
SCOTTISH STATUTORY INSTRUMENTS

2012 No. 177

**ANIMALS
AGRICULTURE**

**The Trade in Animals and Related
Products (Scotland) Regulations 2012**

<i>Made</i>	- - - -	<i>29th May 2012</i>
<i>Laid before the Scottish Parliament</i>	- - - -	<i>31st May 2012</i>
<i>Coming into force</i>	- -	<i>1st July 2012</i>

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 2(2) of, and paragraph 1A of Schedule 2 to, the European Communities Act 1972 ^{F1}, section 56(1) and (2) of the Finance Act 1973 ^{F2} and all other powers enabling them to do so.

These Regulations make provision for a purpose mentioned in section 2(2) of the European Communities Act 1972 and it appears to the Scottish Ministers that it is expedient for a reference in these Regulations to an EU instrument listed in Schedule 1 to be construed as a reference to that instrument as amended from time to time.

F1 1972 c.68. Section 2(2) was amended by the [Scotland Act 1998 \(c.46\)](#) (“the 1998 Act”), Schedule 8, paragraph 15(3) (which was amended by section 27(4) of the [Legislative and Regulatory Reform Act 2006 \(c.51\)](#) (“the 2006 Act”). Section 2(2) was also amended by section 27(1)(a) of the 2006 Act and by the [European Union \(Amendment\) Act 2008 \(c.7\)](#) (“the 2008 Act”), Schedule, Part 1. The functions conferred upon the Minister of the Crown under section 2(2), insofar as within devolved competence, were transferred to the Scottish Ministers by virtue of section 53 of the 1998 Act. Paragraph 1A of Schedule 2 was inserted by section 28 of the 2006 Act and was amended by Schedule, Part 1 of the 2008 Act.

F2 1973 c.51. The powers in section 56 are exercised in regard to regulation 32(1) of this instrument. The reference to a Government department in section 56(1) is to be read as a reference to the Scottish Administration by virtue of article 2(2) of the Scotland Act (Consequential Modifications) (No. 2) Order 1999 (S.I. 1999/1820) and the functions of the Minister transferred to the Scottish Ministers by virtue of section 53 of the [Scotland Act 1998 \(c.46\)](#). The requirement to obtain the consent of the Treasury was removed by section 55 of the Scotland Act 1998. Section 56(1) was amended by S.I. 2011/1043.

PART 1

Introduction

Citation, commencement and extent

1. These Regulations—

- (a) may be cited as the Trade in Animals and Related Products (Scotland) Regulations 2012;
- (b) come into force on 1st July 2012; and
- (c) extend to Scotland only.

Interpretation

2.—(1) In these Regulations—

“animal” means an animal of any kind, including a bird, fish or invertebrate;

“authorised officer” means a person who is authorised by an enforcement authority, either generally or specifically, to act in matters arising under these Regulations, whether or not that person is an officer of an enforcement authority;

[^{F3}“border control post” has the meaning given in regulation 9, except where the context otherwise requires;]

^{F4} ...

[^{F3}“CHED” has the meaning given in regulation 8;]

^{F5} ...

“Commission Decision [2007/275/EC](#)” means Commission Decision [2007/275/EC](#) concerning lists of animals and products to be subject to controls at border inspection posts under Council Directives [91/496/EEC](#) and [97/78/EC](#)^{F6F7} ...;

^{F8} ...

[^{F9}“Commission Regulation (EU) 142/2011” means Commission Regulation (EU) 142/2011 on the requirements for the entry of consignments of animal by-products and derived products originating from, and returning to, the union following refusal of entry by a third country;]

“Council Directive [64/432/EEC](#)” means Council Directive [64/432/EEC](#) on animal health problems affecting intra-Community trade in bovine animals and swine^{F10F11} ...;

“Council Directive [91/68/EEC](#)” means Council Directive [91/68/EEC](#) on animal health conditions governing intra-Community trade in ovine and caprine animals^{F12F13} ...;

^{F14} ...

“Council Directive [92/65/EEC](#)” means Council Directive [92/65/EEC](#) laying down animal health requirements governing trade in and imports into the Community of animals, semen, ova and embryos not subject to animal health requirements laid down in specific Community rules referred to in Annex A(I) to Directive [90/425/EEC](#)^{F15F16} ...;

^{F17} ...

[^{F18}“Council Regulation (EC) 1/2005” means Council Regulation (EC) 1/2005 on the protection of animals during transport and related operations;]

[^{F19}“Commission Implementing Regulation (EU) 2018/659” means Commission Implementing Regulation (EU) 2018/659 on the conditions for the entry into the Union of

live equidae and of semen, ova and embryos of equidae, as last amended by Commission Implementing Regulation (EU) 2018/1301,]

“enforcement authority” means a person that enforces these Regulations under regulation 27;

“general customs official” means a general customs official designated under section 3(1) of the Borders, Citizenship and Immigration Act 2009 ^{F20};

[^{F21}“genetic material” means any germinal product that includes semen, oocytes and embryos intended for artificial reproduction and hatching eggs;]

[^{F22}“health certificate” includes the equivalent of a health certificate in electronic form;

“importer” means the natural or legal person who presents animals or products for importation from outside the [^{F23}British Islands];

“intensified official controls” are those controls carried out in accordance with Article 65(4) [^{F24}of the Official Controls Regulation];]

“local authority” means a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ^{F25};

[^{F26}“official controls” means activities performed in accordance with Article 2(1) of the [^{F27}Official Controls Regulation];]

“official veterinarian” means a veterinary surgeon appointed by an enforcement authority under regulation 10(1);

[^{F28}“premises” includes any place, vehicle, trailer, container, stall, moveable structure, ship or aircraft;]

[^{F29}“product” means—

- (a) any product of animal origin, germinal product, animal by-product, derived product and hay and straw subject to official controls at border control posts; and
- (b) any composite product listed in Commission Decision 2007/275 concerning lists of composite products to be subject to official controls at border control posts;]

[^{F30}“Regulation (EU) 2017/625” means Regulation (EU) 2017/625 of the European Parliament and of the Council 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 and the Implementing Regulations and Delegated Regulations made under it;]

^{F31} ...

