

SCHEDULE 2

Regulation 29

Consequential amendments

*The Controlled Waste (Registration of Carriers and Seizure of Vehicles) Regulations 1991*

1. The Controlled Waste (Registration of Carriers and Seizure of Vehicles) Regulations 1991 <sup>M1</sup> are amended as follows.

**Marginal Citations**

**M1** [S.I. 1991/1624](#) relevantly amended by [S.S.I. 2005/22](#).

2. In regulation 2—

- (a) in paragraph (1)(i), for “Article 7(1) or 7(2) of the Community Regulation” substitute “Article 21(1) to (3) of the Council Regulation”; and
- (b) in paragraph (2)—
  - (i) omit the definition of “the Community Regulation”; and
  - (ii) insert after the definition of “ construction ”

““the Council Regulation” means Regulation [\(EC\) No 1069/2009](#) of the European Parliament and of the Council laying down health rules as regards animal by-products and derived products not intended for human consumption and repealing Regulation [\(EC\) No 1774/2002](#) (Animal by-products Regulation);”.

*The Older Cattle (Disposal) (Scotland) Regulations 2006*

3. The Older Cattle (Disposal) (Scotland) Regulations 2006 <sup>M2</sup> are amended as follows.

**Marginal Citations**

**M2** [S.S.I. 2006/4](#).

4. In regulation 2 (interpretation), for the definition of “rendering plant”, substitute—

““rendering plant” means a processing plant within the meaning of paragraph 58 of Annex I to Regulation (EU) No 142/2011 implementing Regulation [\(EC\) No 1069/2009](#) of the European Parliament and of the Council laying down health rules as regards animal by-products and derived products not intended for human consumption and implementing Council Directive [97/78/EC](#) as regards certain samples and items exempt from veterinary checks at the border under that Directive, as last amended by Commission Regulation (EU) No 717/2013 <sup>M3</sup>; and references in these Regulations to that Regulation (EU) No 142/2011 are references to that Regulation as amended from time to time;”.

**Marginal Citations**

**M3** OJ L 201, 26.7.2013, p.31.

*The Foot-and-Mouth Disease (Scotland) Order 2006*

5. The Foot-and-Mouth Disease (Scotland) Order 2006 <sup>M4</sup> is amended as follows.

**Changes to legislation:** There are currently no known outstanding effects for the The Animal By-Products (Enforcement) (Scotland) Regulations 2013, SCHEDULE 2. (See end of Document for details)

**Marginal Citations**

**M4** [S.S.I. 2006/44](#), relevantly amended by [S.S.I. 2007/455](#) and [S.S.I. 2011/171](#).

**6.** In article 2(1) (interpretation) in the definition of “Regulation (EU) No 142/2011” after “that Directive” insert “, as last amended by Commission Regulation (EU) No 717/2013; and references to that Regulation of 2011 are references to that Regulation as amended from time to time”.

**7.** In article 26(2)(c) (slaughter: isolation of things liable to spread disease) omit “as amended”.

**8.** In Schedule 5 (treatment of products to ensure the destruction of disease virus), in paragraph 2 (hides and skins), for “35” substitute “ 36 ”.

*The Foot-and-Mouth Disease (Slaughter and Vaccination) (Scotland) Regulations 2006*

**9.** The Foot-and-Mouth Disease (Slaughter and Vaccination) (Scotland) Regulations 2006<sup>M5</sup> are amended as follows.

**Marginal Citations**

**M5** [S.S.I. 2006/45](#) relevantly amended by [S.S.I. 2011/171](#).

**10.** In regulation 2(1) (interpretation), in the definition of “Regulation (EU) No 142/2011” after “that Directive” insert “, as last amended by Commission Regulation (EU) No 717/2013; and references to that Regulation of 2011 are references to that Regulation as amended from time to time”.

