

POLICY NOTE

THE TRADE IN ANIMALS AND RELATED PRODUCTS (SCOTLAND) AMENDMENT REGULATIONS 2015

SSI 2015/401

Introduction

1. These Regulations are made under section 2(2) of, and paragraph 1A of Schedule 2 to, the European Communities Act 1972. They are subject to negative procedure.

Purpose of the Instrument

2. These Regulations amend the Trade in Animals and Related Products (Scotland) Regulations 2012 (“the principal Regulations”) which, among other things, make provision for the import of animals and animal products to Scotland. Regulation 27 of the principal Regulations makes provision for enforcement of the regime. Outwith a border inspection post the principal Regulations are enforced by the local authority in relation to products and animals (with exemptions in relation to food hygiene). These Regulations amend regulation 27 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 only.

Policy objectives

3. Fish health inspectors, as appointed by the Scottish Ministers, already exercise statutory functions in respect of aquatic animal health under fish health legislation. In addition they exercise certain functions under the principal Regulations. Regulation 6 of the principal Regulations gives power to the Scottish Ministers to authorise persons to complete and sign health certificates with regard to animals and genetic materials. Fish health inspectors currently carry out this function in relation to fish, shellfish and crustaceans and have the expertise to enforce the principal Regulations outwith border inspection posts.

4. Definitions for “aquatic animal” and “aquaculture animal product” are provided in new paragraph (7) inserted at regulation 27 by the amending regulations. Savings provisions are made in respect of functions exercised, and decisions made, by local authorities under the principal Regulations and in respect of appeals and reconsiderations made by local authorities following a remit made by the sheriff under the principal Regulations.

Consultation

5. Local Authorities in Scotland were not formally consulted on proposed legislative changes, however discussions have taken place with some councils in which enforcement issues out with border inspection posts have occurred and the expertise of the fish health inspectors required.

Impact

6. No Business Regulatory Impact Assessment has been prepared for this instrument as no impact on the private or voluntary sectors is foreseen.

**Scottish Government
Marine Scotland Directorate**

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