) Order 2012 and comes into force on 1st October 2012.

**Revocation**

2. The Orders specified in the Schedule are revoked.

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- (1) 1981 c.22. The power to make orders under section 11 was originally conferred on “the Minister” as defined in section 86(1) of the 1981 Act. The functions of the Minister were, in so far as within devolved competence, transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46).
- (2) 1985 c.48. Section 1(1) was amended by section 51(2)(a) of the Food Safety Act 1990 (c.16). Section 1(2) defines “designating authority”, as amended by paragraph 10(2) of the Schedule to the Scotland Act 1998 (Modification of Functions) Order 1999 (S.I. 1999/1756), paragraph 6(3) of Schedule 5 to the Food Standards Act 1999 (c.28) and paragraph 12(a) of the Schedule to the Scotland Act 1998 (Consequential Modifications) Order 2000 (S.I. 2000/2040). By virtue of section 40(2) of the Food Standards Act 1999, amendments made by Schedule 5 to that Act are to be taken as pre-commencement enactments for the purposes of the Scotland Act 1998 (c.46). The functions of the Secretary of State, in so far as within devolved competence, were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998. In so far as not transferred, and in so far as relating to food (including drink) including the primary production of food, relevant functions were transferred to the Scottish Ministers by the Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc.) Order 2005 (S.I. 2005/849).

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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St Andrew's House, Edinburgh  
26th September 2012

*MICHAEL MATHESON*  
Authorised to sign by the Scottish Ministers

## SCHEDULE

Article 2

## REVOCATIONS

<i>Orders</i>	<i>References</i>
The Food Protection (Emergency Prohibitions) (Radioactivity in Sheep) Order 1991	<a href="#">S.I. 1991/20</a>
The Export of Sheep (Prohibition) Order 1991	<a href="#">S.I. 1991/58</a>
The Food Protection (Emergency Prohibitions) (Radioactivity in Sheep) Partial Revocation Order 1991	<a href="#">S.I. 1991/2766</a>
The Food Protection (Emergency Prohibitions) (Radioactivity in Sheep) Partial Revocation Order 1993	<a href="#">S.I. 1993/13</a>
The Food Protection (Emergency Prohibitions) (Radioactivity in Sheep) Partial Revocation Order 1994	<a href="#">S.I. 1994/50</a>
The Food Protection (Emergency Prohibitions) (Radioactivity in Sheep) Partial Revocation Order 1995	<a href="#">S.I. 1995/48</a>
The Food Protection (Emergency Prohibitions) (Radioactivity in Sheep) Partial Revocation Order 1996	<a href="#">S.I. 1996/31</a>
The Food Protection (Emergency Prohibitions) (Radioactivity in Sheep) Partial Revocation Order 1997	<a href="#">S.I. 1997/62</a>
The Food Protection (Emergency Prohibitions) (Radioactivity in Sheep) Partial Revocation Order 1998	<a href="#">S.I. 1998/82</a>
The Food Protection (Emergency Prohibitions) (Radioactivity in Sheep) Partial Revocation Order 1999	<a href="#">S.I. 1999/80</a>
The Food Protection (Emergency Prohibitions) (Radioactivity in Sheep) Partial Revocation (Scotland) Order 2001	<a href="#">S.S.I. 2001/313</a>
The Food Protection (Emergency Prohibitions) (Radioactivity in Sheep) Partial Revocation (Scotland) Order 2003	<a href="#">S.S.I. 2003/375</a>
The Food Protection (Emergency Prohibitions) (Radioactivity in Sheep) Partial Revocation (Scotland) Order 2004	<a href="#">S.S.I. 2004/48</a>
The Food Protection (Emergency Prohibitions) (Radioactivity in Sheep) Partial Revocation (Scotland) Order 2005	<a href="#">S.S.I. 2005/71</a>
The Food Protection (Emergency Prohibitions) (Radioactivity in Sheep) Partial Revocation (Scotland) Order 2006	<a href="#">S.S.I. 2006/52</a>
The Food Protection (Emergency Prohibitions) (Radioactivity in Sheep) Partial Revocation (Scotland) Order 2007	<a href="#">S.S.I. 2007/38</a>
The Food Protection (Emergency Prohibitions) (Radioactivity in Sheep) Partial Revocation (Scotland) Order 2008	<a href="#">S.S.I. 2008/63</a>

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## EXPLANATORY NOTE

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

This Order revokes, in Scotland, the Food Protection (Emergency Prohibitions) (Radioactivity in Sheep) Order 1991, the Export of Sheep (Prohibition) Order 1991 and related orders.

The Food Protection (Emergency Prohibitions) (Radioactivity in Sheep) Order 1991 contains emergency prohibitions restricting various activities in order to prevent human consumption of food which has been, or which may have been, rendered unsuitable for that purpose in consequence of the escape of radioactive substances from a nuclear reactor situated at Chernobyl in the Ukraine.

The Export of Sheep (Prohibition) Order 1991 contains related restrictions on exporting to the EU sheep which have been moved from areas subject to these emergency prohibitions.

The effect of this Order is to remove the emergency prohibitions from the remaining areas which are subject to restriction and lift the restrictions on exporting to the EU sheep which have been moved from these areas.

A Business and Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on the costs of business.