“Regulation (EC) No 1069/2009” means Regulation (EC) No 1069/2009 of the European Parliament and of the Council laying down health rules as regards animal by-products and derived products not intended for human consumption and repealing Regulation (EC) No 1774/2002 (Animal by-products Regulation) ^{F32F33}...[^{F34}, and

“Regulation (EU) No 2016/1012” means Regulation (EU) No 2016/1012 on zootechnical and genealogical conditions for the breeding, trade in and entry into the Union of purebred breeding animals, hybrid breeding pigs and the germinal products thereof and amending Regulation (EU) No 652/2014, Council Directives 89/608/EEC and 90/425/EEC and repealing certain acts in the area of animal breeding.]

[^{F35}“the TARP (ALF) Regulations 2022” means the Trade in Animals and Related Products (Amendment and Legislative Functions) (EU Exit) Regulations 2022;]

[^{F36}“third country” means any country or territory other than the British Islands.]

^{F36}(2)

[^{F37}(3) In these Regulations, any reference to—

- (a) “the [^{F38}Official Controls Regulation]” is a reference to Regulation (EU) 2017/625 of the European Parliament and of the Council 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, and where the context requires it includes a reference to measures in implementing and delegated regulations made under the [^{F38}Official Controls Regulation];

^{F39}(b)

^{F40}(c)]

- F3** Words in reg. 2(1) inserted (31.12.2020) by [The Trade in Animals and Related Products \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2020 \(S.S.I. 2020/458\)](#), regs. 1(3), **2(2)(a)(i)**
- F4** Words in reg. 2(1) omitted (14.12.2019) by virtue of [The Official Controls \(Agriculture etc.\) \(Scotland\) Regulations 2019 \(S.S.I. 2019/412\)](#), regs. 1(1), **24(2)(a)(i)**
- F5** Words in reg. 2(1) omitted (28.2.2019) by virtue of [The Environment, Food and Rural Affairs \(Miscellaneous Amendments and Revocations\) \(Scotland\) Regulations 2018 \(S.S.I. 2018/391\)](#), regs. 1(1), **35(2)(a)**
- F6** OJ L 116, 4.5.2007, p.9 as last amended by Commission Regulation (EU) No 28/2012 (OJ L 12, 14.01.2012, p.1).
- F7** Words in reg. 2(1) omitted (28.3.2019) by virtue of [The Animal Health \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2019 \(S.S.I. 2019/71\)](#), regs. 1(1)(a), **12(2)(a)**
- F8** Words in reg. 2(1) omitted (31.12.2020) by virtue of [The Trade in Animals and Related Products \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2020 \(S.S.I. 2020/458\)](#), regs. 1(3), **2(2)(a)(ii)**
- F9** Words in reg. 2(1) inserted (14.12.2019) by [The Official Controls \(Agriculture etc.\) \(Scotland\) Regulations 2019 \(S.S.I. 2019/412\)](#), regs. 1(1), **24(2)(a)(iv)**
- F10** OJ L 121, 29.7.64, p.1977, as last amended by Commission Decision 2009/976/EU (OJ L 336, 18.12.2009, p.36).
- F11** Words in reg. 2(1) omitted (28.3.2019) by virtue of [The Animal Health \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2019 \(S.S.I. 2019/71\)](#), regs. 1(1)(a), **12(2)(b)**
- F12** OJ L 46, 19.2.1991, p.19, as last amended by Council Directive 2008/73/EC (OJ L 219, 14.8.2008, p.40).
- F13** Words in reg. 2(1) omitted (28.3.2019) by virtue of [The Animal Health \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2019 \(S.S.I. 2019/71\)](#), regs. 1(1)(a), **12(2)(c)**
- F14** Words in reg. 2(1) omitted (14.12.2019) by virtue of [The Official Controls \(Agriculture etc.\) \(Scotland\) Regulations 2019 \(S.S.I. 2019/412\)](#), regs. 1(1), **24(2)(a)(ii)**
- F15** OJ L 268, 14.9.1992, p.54, as last amended by Commission Decision 2010/684/EU (OJ L 293, 11.11.2010, p.62).
- F16** Words in reg. 2(1) omitted (28.3.2019) by virtue of [The Animal Health \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2019 \(S.S.I. 2019/71\)](#), regs. 1(1)(a), **12(2)(e)**
- F17** Words in reg. 2(1) omitted (14.12.2019) by virtue of [The Official Controls \(Agriculture etc.\) \(Scotland\) Regulations 2019 \(S.S.I. 2019/412\)](#), regs. 1(1), **24(2)(a)(iii)**
- F18** Words in reg. 2(1) inserted (14.12.2019) by [The Official Controls \(Agriculture etc.\) \(Scotland\) Regulations 2019 \(S.S.I. 2019/412\)](#), regs. 1(1), **24(2)(a)(v)**
- F19** Words in reg. 2(1) inserted (28.2.2019) by [The Environment, Food and Rural Affairs \(Miscellaneous Amendments and Revocations\) \(Scotland\) Regulations 2018 \(S.S.I. 2018/391\)](#), regs. 1(1), **35(2)(b)**
- F20** 2009 c.11.
- F21** Words in reg. 2(1) substituted (14.12.2019) by [The Official Controls \(Agriculture etc.\) \(Scotland\) Regulations 2019 \(S.S.I. 2019/412\)](#), regs. 1(1), **24(2)(a)(vi)**
- F22** Words in reg. 2(1) inserted (14.12.2019) by [The Official Controls \(Agriculture etc.\) \(Scotland\) Regulations 2019 \(S.S.I. 2019/412\)](#), regs. 1(1), **24(2)(a)(vii)**

