

**2001 No. 61**

**ANIMALS**

**ANIMAL HEALTH**

**The Export Restrictions (Foot-and-Mouth Disease)  
Amendment (Scotland) Regulations 2001**

*Made* 2nd March 2001

*Coming into force at 11.50 p.m. on* 2nd March 2001

*Laid before the Scottish Parliament* March 2001

The Scottish Ministers, in exercise of the powers conferred by section 2(2) of the European Communities Act 1972(a) and of all other powers enabling them in that behalf, hereby make the following Regulations:

**Citation, commencement and extent**

1.—(1) These Regulations may be cited as the Export Restrictions (Foot-and-Mouth Disease) Amendment (Scotland) Regulations 2001 and shall come into force on 2nd March 2001 at 11.50 p.m.

(2) These Regulations extend to Scotland only.

**Interpretation**

2. In these Regulations “the 2001 Regulations” means the Export Restrictions (Foot-and-Mouth Disease) Regulations 2001(b).

**Time extension of restrictions**

3. In regulation 1(2) of the 2001 Regulations, for “1st March 2001 at 12.00 p.m.”, there is substituted “midnight on 9th March 2001”.

**Definitions**

4. In regulation 2 of the 2001 Regulations—

(a) for the definition of “the Decision”, substitute as follows—

““the Decision” means Commission Decision 2001/172/EC of 1st March 2001 concerning certain protection measures with regard to foot-and-mouth disease in the United Kingdom and repealing Decision 2001/145/EC (not yet published in the Official Journal)”;

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(a) 1972 c.68; section 2(2) was amended by the Scotland Act 1998 (c.46), Schedule 8, paragraph 15(3). The function conferred upon the Minister of the Crown under section 2(2) of the European Communities Act 1972, insofar as within devolved competence, was transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998.

(b) S.I. 2001/498, as amended by S.I. 2001/

- (b) for the definition of ““milk” and “milk products””, substitute as follows–  
 ““milk” and “milk products” have the meaning given in Article 2 of Council Directive 92/46/EC (laying down health rules for the production and placing on the market of raw milk, heat-treated milk and milk-based products(a));”; and
- (c) after the definition of “inspector” there shall be inserted, as follows–  
 ““local authority” means a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994(b);”.

## Amendments

5.—(1) The provisions of the 2001 Regulations are amended in accordance with the provisions of this regulation.

(2) In regulations 4(3), 5(4), 8(3) and (4) and 9(3) for the words “Commission Decision adopted on 21st February 2001 [or the number of the Decision]” there is substituted “Commission Decision 2001/172/EC of 1st March 2001”.

(3) In regulation 3–

- (a) for the heading shall read “Import and export of live animals”;
- (b) the words “to any other member State” and “to another member State” shall be omitted; and
- (c) there shall be inserted after regulation 3(2)–

“(3) No person shall import any live animal or species susceptible to foot-and-mouth disease into Scotland from another member State.”.

(4) In regulation 4–

- (a) in paragraph (1), the words after “biungulate” shall be omitted; and
- (b) in paragraph (2), for the words “other member States” there shall be substituted–
  - (i) in sub-paragraph (a), the words “dispatch outside the United Kingdom”; and
  - (ii) in sub-paragraph (b)(iv), the word “export”.

(5) In regulation 5–

- (a) in paragraph (1) the words “to other member States” and “, or prepared using meat obtained from animals originating in the United Kingdom” shall be omitted; and
- (b) in paragraphs (3)(a) and (3)(b)(v) for the words “other member States” shall be substituted the word “export”.

(6) After regulation 5(4), there is inserted–

“(5) Derogating from the provisions in paragraph (4) it shall be sufficient in the case of meat products which conform to the requirements of paragraph (2) and are consigned in hermetically sealed containers that compliance with the conditions required for the treatment laid down in paragraph (2) is stated in the commercial document accompanying the consignment, endorsed in accordance with regulation 10A.”.

(7) For regulations 6 and 7, there is substituted–

### “Export of milk

6.—(1) No person shall export milk for human or non-human consumption.

(2) The prohibition in paragraph (1) shall not apply in relation to milk which has been subjected to at least–

- (a) an initial pasteurisation in accordance with the norms defined in paragraph 3(b) of Chapter 1 in Annex I to Council Directive 92/118/EEC (laying down animal health and public health requirements governing trade in and imports into the Community of products not subject to the said requirements laid down in specific Community rules referred to in Annex A(I) to Directive 1989/662/EEC and, as regards pathogens, to Directive 1990/425/EEC(c)) followed by a second heat treatment by high temperature

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(a) O.J. No. L 268, 14.9.92, p.1 as last amended by Council Directive 94/71/EC (O.J. No. L 368, 31.12.94, p.33).