*The Avian Influenza (H5N1 in Wild Birds) (Scotland) Order 2007*

**11.** The Avian Influenza (H5N1 in Wild Birds) (Scotland) Order 2007<sup>M6</sup> is amended as follows.

**Marginal Citations**

**M6** [S.S.I. 2007/61](#) relevantly amended by [S.S.I. 2011/171](#).

**12.** In article 2 (interpretation), in the definition of “Regulation (EU) No 142/2011” after “that Directive” insert “, as last amended by Commission Regulation (EU) No 717/2013; and references to that Regulation of 2011 are references to that Regulation as amended from time to time”.

**13.** In article 13(1) (designation of premises to which things may be moved), for sub-paragraph (c) substitute—

“(c) the following plants, if approved under Article 24 of Regulation (EC) No [1069/2009](#)—

- (i) incineration plants;
- (ii) co-incineration plants;
- (iii) processing plants;
- (iv) biogas plants;
- (v) composting plants;
- (vi) petfood plants.”.

14. In Schedule 1 (measures applicable in respect of a wild bird control area), in paragraph 13 (restriction on the movement of bird by products or products derived from bird by products from premises in a wild bird control area)—

(a) for sub-paragraph (2), substitute—

“(2) A veterinary inspector may not grant or direct the grant of a licence under sub paragraph (1) unless it is for a movement of—

- (a) processed animal protein within the meaning of paragraph 5 of Annex I to Regulation (EU) No 142/2011 and which complies with the requirements of paragraph B of Section 1 of Chapter II of Annex X to that Regulation;
- (b) blood products within the meaning of paragraph 4 of Annex I to Regulation (EU) No 142/2011 and which comply with the requirements of paragraph B of Section 2 of Chapter II of Annex X to that Regulation;
- (c) rendered fats within the meaning of paragraph 8 of Annex I to Regulation (EU) No 142/2011 and which comply with the requirements of paragraph B of Section 3 of Chapter II of Annex X to that Regulation;
- (d) gelatine within the meaning of paragraph 12 of Annex I to Regulation (EU) No 142/2011 and which complies with the requirements of paragraph B of Section 5 of Chapter II of Annex X to that Regulation;
- (e) hydrolysed protein within the meaning of paragraph 14 of Annex I to Regulation (EU) No 142/2011 and which complies with the requirements of paragraph D of Section 5 of Chapter II of Annex X to that Regulation;
- (f) dicalcium phosphate which complies with the requirements of paragraph B of Section 6 of Chapter II of Annex X to Regulation (EU) No 142/2011;
- (g) tricalcium phosphate which complies with the requirements of paragraph B of Section 7 of Chapter II of Annex X to Regulation (EU) No 142/2011;
- (h) collagen within the meaning of paragraph 11 of Annex I to Regulation (EU) No 142/2011 and which complies with the requirements of paragraph B of Section 8 of Chapter II of Annex X to that Regulation;
- (i) egg products which comply with the requirements of paragraph B of Section 9 of Chapter II of Annex X to Regulation (EU) No 142/2011;
- (j) processed petfood within the meaning of paragraph 20 of Annex I to Regulation (EU) No 142/2011 and which complies with the requirements of Chapter II of Annex XIII to that Regulation;
- (k) raw petfood within the meaning of paragraph 21 of Annex I to Regulation (EU) No 142/2011 and which complies with the requirements of Chapter II of Annex XIII to that Regulation;
- (l) dogchews within the meaning of paragraph 17 of Annex I to Regulation (EU) No 142/2011 and which comply with the requirements of Chapter II of Annex XIII to that Regulation;
- (m) processed manure and processed manure products which comply with the requirements of Section 2 of Chapter I of Annex XI to Regulation (EU) No 142/2011;
- (n) game trophies of birds having undergone a complete taxidermy treatment ensuring their preservation at ambient temperatures within the meaning of Chapter VI of Annex XIII to Regulation (EU) No 142/2011;

**Changes to legislation:** There are currently no known outstanding effects for the *The Animal By-Products (Enforcement) (Scotland) Regulations 2013, SCHEDULE 2.* (See end of Document for details)