- F23** Words in reg. 2(1) substituted (31.12.2020) by The Trade in Animals and Related Products (EU Exit) (Scotland) (Amendment) Regulations 2020 (S.S.I. 2020/458), regs. 1(3), **2(2)(a)(iii)**
- F24** Words in reg. 2(1) inserted (31.12.2020) by The Trade in Animals and Related Products (EU Exit) (Scotland) (Amendment) Regulations 2020 (S.S.I. 2020/458), regs. 1(3), **2(2)(a)(iv)**
- F25** 1994 c.39, which has been amended for purposes not relevant to these Regulations.
- F26** Words in reg. 2(1) inserted (14.12.2019) by The Official Controls (Agriculture etc.) (Scotland) Regulations 2019 (S.S.I. 2019/412), regs. 1(1), **24(2)(a)(viii)**
- F27** Words in reg. 2(1) substituted (31.12.2020) by The Trade in Animals and Related Products (EU Exit) (Scotland) (Amendment) Regulations 2020 (S.S.I. 2020/458), regs. 1(3), **2(2)(a)(v)**
- F28** Words in reg. 2(1) inserted (14.12.2019) by The Official Controls (Agriculture etc.) (Scotland) Regulations 2019 (S.S.I. 2019/412), regs. 1(1), **24(2)(a)(ix)**
- F29** Words in reg. 2(1) substituted (14.12.2019) by The Official Controls (Agriculture etc.) (Scotland) Regulations 2019 (S.S.I. 2019/412), regs. 1(1), **24(2)(a)(x)**
- F30** Words in reg. 2(1) substituted (14.12.2019) by The Official Controls (Agriculture etc.) (Scotland) Regulations 2019 (S.S.I. 2019/412), regs. 1(1), **24(2)(a)(xi)**
- F31** Words in reg. 2(1) omitted (28.2.2019) by virtue of The Environment, Food and Rural Affairs (Miscellaneous Amendments and Revocations) (Scotland) Regulations 2018 (S.S.I. 2018/391), regs. 1(1), **35(2)(h)**
- F32** OJ L 300, 14.11.2009, p.1, as amended by Directive 2010/63/EU of the European Parliament and of the Council (OJ L 276, 20.10.2010, p.33).
- F33** Words in reg. 2(1) omitted (28.3.2019) by virtue of The Animal Health (EU Exit) (Scotland) (Amendment) Regulations 2019 (S.S.I. 2019/71), regs. 1(1)(a), **12(2)(g)**
- F34** Words in reg. 2(1) inserted (7.3.2019) by The Zootechnical Standards (Scotland) Regulations 2019 (S.S.I. 2019/5), regs. 1(1), **8(2)(b)** (with reg. 1(2))
- F35** Words in reg. 2(1) inserted (13.12.2022) by The Trade in Animals and Related Products (Amendment and Legislative Functions) Regulations 2022 (S.I. 2022/1322), regs. 2, **6(2)(a)**
- F36** Reg. 2(2) omitted (13.12.2022) by virtue of The Trade in Animals and Related Products (Amendment and Legislative Functions) Regulations 2022 (S.I. 2022/1322), regs. 2, **6(2)(b)**
- F37** Reg. 2(3) inserted (14.12.2019) by The Official Controls (Agriculture etc.) (Scotland) Regulations 2019 (S.S.I. 2019/412), regs. 1(1), **24(2)(b)**
- F38** Words in reg. 2(3)(a) substituted (31.12.2020) by The Trade in Animals and Related Products (EU Exit) (Scotland) (Amendment) Regulations 2020 (S.S.I. 2020/458), regs. 1(3), **2(2)(b)(i)**
- F39** Reg. 2(3)(b) omitted (31.12.2020) by virtue of The Trade in Animals and Related Products (EU Exit) (Scotland) (Amendment) Regulations 2020 (S.S.I. 2020/458), regs. 1(3), **2(2)(b)(ii)**
- F40** Reg. 2(3)(c) omitted (31.12.2020) by virtue of The Trade in Animals and Related Products (EU Exit) (Scotland) (Amendment) Regulations 2020 (S.S.I. 2020/458), regs. 1(3), **2(2)(b)(ii)**

[^{F41}Exception for pet animals

- 3.—(1) These Regulations do not apply in relation to pet animals where—
- (a) the movement is a non-commercial movement, and
 - (b) in the case of cats, dogs and ferrets—
 - (i) the pet animal is accompanying the owner or authorised person, or
 - (ii) where more than five pet animals are accompanying the owner or authorised person, the conditions set out in Article 5(2) of the Pets Regulation are fulfilled.
- (2) In this regulation—
- “authorised person”, “non-commercial movement” and “owner” have the meanings given by Article 3 of the Pets Regulation;

“the Pets Regulation” means Regulation (EU) No 576/2013 of the European Parliament and of the Council on the non-commercial movement of pet animals and repealing Regulation (EC) No 998/2003;

[^{F42}“pet animal” has the same meaning as in Article 4(11) of Regulation (EU) 2016/429 on transmissible animal diseases and amending and repealing certain acts in the area of animal health;]

“accompanying” has the same meaning as in the Pets Regulation.]

- F41** Reg. 3 substituted (29.12.2014) by [The Non-Commercial Movement of Pet Animals \(Amendment\) Order 2014 \(S.I. 2014/3158\)](#), art. 1(3), **Sch. para. 17**
- F42** Words in [reg. 3\(2\)](#) substituted (14.12.2019) by [The Official Controls \(Agriculture etc.\) \(Scotland\) Regulations 2019 \(S.S.I. 2019/412\)](#), regs. 1(1), **24(3)**

International agreements

^{F43}4.