(b) 1994 c.39.

(c) O.J. No. L 62, 15.3.93, p.49.

- pasteurisation, UHT, sterilisation or by a drying process which includes a heat treatment with an equivalent effect to one of the above; or
- (b) an initial pasteurisation in accordance with the norms defined in paragraph 3(b) of Chapter 1 in Annex I to Council Directive 92/118/EEC, combined with the treatment by which the pH is lowered below 6 and held there for at least one hour.
- (3) The prohibition in paragraph (1) shall not apply in relation to milk prepared in establishments situated in the United Kingdom under the following conditions:–
- (a) all milk used in the establishment must either conform to the conditions of paragraph (2) or be obtained from animals outside the United Kingdom;
  - (b) the establishment must be operated under strict veterinary control;
  - (c) the milk must be clearly identified and transported and stored separately from milk and milk products which are not destined for other member States;
  - (d) transport of raw milk from outside the United Kingdom to the establishment must be carried out in vehicles which were cleansed and disinfected prior to operation and had no subsequent contact with holdings in the United Kingdom keeping animals of species susceptible to foot-and-mouth disease.
- (4) Milk consigned to another member State shall be accompanied by a certificate issued by a veterinary inspector which bears the following words–
- “Milk conforming to Commission Decision 2001/172/EC of 1st March 2001 concerning certain protection measures with regard to foot-and-mouth disease in the United Kingdom”.
- (5) Derogating from the provisions in paragraph (4) it shall be sufficient in the case of milk which conforms to the requirements of paragraph (2) and is consigned in hermetically sealed containers or has been processed in an automated production system which ensures that standards for treatment are met and recorded that compliance with the conditions required for the treatment laid down in paragraph (2) is stated in the commercial document accompanying the consignment, endorsed in accordance with regulation 10A.

### **Export of milk products**

- 7.—(1) No person shall export milk products for human or non-human consumption.
- (2) The prohibition in paragraph (1) shall not apply in relation to–
- (a) milk products produced before 1st February 2001;
  - (b) milk products prepared from milk which complies with paragraphs (2) or (3) of regulation 6;
  - (c) milk products subjected to heat treatment at a temperature of at least 72°C for 15 seconds or an equivalent treatment, on the understanding that such treatment was not necessary for finished products the ingredients of which comply with the respective animal health conditions laid down in these Regulations.
- (3) The prohibitions described in paragraph (1) shall not apply to milk products prepared in establishments under the following conditions–
- (a) all milk used in the establishment will either conform to the conditions of regulation 6(2) or be obtained from animals outside the United Kingdom;
  - (b) all milk products used in the final product will either conform to the conditions of paragraph (2) or be made from milk obtained from animals outside the United Kingdom;
  - (c) the establishment shall be under strict veterinary control;
  - (d) the milk products must be clearly identified and transported and stored separately from milk and milk products which are not destined for other member States.
- (4) Milk products consigned to another member State shall be accompanied by a certificate issued by a veterinary inspector which bears the following words–

“Milk products conforming to Commission Directive 2001/172/EC of 1st March 2001 concerning certain protection measures with regard to foot-and-mouth disease in the United Kingdom”.

(5) Derogating from the provisions in paragraph (4) it shall be sufficient in the case of milk products which conform to the requirements of paragraph (2) and are consigned in hermetically sealed containers or have been processed in an automated production system which ensures that standards for treatment are met and recorded that compliance with the conditions laid down in paragraph (2) is stated in the commercial document accompanying the consignment, endorsed in accordance with regulation 10A.”.

(8) In regulation 8(1) and 9(1) the words “to another member State” are deleted.

(9) After regulation 9(3), there shall be inserted–

“(4) Derogating from the provisions in paragraph (3) it shall be sufficient in the case of hides and skins which conform to the requirements of paragraph 1A indents 2 to 5 of Chapter 3 of Annex I to Council Directive 92/118/EEC to be accompanied by a commercial document stating compliance with the conditions required for the treatment laid down in paragraph 1(A) indents 2 to 5 of Chapter 3 of Annex I to Council Directive 92/118/EEC.

(5) Derogating from the provisions in paragraph (3) it shall be sufficient in the case of hides and skins which conform to the requirements of paragraph 1(B) indents 3 and 4 of Chapter 3 to Annex I to Council Directive 92/118/EEC that compliance with the conditions required for the treatment laid down in paragraph 1(B) indents 3 and 4 of Chapter 3 of Annex I to Council Directive 92/118/EEC is stated in the commercial document accompanying the consignment, endorsed in accordance with regulation 10A.”.