- (o) those by-products which are transported to designated plants listed in article 13(1)(c) for disposal, treatment, transformation or use which ensures inactivation of the avian influenza virus;
  - (p) those by-products which are transported to users or collection centres authorised and registered in accordance with Article 23 of Regulation (EC) No 1069/2009 for the feeding of animals after they have been treated by a method approved by the competent authority which ensures inactivation of the avian influenza virus;
  - (q) untreated feathers or parts of untreated feathers produced from poultry within the meaning of paragraph 30 of Annex I to Regulation (EU) No 142/2011 and which comply with the requirements of paragraph A of Chapter VII of Annex XIII to that Regulation; or
  - (r) poultry feathers, feathers from wild game bird or parts of such feathers which have been treated with a steam current or by another method which ensures inactivation of the avian influenza virus.”; and
- (b) in sub-paragraph (3), for “Annex V to that Regulation” substitute “ Regulation (EC) No 1069/2009 and Annex IV to Regulation (EU) No 142/2011 ”;
- (c) in sub-paragraph (5) for “(2)(p) and (q)” substitute “ (2)(q) and (r) ”; and
- (d) in sub-paragraph (6), for “(2)(q)” substitute “ (2)(r) ”.

*The Avian Influenza (H5N1 in Poultry) (Scotland) Order 2007*

15. The Avian Influenza (H5N1 in Poultry) (Scotland) Order 2007<sup>M7</sup> is amended as follows.

**Marginal Citations**

M7 S.S.I. 2007/62 relevantly amended by S.S.I. 2011/171.

16. In article 2 (interpretation), in the definition of “Regulation (EU) No 142/2011” after “that Directive” insert “, as last amended by Commission Regulation (EU) No 717/2013; and references to that Regulation of 2011 are references to that Regulation as amended from time to time ”.

17. In article 3(6) (licences, notices and designations under this Order), for sub-paragraph (c) substitute—

- “(c) the following plants if approved under Article 24 of Regulation (EC) No 1069/2009—
- (i) incineration plants;
  - (ii) co-incineration plants;
  - (iii) processing plants;
  - (iv) biogas plants;
  - (v) composting plants;
  - (vi) petfood plants.”.

18. In article 14 (restrictions on the movement of bird by-products)—

(a) for paragraph (2) substitute—

“(2) But a veterinary inspector or an inspector acting under the direction of a veterinary inspector may license the movement of any of the following bird by-products:—

- (a) processed animal protein within the meaning of paragraph 5 of Annex I to Regulation (EU) No 142/2011 and which complies with the requirements of paragraph B of Section 1 of Chapter II of Annex X to that Regulation;
- (b) blood products within the meaning of paragraph 4 of Annex I to Regulation (EU) No 142/2011 and which comply with the requirements of paragraph B of Section 2 of Chapter II of Annex X to that Regulation;
- (c) rendered fats within the meaning of paragraph 8 of Annex I to Regulation (EU) No 142/2011 and which comply with the requirements of paragraph B of Section 3 of Chapter II of Annex X to that Regulation;
- (d) gelatine within the meaning of paragraph 12 of Annex I to Regulation (EU) No 142/2011 and which complies with the requirements of paragraph B of Section 5 of Chapter II of Annex X to that Regulation;
- (e) hydrolysed protein within the meaning of paragraph 14 of Annex I to Regulation (EU) No 142/2011 and which complies with the requirements of paragraph D of Section 5 of Chapter II of Annex X to that Regulation;
- (f) dicalcium phosphate which complies with the requirements of paragraph B of Section 6 of Chapter II of Annex X to Regulation (EU) No 142/2011;
- (g) tricalcium phosphate which complies with the requirements of paragraph B of Section 7 of Chapter II of Annex X to Regulation (EU) No 142/2011;
- (h) collagen within the meaning of paragraph 11 of Annex I to Regulation (EU) No 142/2011 and which complies with the requirements of paragraph B of Section 8 of Chapter II of Annex X to that Regulation;
- (i) egg products which comply with the requirements of paragraph B of Section 9 of Chapter II of Annex X to Regulation (EU) No 142/2011;
- (j) processed petfood within the meaning of paragraph 20 of Annex I to Regulation (EU) No 142/2011 and which complies with the requirements of Chapter II of Annex XIII to that Regulation;
- (k) raw petfood within the meaning of paragraph 21 of Annex I to Regulation (EU) No 142/2011 and which complies with the requirements of Chapter II of Annex XIII to that Regulation;
- (l) dogchews within the meaning of paragraph 17 of Annex I to Regulation (EU) No 142/2011 and which comply with the requirements of Chapter II of Annex XIII to that Regulation;
- (m) processed manure and processed manure products which comply with the requirements of Section 2 of Chapter I of Annex XI to Regulation (EU) No 142/2011;
- (n) those by-products which are transported to designated plants listed in article 3(6) (c) for disposal, treatment, transformation or use which ensures inactivation of the avian influenza virus;
- (o) those by-products which are transported to users or collection centres authorised and registered in accordance with Article 23 of Regulation (EU) No 142/2011 for the feeding of animals after they have been treated by a method approved by the competent authority which ensures inactivation of the avian influenza virus;
- (p) game trophies of birds having undergone a complete taxidermy treatment ensuring their preservation at ambient temperatures within the meaning of Chapter VI of Annex XIII to Regulation (EU) No 142/2011;