- F43** [Reg. 4](#) omitted (31.12.2020) by virtue of [The Trade in Animals and Related Products \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2020 \(S.S.I. 2020/458\)](#), regs. 1(3), **2(3)**

^{F44}PART 2

Movement between member States

- F44** [Pt. 2](#) omitted (31.12.2020) by virtue of [The Trade in Animals and Related Products \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2020 \(S.S.I. 2020/458\)](#), regs. 1(3), **2(4)**

Movement of animals or genetic material to or from member States

5.

Preparation of a health certificate

6.

PART 3

Importation from a third country

Scope of this Part

7. This Part—

- (a) applies in relation to the importation into Scotland from a [^{F45}third country] of any animal or product [^{F46}subject to official controls at border control posts]; ^{F47}...

[^{F48}(aa) applies subject to the derogations and modifications set out in schedule 5; and]

- (b) does not apply in the cases specified in Schedule 3.

- F45** Words in [reg. 7\(a\)](#) substituted (31.12.2020) by [The Trade in Animals and Related Products \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2020 \(S.S.I. 2020/458\)](#), regs. 1(3), **2(5)(a)(i)**
- F46** Words in [reg. 7\(a\)](#) substituted (14.12.2019) by [The Official Controls \(Agriculture etc.\) \(Scotland\) Regulations 2019 \(S.S.I. 2019/412\)](#), regs. 1(1), **24(7)**
- F47** Word in [reg. 7\(a\)](#) omitted (31.12.2020) by virtue of [The Trade in Animals and Related Products \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2020 \(S.S.I. 2020/458\)](#), regs. 1(3), **2(5)(a)(ii)**
- F48** [Reg. 7\(aa\)](#) inserted (31.12.2020) by [The Trade in Animals and Related Products \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2020 \(S.S.I. 2020/458\)](#), regs. 1(3), **2(5)(b)**

[^{F49}Meaning and use of Common Health Entry Document (“CHED”)]

8.—(1) A Common Health Entry Document (“CHED”) means a document or an electronic equivalent in the format specified in Commission Implementing Regulation (EU) 2019/1715 laying down rules for the functioning of the information management system for official controls and its system components (the IMSOC Regulation).

(2) Where the imported consignment is required to be accompanied by a CHED to the premises of final destination, the operator responsible for the consignment must complete the relevant part of the document for the complete identification of the consignment and the place of destination.

(3) The cases where and conditions under which the use of a CHED is required are specified in—

- (a) Commission Implementing Regulation (EU) 2019/1013 on prior notification of consignments of certain categories of animals and goods entering the Union; and
- (b) Commission Delegated Regulation (EU) 2019/1602 supplementing Regulation (EU) 2017/625 of the European Parliament and of the Council concerning the Common Health Entry Document accompanying consignments of animals and goods to their destination.

(4) Where a CHED is required, the operator responsible for the consignment must comply with the provisions of Article 56 of the [^{F50}Official Controls Regulation].]

- F49** [Reg. 8](#) substituted (14.12.2019) by [The Official Controls \(Agriculture etc.\) \(Scotland\) Regulations 2019 \(S.S.I. 2019/412\)](#), regs. 1(1), **24(8)**
- F50** Words in [reg. 8\(4\)](#) substituted (31.12.2020) by [The Trade in Animals and Related Products \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2020 \(S.S.I. 2020/458\)](#), regs. 1(3), **2(6)**

[^{F51}Border Control Posts]

9.—(1) A border control post is a place (together with the facilities at that place) designated by the Scottish Ministers in accordance with Article 59 of the [^{F52}Official Controls Regulation] for the purpose of the performance of official controls as specified in Article 47(1) of that Regulation.

(2) If at any time the Scottish Ministers are of the opinion that any part of the inspection facilities at a border control post no longer complies with the requirements for approval, the relevant authority may, in accordance with Articles 61 to 63 of the [^{F53}Official Controls Regulation], serve a notice on the operator—

- (a) specifying the nature of the non-compliance;
- (b) providing a time limit within which the requirements must be complied with; and
- (c) prohibiting the use of that part of the facilities until the requirements are complied with.

(3) If the notice is not complied with, the Scottish Ministers may suspend the approval in relation to that part of the inspection facilities.

(4) The Scottish Ministers must suspend the approval of a border control post, and order its activities to cease for all, or specified categories of, animals or products where the Scottish Ministers consider that—

- (a) the operator of a border control post is in serious breach of the requirements relating to the performance of official controls for any of the categories of animal or product for which the border control post has been designated;
- (b) the operator of a border control post is in serious breach of the requirements for approval; or
- (c) the operation of the border control post creates a risk to human or animal health or animal welfare.

^{F54}(5)]

- F51** Reg. 9 substituted (14.12.2019) by [The Official Controls \(Agriculture etc.\) \(Scotland\) Regulations 2019 \(S.S.I. 2019/412\)](#), regs. 1(1), **24(9)**
- F52** Words in [reg. 9\(1\)](#) substituted (31.12.2020) by [The Trade in Animals and Related Products \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2020 \(S.S.I. 2020/458\)](#), regs. 1(3), **2(7)(a)**
- F53** Words in [reg. 9\(2\)](#) substituted (31.12.2020) by [The Trade in Animals and Related Products \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2020 \(S.S.I. 2020/458\)](#), regs. 1(3), **2(7)(a)**
- F54** [Reg. 9\(5\)](#) omitted (31.12.2020) by virtue of [The Trade in Animals and Related Products \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2020 \(S.S.I. 2020/458\)](#), regs. 1(3), **2(7)(b)**

Appointment of official veterinarians and official fish inspectors

10.—(1) The enforcement authority must appoint suitably trained veterinary surgeons for the purpose of carrying out regulatory functions under these Regulations at [^{F55}border control posts].

(2) If the approval for a [^{F56}border control post] permits the importation of [^{F57}fishery products, aquatic invertebrates, live bivalve molluscs, live echinoderms, live tunicates and live marine gastropods intended for human consumption], the local authority may appoint suitably trained officers to be official fish inspectors for that post in relation to fish and fishery products, and that inspector has all the powers of an official veterinarian in relation to those products.

