

2015 No. 401

ANIMALS

AQUACULTURE

FISH FARMING

**The Trade in Animals and Related Products (Scotland)
Amendment Regulations 2015**

Made - - - - - *19th November 2015*

Laid before the Scottish Parliament *23rd November 2015*

Coming into force - - - *8th January 2016*

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

These Regulations make provision for a purpose mentioned in section 2(2) of the European Communities Act 1972 and it appears to the Scottish Ministers that it is expedient for the reference in regulation 2 of these Regulations to Council Directive 2006/88/EC^(b) on animal health requirements for aquaculture animals and products thereof, and on the prevention and control of certain diseases in aquatic animals, and to Commission Regulation (EC) No 1251/2008^(c) implementing Council Directive 2006/88/EC as regards conditions and certification requirements for the placing on the market and the import into the Community of aquaculture animals and products thereof and laying down a list of vector species, to be construed as a reference to that instrument as amended from time to time.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Trade in Animals and Related Products (Scotland) Amendment Regulations 2015 and come into force on 8th January 2016.

(a) 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) (“the 2008 Act”), Schedule, Part 1. The functions conferred upon the Minister of the Crown under section 2(2), in so far as within devolved competence, were transferred to the Scottish Ministers by virtue of section 53 of the 1998 Act. Paragraph 1A of Schedule 2 was inserted by section 26 of the 2006 Act and was amended by the Schedule, Part I of the 2008 Act.

(b) OJ L 328, 24.11.2006, p.14, most recently amended by Commission Implementing Directive 2014/22/EU (OJ L 44 14.2.2014, p.45).

(c) OJ L 337, 16.12.2008, p.45, most recently amended by Commission Implementing Regulation (EU) No 25/2014 (OJ L 9, 14.1.2014, p.5).

(2) In these Regulations “the principal Regulations” means the Trade in Animals and Related Products (Scotland) Regulations 2012(a).

Amendment to the Trade in Animals and Related Products (Scotland) Regulations 2012

2.—(1) The principal Regulations are amended as follows.

(2) In regulation 27 (enforcement)—

(a) in paragraph (2)—

(i) before sub-paragraph (a) insert—

“(za) in relation to aquatic animals and aquaculture animal products by the Scottish Ministers;”;

(ii) in sub-paragraph (a), after “animals” insert “, other than those mentioned in sub-paragraph (za),”; and

(iii) in sub-paragraph (b) after “products” insert “, other than those mentioned in sub-paragraph (za),”; and

(b) after paragraph (6) insert—

“(7) In paragraph (2)(za)—

“aquatic animal” has the same meaning as in Council Directive 2006/88/EC on animal health requirements for aquaculture animals and products thereof, and on the prevention and control of certain diseases in aquatic animals; and

“aquaculture animal product” means any product of an aquaculture animal to which Article 6(1), 8(1) or (3) or 12(1) of Commission Regulation (EC) No 1251/2008 implementing Council Directive 2006/88/EC as regards conditions and certification requirements for the placing on the market and the import into the Community of aquaculture animals and products thereof and laying down a list of vector species applies.”.

Savings

3. The amendments made by regulation 2 of these Regulations do not apply in relation to—

(a) any function exercised, or decision made, by a local authority under the principal Regulations before 8th January 2016;

(b) an appeal under regulation 22 of the principal Regulations against a decision made by a local authority under regulation 18(3) or 21(3) of those Regulations before 8th January 2016;

(c) any reconsideration by a local authority of its decision made under regulation 18(3) or 21(3) of the principal Regulations before 8th January 2016 where (whether before, on or after that date) the sheriff remits the matter to the local authority for reconsideration under regulation 22(8)(a) of those Regulations.

RICHARD LOCHHEAD

A member of the Scottish Government

St Andrew’s House,
Edinburgh
19th November 2015

(a) S.S.I. 2012/177 as amended by S.S.I. 2012/198, S.S.I. 2012/199, S.S.I. 2014/3158 and S.S.I. 2015/100.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Trade in Animals and Related Products (Scotland) Regulations 2012 to transfer the functions of the enforcement authority, outwith border inspection posts, to the Scottish Ministers in relation to aquatic animals and aquaculture animal products (regulation 2).

Regulation 3 makes savings provisions.

No business and regulatory impact assessment has been prepared for these Regulations as no impact upon business, charities or voluntary bodies is foreseen.

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