

2009 No. 174

ANIMALS

ANIMAL HEALTH

**The Products of Animal Origin (Disease Control) (Scotland)
Amendment Order 2009**

Made - - - - *30th April 2009*

Coming into force - - *25th May 2009*

The Scottish Ministers make the following Order in exercise of the powers conferred by sections 1, 8(1), 11, 87(2), 87(5) and 88(2) of the Animal Health Act 1981(a) and all other powers enabling them to do so.

Citation and commencement

1. This Order may be cited as the Products of Animal Origin (Disease Control) (Scotland) Amendment Order 2009 and comes into force on 25th May 2009.

Amendment to the Products of Animals Origin (Disease Control) (Scotland) Order 2008

2. The Products of Animals Origin (Disease Control) (Scotland) Order 2008(b) is amended as follows.

3. In article 2 (interpretation: general)–

(a) after the definition of “disease legislation” insert–

““domestic market” is the market for the sale of poultry meat in England, Scotland, Wales and Northern Ireland;”;

(b) omit the definition of “relevant date”; and

(c) before the definition of “slaughter” insert–

““seropositive pig” means a pig that is not a restricted animal but is required by the Scottish Ministers to be slaughtered in a slaughterhouse due to antibodies against swine vesicular disease virus being identified in that pig;

“seropositive pigmeat” is meat derived from a seropositive pig other than–

(a) restricted meat; and

(b) meat treated in accordance with Schedule 2 at a designated treatment centre;”.

(a) 1981 c.22. Section 8 was amended by paragraph 1 of schedule 2 to the Animal Health and Welfare (Scotland) Act 2006 (asp 11). The functions conferred under the Animal Health Act 1981 on “the Ministers” (as defined in section 86(1) of that Act) were, insofar as within devolved competence, transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46).

(b) S.S.I. 2008/158.

4. In article 4 (restricted animal, restricted poultry and restricted meat: definitions) for paragraph (9) substitute–

“(9) Subject to paragraph (10), “restricted meat” is meat–

- (a) produced on or after the date that the protection zone or surveillance zone was declared, or an earlier date where the Scottish Ministers specify such a date for the purpose of disease control; and
- (b) from a restricted animal or restricted poultry from an infected area, a protection zone or a surveillance zone,
and includes meat that has come into contact with such meat.

(10) Where restricted meat has been treated in accordance with Schedule 2 at a treatment centre it shall cease to be regarded as restricted meat.”.

5. In article 8 (meat from suspect or infected premises) after paragraph (3) insert–

“(4) In this article “relevant date” means the date the suspect or infected premises became subject to disease restrictions, or an earlier date where the Scottish Ministers specify such a date for disease control purposes.”.

6. In article 10 (prohibition on supply and export of meat)–

- (a) in paragraph (1) at the end of sub-paragraph (b) insert–
“; or
(c) export seropositive pigmeat”;

(b) for paragraph (2) substitute–

“(2) The prohibition in paragraph (1)(a) does not apply to restricted meat from restricted poultry intended for supply on the domestic market.”;

(c) omit paragraph (3).

7. In article 11 (slaughterhouses)–

(a) in paragraph (1) after the word “animals” insert “, seropositive pigs”;

(b) in paragraph (2) after sub-paragraph (d) insert–

“;

(e) seropositive pigs are kept separately from other pigs; and

(f) seropositive pigs are slaughtered separately from other pigs.”;

(c) after paragraph (5) insert–

“(6) The occupier of a slaughterhouse who has not complied with the requirements of paragraph (2)(e) or (f) must, on being given notice by a veterinary inspector, deal with those other pigs as seropositive pigs.

(7) The occupier of a slaughterhouse may only receive restricted meat if it is a designated slaughterhouse.”.

8. In article 13 (receipt and possession of restricted meat)–

(a) for paragraph (1) substitute–

“(1) The occupier of premises may only receive restricted meat if those premises are designated.”;

(b) after paragraph (2) insert–

“(3) Paragraph (1) does not apply when the restricted meat is from restricted poultry intended only for supply on the domestic market.”.