- F55** Words in [reg. 10\(1\)](#) substituted (31.12.2020) by [The Trade in Animals and Related Products \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2020 \(S.S.I. 2020/458\)](#), regs. 1(3), **2(8)(a)**
- F56** Words in [reg. 10\(2\)](#) substituted (31.12.2020) by [The Trade in Animals and Related Products \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2020 \(S.S.I. 2020/458\)](#), regs. 1(3), **2(8)(b)**
- F57** Words in [reg. 10\(2\)](#) substituted (14.12.2019) by [The Official Controls \(Agriculture etc.\) \(Scotland\) Regulations 2019 \(S.S.I. 2019/412\)](#), regs. 1(1), **24(10)**

Place of importation

11.—(1) No animal or product may be brought into Scotland other than at a [^{F58}border control post] designated for that animal or product.

^{F59}(2)

- F58** Words in [reg. 11\(1\)](#) substituted (31.12.2020) by [The Trade in Animals and Related Products \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2020 \(S.S.I. 2020/458\)](#), regs. 1(3), **2(9)(a)**
- F59** [Reg. 11\(2\)](#) omitted (31.12.2020) by virtue of [The Trade in Animals and Related Products \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2020 \(S.S.I. 2020/458\)](#), regs. 1(3), **2(9)(b)**

Notification of importation

12.—^[F60](1) The person responsible for a consignment of animals or products must notify the border control post of the expected date of its arrival at the border control post at least one working day before it is due to arrive.

(1A) Where the person responsible for a consignment of animals or products can provide evidence of a logistical constraint preventing the notification under paragraph (1), that requirement may be satisfied by notification of its expected time of arrival at least four hours in advance.]

^{F61}(2)

(3) The notification must be made by submitting the ^[F62]CHED] with Part I completed.

^[F63](4) In the case of a transshipment of products from one border control post to another, the person responsible for the consignment must notify the official veterinarian at the border control post of destination of—

- (a) the estimated time of arrival;
- (b) the border control post at which the transshipment will be checked;
- (c) the identification and location of the consignment;
- (d) the estimated time of departure.]

F60 Reg. 12(1)(1A) substituted for reg. 12(1) (14.12.2019) by [The Official Controls \(Agriculture etc.\) \(Scotland\) Regulations 2019 \(S.S.I. 2019/412\)](#), regs. 1(1), **24(11)(a)**

F61 Reg. 12(2) omitted (14.12.2019) by virtue of [The Official Controls \(Agriculture etc.\) \(Scotland\) Regulations 2019 \(S.S.I. 2019/412\)](#), regs. 1(1), **24(11)(b)**

F62 Word in reg. 12(3) substituted (31.12.2020) by [The Trade in Animals and Related Products \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2020 \(S.S.I. 2020/458\)](#), regs. 1(3), **2(10)**

F63 Reg. 12(4) substituted (14.12.2019) by [The Official Controls \(Agriculture etc.\) \(Scotland\) Regulations 2019 \(S.S.I. 2019/412\)](#), regs. 1(1), **24(11)(c)**

^[F64]Procedure on importation

13.—(1) When the consignment has been unloaded, the person responsible for the consignment must with reasonable expedition arrange for it, together with the ^[F65]relevant export health certificate, as published by the Scottish Ministers or the Secretary of State from time to time, and other documentation specified for that consignment in retained direct EU legislation relating to importation], to be presented at the border control post inspection facilities to enable official controls in accordance with—

- (a) Chapter 5 of the ^[F66]Official Controls Regulation], together with relevant implementing and delegated acts; and
- (b) Article 37(1) of Regulation (EU) No 2016/1012.

(2) Operators responsible for the consignment must ensure that the consignment is presented for official controls at the border control post at a reasonable time during the working day.

(3) The competent authority must carry out all necessary official controls specified in paragraph (1) and must only issue a CHED permitting entry if—

- ^[F67](a) the consignment complies with the requirements of the following, so far as relevant and when read with any other provisions of the legislation referred to below which apply in relation to such requirements—

- (i) the legislation listed in regulation 7(2) of the TARP (ALF) Regulations 2022, as modified by Part 5 of those Regulations or by the legislation referred to in paragraph (ii);
 - (ii) any legislation made by the appropriate authority under the functions listed in the Schedule to the TARP (ALF) Regulations 2022, where applicable.]
 - (b) the importation is not prohibited under paragraph (4); and
 - (c) the correct fee for the checks has been or will be paid.
- (4) In the case of live animals, the official veterinarian must not issue a CHED permitting entry if—
- (a) the animals are from a territory or part of a territory of a third country not included in [^{F68}a list of approved third countries, or if imports from that country are otherwise prohibited];
 - (b) the animals are suffering from or are suspected to be suffering from or infected by a contagious disease or a disease presenting a risk to human or animal health;
 - (c) the exporting third country has not complied with the requirements provided for in [^{F69}retained direct EU legislation relating to importation];
 - (d) the animals are not in a fit state to continue their journey; or
 - (e) the veterinary certificate or document accompanying the animals does not meet the requirements of [^{F70}retained direct EU legislation] relating to importation.
- (5) If there are no requirements in legislation ^{F71}... relating to the consignment, the official veterinarian must not issue a CHED unless the importation has been authorised in writing under this paragraph by—
- (a) Food Standards Scotland in respect of any product for which only public health requirements apply; or
 - (b) the Scottish Ministers for any other product.
- (6) An authorisation under paragraph 5(a) may only be granted if Food Standards Scotland is satisfied that the consignment does not pose a risk to human health.
- (7) An authorisation under paragraph 5(b) may only be granted if the Scottish Ministers are satisfied that the consignment does not pose a risk to human or animal health, or to the animal health status of the United Kingdom.
- (8) The official veterinarian must retain evidence of authorisation or refusal of a consignment for a period of three years from the date of the importation.]