(10) For regulation 10, there is substituted–

#### **“Export of animal products**

**10.—(1)** No person shall dispatch animal products of the bovine, ovine, caprine and porcine species and other biungulates not otherwise mentioned in these Regulations produced after 1st February 2001.

(2) The prohibition in paragraph (1) shall not apply in relation to–

- (a) animal products which have been subject to–
  - (i) heat treatment in a hermetically sealed container with a Fo value of 3,00 or more; or
  - (ii) heat treatment in which the centre temperature is raised to at least 70°C;
- (b) blood and blood products as defined in Chapter 7 of Annex I to Council Directive 92/118/EEC which have been subject to–
  - (i) heat treatment at a temperature of 65°C for at least three hours followed by an effectiveness check;
  - (ii) irradiation at 2.5 megarads or gamma rays followed by an effectiveness check; or
  - (iii) change of pH to pH5 or lower for at least two hours, followed by an effectiveness check;
- (c) lard and rendered fats which have been subject to the heat treatment prescribed in paragraph 2(A) of Chapter 9 of Annex I to Council Directive 92/118/EEC;
- (d) animal casings to which the provisions of paragraph B Chapter 2 of Annex I to Council Directive 92/118/EEC apply adapted as necessary to suit the case;
- (e) unprocessed sheep wool and ruminant hair which is securely enclosed in packaging and dry;
- (f) semi-moist and dried petfood conforming to the requirements of paragraph 2 and 3 respectively of Chapter 4 of Annex I to Council Directive 92/118/EEC;
- (g) composite products which are not subject to further treatment containing products of animal origin on the understanding that the treatment was not

necessary for finished products the ingredients of which comply with the respective animal health conditions laid down in these Regulations.

(3) The animal products must be accompanied by a certificate stating—

“Animal products conforming to Commission Decision 2001/172/EC of 1st March 2001 concerning certain protection measures with regard to foot-and-mouth disease in the United Kingdom”.

(11) After regulation 10, there is inserted—

**“Endorsement of commercial documents**

**10A.**—(1) Where reference is made to a commercial document being endorsed in accordance with this regulation, the document must have attached to it an official certificate prepared by the Scottish Ministers stating that the production process has been audited and found in accordance with these Regulations and suitable to destroy the foot-and-mouth disease virus and provisions are in place to avoid possible re-contamination with the foot-and-mouth disease virus after treatment.

(2) The certificate shall bear a reference to the Decision, shall be valid for 30 days, shall state the expiry date and shall be renewable after inspection of the establishment.”.

(12) After regulation 12, there is inserted—

**“Illegal consignments**

**12A.**—(1) Where an inspector knows or suspects that animals or animal products are intended for export to another member State and do not comply with the requirements of these Regulations that inspector may by notice served on the person in charge of those animals or products require that person at his own expense—

- (a) without delay to detain the animals or animal products, and any animals or products which have been in contact with them, at such place as may be specified in the notice, and to take such further action in relation to them as may be specified in the notice; or
- (b) in the case of animals, without delay to slaughter and destroy them, or cause them to be slaughtered and destroyed, or, in the case of animal products, without delay to destroy them or cause them to be destroyed, in accordance with such conditions as may be specified in the notice.

(2) In the case of any notice served under this regulation not being complied with, an inspector may seized or cause to be seized any animals or animal products to which it relates and arrange for the requirements of the notice to be complied with at the expense of the person on whom it was served.”.

(13) For regulation 13, there is substituted—

**Offences by bodies corporate**

**“13.**—(1) Where an offence under these Regulations committed by a body corporate or a partnership is proved to have been committed with the consent or connivance of, or to have been attributable to any neglect on the part of, any director, manager, secretary or similar officer of the body corporate, or any person who was purporting to act in any such capacity (or in the case of a partnership, a partner or a person who was purporting to act as such), that person as well as the body corporate or the partnership, as the case may be, shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

(2) Where the affairs of a body corporate are managed by its members, the provisions of paragraph (1) above shall apply in relation to the acts and defaults of a member in connection with the members' functions of management as if the member were a director of the body corporate."

Pentland House,  
Edinburgh  
2nd March 2001

*D J CRAWLEY*  
A member of staff of the Scottish Ministers

## **EXPLANATORY NOTE**

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

These Regulations continue the restrictions contained in the Export Restrictions (Foot-and-Mouth Disease) Regulations 2001 (S.I. 2001/498) within Scotland, and amend these restrictions in accordance with Commission Decision 2001/172/EC of 1st March 2001 concerning certain protection measures with regard to foot-and-mouth disease in the United Kingdom and repealing Decision 2001/145/EC (O.J. No. L 62, 2.3.2001, p.22).

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