**Changes to legislation:** There are currently no known outstanding effects for the *The Animal By-Products (Enforcement) (Scotland) Regulations 2013, SCHEDULE 2.* (See end of Document for details)

- (q) poultry feathers or parts of such feathers which have been treated with a steam current or by another method which ensures inactivation of the avian influenza virus; or
  - (r) untreated feathers or parts of untreated feathers produced from poultry or wild game birds from a restricted zone within the meaning of paragraph 30 of Annex I to Regulation (EU) No 142/2011 and which comply with the requirements of paragraph A of Chapter VII of Annex XIII to that Regulation.”;
- (b) in paragraph (4), for “(2)(p) and (q)” substitute “ (2)(q) and (r) ”; and
- (c) in paragraph (6), for “(2)(p)” substitute “ (2)(q) ”.

*The Transmissible Spongiform Encephalopathies (Scotland) Regulations 2010*

19. The Transmissible Spongiform Encephalopathies (Scotland) Regulations 2010 <sup>M8</sup> are amended as follows.

**Marginal Citations**

**M8** [S.S.I. 2010/177](#) relevantly amended by [S.S.I. 2011/171](#).

20. In regulation 2(1) (interpretation), in the definition of “Regulation (EU) No 142/2011” after “that Directive” insert “ as last amended by Commission Regulation (EU) No 717/2013 ”.

21. In Schedule 1 (ambulatory references)—

- (a) omit “and” at the end of paragraph (f); and
- (b) after paragraph (g) insert—
  - “; and
  - (h) Regulation (EU) No 142/2011.”.

22. In Schedule 6 (feedingstuffs)—

- (a) in paragraph 3 (exceptions) for “the Animal By-Products (Enforcement) (Scotland) Regulations 2011” substitute “ the Animal By-Products (Enforcement) (Scotland) Regulations 2013 ”; and
- (b) in paragraph 18(2) (export of processed animal protein to third countries), omit—
  - (i) “Article 43 of”; and
  - (ii) “and Article 25 of Regulation (EU) No 142/2011”.

*The Waste Management Licensing (Scotland) Regulations 2011*

23. In Schedule 1 to the Waste Management Licensing (Scotland) Regulations 2011 <sup>M9</sup> (activities exempt from waste management licensing), in paragraph 23(1), for “2011” substitute “ 2013 ”.

**Marginal Citations**

**M9** [S.S.I. 2011/228](#).

**Changes to legislation:**

There are currently no known outstanding effects for the The Animal By-Products (Enforcement) (Scotland) Regulations 2013, SCHEDULE 2.