- F64** Reg. 13 substituted (14.12.2019) by [The Official Controls \(Agriculture etc.\) \(Scotland\) Regulations 2019 \(S.S.I. 2019/412\)](#), regs. 1(1), 24(12)
- F65** Words in [reg. 13\(1\)](#) substituted (31.12.2020) by [The Trade in Animals and Related Products \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2020 \(S.S.I. 2020/458\)](#), regs. 1(3), **2(11)(a)(i)**
- F66** Words in [reg. 13\(1\)\(a\)](#) substituted (31.12.2020) by [The Trade in Animals and Related Products \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2020 \(S.S.I. 2020/458\)](#), regs. 1(3), **2(11)(a)(ii)**
- F67** [Reg. 13\(3\)\(a\)](#) substituted (13.12.2022) by [The Trade in Animals and Related Products \(Amendment and Legislative Functions\) Regulations 2022 \(S.I. 2022/1322\)](#), regs. 2, **6(3)**
- F68** Words in [reg. 13\(4\)\(a\)](#) substituted (31.12.2020) by [The Trade in Animals and Related Products \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2020 \(S.S.I. 2020/458\)](#), regs. 1(3), **2(11)(b)(i)**
- F69** Words in [reg. 13\(4\)\(c\)](#) substituted (31.12.2020) by [The Trade in Animals and Related Products \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2020 \(S.S.I. 2020/458\)](#), regs. 1(3), **2(11)(b)(ii)**
- F70** Words in [reg. 13\(4\)\(e\)](#) substituted (31.12.2020) by [The Trade in Animals and Related Products \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2020 \(S.S.I. 2020/458\)](#), regs. 1(3), **2(11)(b)(iii)**

F71 Words in [reg. 13\(5\)](#) omitted (31.12.2020) by virtue of [The Trade in Animals and Related Products \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2020 \(S.S.I. 2020/458\)](#), regs. 1(3), **2(11)(c)**

[^{F72}Removal from a border control post

14.—(1) No person may remove a consignment from a border control post unless it is accompanied by a CHED, or its electronic equivalent, issued by the official veterinarian, or the official fish inspector in the case of a consignment of fish and fishery products, and the movement is in accordance with that document.

(2) The person transporting a consignment from a border control post must ensure that the CHED accompanies the consignment and must transport it directly to the destination specified therein.

(3) These requirements do not apply if the consignment is removed from a border control post under the authority of the relevant official veterinarian or fish inspector (as appropriate).

(4) In the case of live animals, the person responsible for transporting the animals to the final destination must have the appropriate transport authorisation in accordance with Article 4 of Council Regulation [\(EC\) 1/2005](#) inside the vehicle.]

F72 Reg. 14 substituted (14.12.2019) by [The Official Controls \(Agriculture etc.\) \(Scotland\) Regulations 2019 \(S.S.I. 2019/412\)](#), regs. 1(1), **24(13)**

[^{F73}Supervision and monitoring consignments

15. Where a consignment is required to be taken under supervision from a border control post [^{F74}(within the meaning of Article 3(38) of the Official Controls Regulation)] to a specific destination in [^{F75}Great Britain]—

- (a) the movement must be under customs supervision if this is specified in the CHED; and
- (b) on arrival, the occupier of any destination premises in Scotland must immediately notify the Scottish Ministers of its arrival.]

F73 Reg. 15 substituted (14.12.2019) by [The Official Controls \(Agriculture etc.\) \(Scotland\) Regulations 2019 \(S.S.I. 2019/412\)](#), regs. 1(1), **24(14)**

F74 Words in [reg. 15](#) inserted (31.12.2020) by [The Trade in Animals and Related Products \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2020 \(S.S.I. 2020/458\)](#), regs. 1(3), **2(12)(a)**

F75 Words in [reg. 15](#) substituted (31.12.2020) by [The Trade in Animals and Related Products \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2020 \(S.S.I. 2020/458\)](#), regs. 1(3), **2(12)(b)**

Destination outside [^{F76}Great Britain]

16.—(1) This regulation applies to a consignment brought into a [^{F77}border control post] in Scotland but which is intended for an ultimate destination outside [^{F76}Great Britain].

(2) In the case of an [^{F78}imported animal], the person notifying its importation under regulation 12 must provide documentary evidence that the country [^{F79}or territory] of destination will accept the animal, and the official veterinarian at the [^{F80}border control post] may reject the animal if this is not provided.

[^{F81}(3) Products that arrive at a border control post for an ultimate destination outside [^{F76}Great Britain] and which are subject to animal health check requirements [^{F82}under regulation 13(3)(a)], may be taken directly from the border control post to the destination outside [^{F76}Great Britain]

without a CHED, so long as the products do not remain for more than three days at an airport border control post or 30 days at a sea port border control post.]

[^{F83}(3A) Product that are not subject to import check requirements, and which arrive at a border control post for an ultimate destination outside [^{F76}Great Britain], may be taken directly from the border control post to their destination without a CHED, so long as the products do not remain at the border control post for more than 90 days.]

(4) If a consignment is intended to be sent to a destination in the [^{F84}British Islands], and the importation of the product into [^{F85}any of the territories of the British Islands] is not permitted, the official veterinarian must reject the consignment.

