
SCOTTISH STATUTORY INSTRUMENTS

2019 No. 412

**The Official Controls (Agriculture
etc.) (Scotland) Regulations 2019**

PART 1

General

Title, commencement and extent

1.—(1) These Regulations may be cited as the Official Controls (Agriculture etc.) (Scotland) Regulations 2019 and come into force on 14 December 2019.

(2) These Regulations extend to Scotland only.

Commencement Information

II Reg. 1 in force at 14.12.2019, see [reg. 1\(1\)](#)

Interpretation

2.—(1) In these Regulations—

“audit” means an audit of a competent or designated authority for the purposes of Article 6 in relation to any relevant legislation;

“auditor” means a person carrying out an audit on behalf of a competent authority;

“designated authority” means an authority designated under regulation 3;

“enforcement officer” means an officer authorised to enforce the [^{F1}Official Controls Regulation] and these Regulations by a competent or designated authority;

“inspector” in relation to any relevant legislation, means an inspector, veterinary inspector, or other officer authorised by a competent or designated authority to act in Scotland under that legislation;

“official controls” has the meaning given by Article 2(1);

“other official activities” has the meaning given by Article 2(2);

“premises” includes any means of transport;

“relevant legislation” means ^{F2}... legislation relating to the areas specified in sub-paragraphs (b), (d), (e) and (f) of Article 1(2);

“the [^{F1}Official Controls Regulation]” means Regulation (EU) 2017/625 of the European Parliament and of the Council of 15 March 2017 on official controls and other official activities performed to ensure the application of feed and food law, rules on animal health and welfare, plant health and plant protection products ^{M1}, and where the context requires it includes a

reference to measures in implementing and delegated regulations made under the [F1Official Controls Regulation];

“Feed and Food Regulations” means the Official Feed and Food Controls (Scotland) Regulations 2009 ^{M2}.

(2) Unless otherwise provided in this regulation, terms used in these Regulations have the same meaning as they have in the [F1Official Controls Regulation].

(3) Unless the context otherwise requires, any reference in these Regulations to an “Article” or “Title” are to an Article or Title of the [F1Official Controls Regulation].

Textual Amendments

- F1** Words in [reg. 2](#) substituted (31.12.2020) by [The Animal Health and Welfare and Official Controls \(Agriculture\) \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2020 \(S.S.I. 2020/380\)](#), regs. 1(3), **4(2)(a)**
- F2** Words in [reg. 2\(1\)](#) omitted (31.12.2020) by virtue of [The Animal Health and Welfare and Official Controls \(Agriculture\) \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2020 \(S.S.I. 2020/380\)](#), regs. 1(3), **4(2)(b)**

Commencement Information

- I2** Reg. 2 in force at 14.12.2019, see [reg. 1\(1\)](#)

Marginal Citations

- M1** OJ No L 95, 7.04.2017, p. 1.
- M2** [S.S.I. 2009/446](#) as last amended by [S.S.I. 2019/407](#).

Designations of competent and designated authorities

3.—(1) The competent authority in respect of the relevant legislation is for the purposes of Article 4—

- (a) to the extent that it has functions in relation to the welfare requirements of animals as the competent authority for the purposes of regulation 3 of the Welfare of Animals at the Time of Killing (Scotland) Regulations 2012 ^{M3}, Food Standards Scotland;
- (b) for all other purposes, the Scottish Ministers.

(2) Local authorities and food authorities are designated authorities in relation to enforcement functions (other than prosecution) which they exercise under relevant legislation.

(3) A designated authority must keep written records (which may be in electronic form) of official controls and other official activities that they perform, and such records must include—

- (a) a description of the purpose of the official controls and other official activities;
- (b) the control methods applied;
- (c) any action that the designated authority requires to be taken; and
- (d) the outcome.

(4) Where non-compliance has been identified by any designated authority through the application of official controls, the operator must be promptly informed of the non-compliance.

(5) In this regulation—

- (a) “food authority” has in relation to any relevant legislation the same meaning as it has in that legislation, and includes a food authority that is an enforcement authority for the purposes of that legislation; and

- (b) “local authority” has in relation to any relevant legislation the same meaning as it has in that legislation.

Commencement Information

I3 Reg. 3 in force at 14.12.2019, see [reg. 1\(1\)](#)

Marginal Citations

M3 [S.S.I. 2012/321](#) as last amended by [S.S.I. 2015/161](#).

Disclosure of information

4. The Scottish Ministers or any other designated authority may disclose information to each other and to other competent authorities ^{F3}... for the purposes of applying these Regulations and the [^{F4}Official Controls Regulation].

Textual Amendments

F3 Words in [reg. 4](#) omitted (31.12.2020) by virtue of [The Animal Health and Welfare and Official Controls \(Agriculture\) \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2020 \(S.S.I. 2020/380\)](#), regs. 1(3), **4(3)(a)**

F4 Words in [reg. 4](#) substituted (31.12.2020) by [The Animal Health and Welfare and Official Controls \(Agriculture\) \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2020 \(S.S.I. 2020/380\)](#), regs. 1(3), **4(3)(b)**

Commencement Information

I4 Reg. 4 in force at 14.12.2019, see [reg. 1\(1\)](#)

Changes to legislation:

There are currently no known outstanding effects for the The Official Controls (Agriculture etc.) (Scotland) Regulations 2019, PART 1.