9. In article 14 (marking of meat) in paragraphs (1), (2) and (3) after the word “meat” in each of those paragraphs insert “or seropositive pigmeat”.

10. For article 15 (movement of restricted meat) substitute–

“Movement of restricted meat

15.—(1) No person may transport or arrange for the transport of restricted meat to premises or an establishment unless those premises are, or that establishment is, designated.

(2) Paragraph (1) does not apply when the restricted meat is from restricted poultry intended only for supply on the domestic market.”.

11. In article 16 (record keeping)–

- (a) in paragraph (1) after “animal” insert “, seropositive pig”;
- (b) in paragraph (1)(a) after “animals” insert “, seropositive pigs”;
- (c) in paragraph (2) after “restricted meat” insert “or seropositive pigmeat”;
- (d) in sub-paragraphs (2)(a) and (c) for “restricted” substitute “such”;
- (e) in sub-paragraph (2)(b) for “the” in the second place that word occurs substitute “such”;
- (f) for sub-paragraph 2(e) substitute–
 - “(e) the quantity of such meat that is no longer intended for human consumption.”; and
- (g) after paragraph (2) insert–
 - “(2A) Paragraph (2) does not apply to any wholesale distributor, retail distributor, retailer or consumer when–
 - (a) the restricted meat is from restricted poultry intended only for supply on the domestic market; or
 - (b) the meat is seropositive pigmeat.”.

12. In Schedule 3 (special identification mark) after paragraph (3) insert–

“3A. Seropositive pig meat must contain an identification mark such that the numbering and lettering are set within a circle which is legible, indelible with characters that are decipherable and include the capital letters “UK” followed by the approval number of the establishment.”.

RICHARD LOCHHEAD
A member of the Scottish Executive

St Andrew’s House,
Edinburgh
30th April 2009

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Products of Animal Origin (Disease Control) (Scotland) Order 2008 ('the 2008 Order') to implement requirements in paragraph 4(d) of Annex II of Council Directive 92/119/EEC introducing general Community measures for the control of certain animal diseases and specific measures relating to swine vesicular disease (O.J. No. L 62, 15.3.1993, p.69) in respect of any meat from pigs with antibodies against swine vesicular disease (referred to as "seropositive pigs" and defined in article 3(c)) in which disease has not been confirmed but which the Scottish Ministers have required to be slaughtered.

Such seropositive pigs may only be slaughtered in a designated slaughterhouse and they must, whilst there, be kept separate from other pigs (article 7(b)). The meat from the seropositive pigs cannot be exported (article 6(a)) unless it has been treated at a designated treatment centre. This is ensured by marking and record keeping requirements in respect of the seropositive pig meat (articles 9 and 11 respectively). A new circular mark for placing on seropositive pigmeat is prescribed in an amendment to Schedule 3 (article 12).

This Order also amends articles 10, 11, 15 and 16 the 2008 Order in respect of restricted meat from restricted poultry intended for supply on the domestic market (as defined in article 3(a)) to:

- (a) remove the requirement on a supplier of such poultry meat to know how others in the supply chain have handled the meat in order to avoid committing an offence (article 6(b));
- (b) remove offences of receiving such poultry meat at an undesignated place (article 8);
- (c) remove offences of transporting restricted poultry meat to an undesignated place (article 10); and
- (d) excludes wholesale and retail distributors, retailers and consumers from record keeping requirements (regulation 11(g)).

The definition of "relevant date" has been removed from article 2 of the 2008 Order as this term now only occurs once in the 2008 Order. Article 5 introduces a revised definition of "relevant date" in article 8(4) of the 2008 Order that addresses an earlier ambiguity caused by the use of the term. The definition of "restricted meat" in regulation 4(9) of the 2008 Order has been substituted by a revised definition introduced by article 4 of this Order.

A regulatory impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.

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