- F76** Words in reg. 16 substituted (31.12.2020) by The Trade in Animals and Related Products (EU Exit) (Scotland) (Amendment) Regulations 2020 (S.S.I. 2020/458), regs. 1(3), **2(13)(a)**
- F77** Words in reg. 16(1) substituted (31.12.2020) by The Trade in Animals and Related Products (EU Exit) (Scotland) (Amendment) Regulations 2020 (S.S.I. 2020/458), regs. 1(3), **2(13)(b)**
- F78** Words in reg. 16(2) substituted (31.12.2020) by The Trade in Animals and Related Products (EU Exit) (Scotland) (Amendment) Regulations 2020 (S.S.I. 2020/458), regs. 1(3), **2(13)(c)(i)**
- F79** Words in reg. 16(2) inserted (31.12.2020) by The Trade in Animals and Related Products (EU Exit) (Scotland) (Amendment) Regulations 2020 (S.S.I. 2020/458), regs. 1(3), **2(13)(c)(ii)**
- F80** Words in reg. 16(2) substituted (31.12.2020) by The Trade in Animals and Related Products (EU Exit) (Scotland) (Amendment) Regulations 2020 (S.S.I. 2020/458), regs. 1(3), **2(13)(c)(iii)**
- F81** Reg. 16(3) substituted (14.12.2019) by The Official Controls (Agriculture etc.) (Scotland) Regulations 2019 (S.S.I. 2019/412), regs. 1(1), **24(15)(a)**
- F82** Words in reg. 16(3) substituted (13.12.2022) by The Trade in Animals and Related Products (Amendment and Legislative Functions) Regulations 2022 (S.I. 2022/1322), regs. 2, **6(4)**
- F83** Reg. 16(3A) inserted (14.12.2019) by The Official Controls (Agriculture etc.) (Scotland) Regulations 2019 (S.S.I. 2019/412), regs. 1(1), **24(15)(b)**
- F84** Words in reg. 16(4) substituted (31.12.2020) by The Trade in Animals and Related Products (EU Exit) (Scotland) (Amendment) Regulations 2020 (S.S.I. 2020/458), regs. 1(3), **2(13)(d)(i)**
- F85** Words in reg. 16(4) substituted (31.12.2020) by The Trade in Animals and Related Products (EU Exit) (Scotland) (Amendment) Regulations 2020 (S.S.I. 2020/458), regs. 1(3), **2(13)(d)(ii)**

Unchecked consignments

17. An enforcement authority must seize any consignment—

- (a) brought into Scotland other than through a [^{F86}border control post] approved for that animal or product;
- [^{F87}(b) removed from a border control post without a CHED or the authority of the official veterinarian or official fish inspector (as the case may be) at the post; or
- (c) transported from the border control post to a destination other than that specified in the entry document.]

- F86** Words in reg. 17(a) substituted (31.12.2020) by The Trade in Animals and Related Products (EU Exit) (Scotland) (Amendment) Regulations 2020 (S.S.I. 2020/458), regs. 1(3), **2(14)**
- F87** Reg. 17(b)(c) substituted (14.12.2019) by The Official Controls (Agriculture etc.) (Scotland) Regulations 2019 (S.S.I. 2019/412), regs. 1(1), **24(16)**

[^{F88}Action following non-compliance: products

18.—(1) This regulation applies in relation to any consignment of a product if the checks at a border control post show that the consignment does not comply with the rules referred to in Article 1(2) of the [^{F89}Official Controls Regulation].

(2) The official veterinarian or the official fish inspector (as appropriate) must place the consignment under detention and refuse its entry into Scotland.

(3) The official veterinarian or the official fish inspector (as appropriate) may order the person responsible for the consignment to—

- (a) subject the consignment to special treatment in accordance with Article 71(1) and (2) or to any other measure necessary to ensure compliance with the rules referred to in Article 1(2) of the [^{F89}Official Controls Regulation] and, where appropriate and provided there is no risk to human or animal health, allocate the consignment for purposes other than those for which it was originally intended;
- (b) where health conditions permit, require the person in charge of the consignment to re-dispatch the consignment in accordance with Article 72 of the [^{F89}Official Controls Regulation] from the same border control post to a destination outside [^{F90}Great Britain] agreed with the person responsible for the consignment, using the same means of transport, within a maximum time limit of 60 days from arrival at the border control post; or
- (c) if the person responsible for the consignment gives immediate agreement, where re-dispatch is impossible or the 60-day time limit has elapsed, destroy the products.

(4) The official veterinarian or official fish inspector (as appropriate) may exceptionally authorise destruction, re-dispatch, special treatment, or any other measure that may be taken in respect of a consignment, to be taken in respect of a part of the consignment only, provided that the action taken—

- (a) is such as to ensure compliance;
- (b) does not pose a risk to human or animal health; and
- (c) does not disrupt official control operations.

(5) Pending re-dispatch or confirmation of the reasons for rejection, the person responsible for the consignment must, at that person's expense, store the consignment under the supervision of the enforcement authority.

(6) If a consignment of products is seized outside a border control post under regulation 17, the enforcement authority must order that the consignment be retained or recalled, and placed under official detention without delay, and paragraphs (2) and (3) of this regulation apply.

(7) The importer or the importer's representative is liable for the costs incurred in carrying out any measure taken under paragraphs (2) to (6) but, in circumstances where the consignment is destroyed, is entitled to payment of a sum equal to the value of the product after deduction of these costs.

(8) The importer or the importer's representative may not later than 24 hours after notification of the non-compliance, make written representations to the Scottish Ministers regarding any decision taken under this regulation, and the Scottish Ministers must respond in writing to the representations within 24 hours after receiving them.]

F88 Reg. 18 substituted (14.12.2019) by [The Official Controls \(Agriculture etc.\) \(Scotland\) Regulations 2019 \(S.S.I. 2019/412\)](#), regs. 1(1), **24(17)**

F89 Words in [reg. 18](#) substituted (31.12.2020) by [The Trade in Animals and Related Products \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2020 \(S.S.I. 2020/458\)](#), regs. 1(3), **2(15)(a)**

F90 Words in [reg. 18\(3\)](#) substituted (31.12.2020) by [The Trade in Animals and Related Products \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2020 \(S.S.I. 2020/458\)](#), regs. 1(3), **2(15)(b)**

[^{F91}Consignments of products likely to constitute a risk to animal or animal health

19. If the official controls at the border control post indicate that the consignment is likely to constitute a danger to animal or human health, the official veterinarian or the official fish inspector (as the case may be) must immediately place the consignment under official detention, and order that the person responsible for the consignment destroy it or arrange special treatment in accordance with Article 71 of the [^{F92}Official Controls Regulation] at that person's expense.]

