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SCOTTISH STATUTORY INSTRUMENTS

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**2003 No. 225**

**The Products of Animal Origin (Third Country Imports)  
(Scotland) Amendment (No. 2) Regulations 2003**

**Citation and commencement**

1. These Regulations may be cited as the Products of Animal Origin (Third Country Imports) (Scotland) Amendment (No.2) Regulations 2003 and shall come into force on 11th April 2003.

**Amendment to the Products of Animal Origin (Third Country Imports) (Scotland) Regulations 2002**

2.—(1) The Products of Animal Origin (Third Country Imports) (Scotland) Regulations 2002(1) are amended in accordance with this regulation.

(2) In regulation 2(1) (interpretation)—

(a) after the definition of “the Customs Code” insert—

““customs officer” means an officer commissioned by the Commissioners of Customs and Excise under section 6(3) of the Customs and Excise Management Act 1979(2);” and

(b) after the definition of “physical check” insert—

““point of entry” means any place where the goods are subject to customs supervision under Articles 37 and 38 of the Customs Code, other than a border inspection post;”.

(3) In regulation 4(c) (enforcement authorities)(3) for “regulation 5(1)” substitute “regulations 5(1) and 16”.

(4) After regulation 12, insert—

**“Exchange of Information**

12A.—(1) For the purposes of the execution or enforcement of these Regulations, the Scottish Ministers, the Commissioners, any local authority and the Agency may exchange amongst themselves any information received by them in the execution or enforcement of these Regulations.

(2) The Scottish Ministers, the Commissioners, any local authority and the Agency may share information received by them in the execution or enforcement of these Regulations with enforcement agencies in England, Wales and Northern Ireland for the purposes of the execution or enforcement of legislation on the introduction of products of animal origin from third countries in England, Wales and Northern Ireland respectively enacted in implementation of Directive [97/78/EC](#).

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(1) [S.S.I. 2002/445](#), as amended by [S.S.I. 2002/565](#) and [2003/165](#).

(2) [1979 c. 2](#).

(3) Regulation 4(c) was amended by [S.S.I. 2003/165](#).

(3) Paragraphs (1) and (2) are without prejudice to any function of the Scottish Ministers, the Commissioners, any local authority and the Agency in respect of the disclosure of information.”.

(5) In regulation 13(1)(b) (suspension of border inspection posts) for “or the Annex to Commission Decision 2001/812/EC” substitute “or in Commission Decision 2001/812/EC”.

(6) For regulation 16 (introduction of products at border inspection posts) substitute–

**“Prohibition on introduction of products except at border inspection posts**

**16.—**(1) No person shall introduce a product into Scotland from a third country except at a border inspection post designated and approved for veterinary checks on that product.

(2) Where the border inspection post of introduction of an Article 9 product is outside the United Kingdom and its border inspection post of destination is in Scotland, no person shall introduce it into Scotland except at a border inspection post designated and approved for veterinary checks on that product.

(3) This regulation shall be enforced–

- (a) at points of entry, by the Commissioners;
- (b) at premises referred to in regulation 4(b), by the Agency; and
- (c) at any other place, by the local authority.

(4) In cases where an officer of a local authority, when exercising any statutory function, discovers at a point of entry a consignment or product which that officer considers may have been introduced in breach of this regulation, that officer shall notify a customs officer and detain the consignment or product until a customs officer takes charge of it.

(5) Where products are introduced in contravention of this regulation, the time of introduction shall be the time of importation as ascertained in accordance with section 5 of the Customs and Excise Management Act 1979.”.

(7) In regulation 28 (costs in respect of products re-dispatched or disposed of)–

(a) for paragraph (1) substitute–

“(1) The person responsible for the product or consignment concerned or, where a notice has been served on the person appearing to have charge of the product or consignment, the owner of the product or consignment, or the person on whom a notification of seizure pursuant to the Customs and Excise Management Act 1979 has been served, shall pay on demand the costs of storing, transporting, redispaching, disposing of and destroying any product or consignment redispached or destroyed pursuant to regulation 21, 24, 25 or 26 or any powers exercised under the Customs and Excise Management Act 1979 in the enforcement of regulation 16.”; and

(b) in paragraph (2), for “or the Agency” substitute “, the Agency or the Commissioners”.

(8) In Part I of Schedule 6 (provisions where due diligence defence is available) for “16 (Introduction of products at border inspection posts)” substitute “16 (Prohibition on introduction of products except at border inspection posts)”.

St Andrew’s House, Edinburgh  
27th March 2003

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