F91 Reg. 19 substituted (14.12.2019) by [The Official Controls \(Agriculture etc.\) \(Scotland\) Regulations 2019 \(S.S.I. 2019/412\)](#), regs. 1(1), **24(18)**

F92 Words in reg. 19 substituted (31.12.2020) by [The Trade in Animals and Related Products \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2020 \(S.S.I. 2020/458\)](#), regs. 1(3), **2(16)**

[^{F93}Serious contraventions, repeated contraventions, and breach of maximum residue limits

20.—(1) This regulation applies where, as regards products from a third country, part of a third country or an establishment in a third country, the official veterinarian or official fish inspector (as appropriate)—

- (a) suspects that there has been—
 - (i) a serious contraventions of any import requirement; or
 - (ii) a series of contraventions of such requirements; or
- (b) is satisfied that maximum residue levels have been exceeded.

(2) This regulation applies to the next ten consignments, or to consignments with a net weight of 300 tonnes, whichever is the lesser.

(3) The Scottish Ministers may apply intensified official controls where the official veterinarian or official fish inspector has reason to suspect fraudulent or deceptive practices by the operator responsible for a consignment.

(4) The official veterinarian or official fish inspector must carry out a physical check on the suspected non-compliant consignment and take appropriate measures in accordance with Section 3 of Chapter 5 under Title 2 [^{F94}of the Official Controls Regulation].

(5) The person responsible for the consignment must lodge with the official veterinarian a deposit or guarantee sufficient to assure payment of all charges, including for the taking of samples, and tests or analysis.]

F93 Reg. 20 substituted (14.12.2019) by [The Official Controls \(Agriculture etc.\) \(Scotland\) Regulations 2019 \(S.S.I. 2019/412\)](#), regs. 1(1), **24(19)**

F94 Words in reg. 20(4) inserted (31.12.2020) by [The Trade in Animals and Related Products \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2020 \(S.S.I. 2020/458\)](#), regs. 1(3), **2(17)**

[^{F95}Action following non-compliance: animals

21.—(1) If the checks at a border control post show that an animal does not comply with the rules referred to in Article 1(2) of the [^{F96}Official Controls Regulation] relating to that animal, or where such checks reveal an irregularity, the official veterinarian must initially place the animal under detention, isolation or quarantine, as appropriate, where it must be kept, cared for or treated under appropriate conditions pending further official decision on the fate of the animal.

(2) Unless immediate action is necessary in order to respond to a risk to human or animal health or animal welfare or to the environment, the official veterinarian may, after consultation with the importer or the importer's representative, order the person responsible for the consignment—

- (a) to shelter, feed and water and, if necessary, treat the animal;
- (b) if necessary, to place it in quarantine or isolate it for so long as is necessary to ensure that there is no risk to human or animal health; or
- (c) to re-dispatch the animal in accordance with Article 72 of the [F96Official Controls Regulation] without delay.

(3) If re-dispatch is impossible, in particular for animal welfare reasons, the official veterinarian may order the importer or the importer's representative to arrange for the slaughter of the animal to spare any unavoidable pain, distress or suffering.

(4) If an animal is seized outside a border control post, the enforcement authority must order the consignment to be retained or recalled, and placed under official detention without delay, and paragraphs (1) and (2) apply.

(5) The official veterinarian may exceptionally authorise partial destruction, re-dispatch, special treatment, or any other measure that may be taken in respect of consignment of animals to be taken in respect of a part of any such consignment, provided that such action—

- (a) is such as to ensure compliance with the import check requirements of the [F96Official Controls Regulation];
- (b) does not pose a risk to human or animal health; and
- (c) does not disrupt official control operations.

(6) The Scottish Ministers must consider any representations made within 24 hours of notification of the non-compliance by the person responsible for the consignments.

(7) The importer or the importer's representative is liable for the costs incurred in carrying out any measure taken under paragraphs (2) to (5) but, in circumstances where an animal is slaughtered, is entitled to payment of a sum equal to the slaughter value of the animal after deduction of these costs.]

F95 Reg. 21 substituted (14.12.2019) by [The Official Controls \(Agriculture etc.\) \(Scotland\) Regulations 2019 \(S.S.I. 2019/412\)](#), regs. 1(1), **24(20)**

F96 Words in reg. 21 substituted (31.12.2020) by [The Trade in Animals and Related Products \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2020 \(S.S.I. 2020/458\)](#), regs. 1(3), **2(18)**

Appeals

22.—(1) Any person who is aggrieved by a decision referred to in regulation 18 or 21 may appeal to the sheriff against that decision.

(2) An appeal under this regulation—

- (a) is to be made by way of summary application; and
- (b) must be lodged with the sheriff clerk within the period of 28 days from the day on which the decision was made.

(3) On good cause being shown, the sheriff may hear an appeal under this regulation notwithstanding that it was not lodged within the time mentioned in paragraph (2)(b).

(4) When an application is made, the sheriff may make an order—

- (a) suspending the decision until the application is determined; and
- (b) making such provision as seems appropriate in relation to the keeping of an animal or the storage of a product until then.

(5) For the purposes of an appeal under this regulation, the sheriff may require the official veterinarian or the enforcement authority, as the case may be, to give reasons for that decision.

(6) The sheriff may uphold an appeal under this regulation only if the sheriff considers that the official veterinarian or the enforcement authority in arriving at the decision—

- (a) erred in law;
- (b) based the decision on any incorrect material fact;
- (c) acted contrary to natural justice; or
- (d) exercised discretion in an unreasonable manner.

(7) In considering an appeal under this regulation, the sheriff may hear evidence by or on behalf of any party to the appeal.

(8) On allowing an appeal under this regulation, the sheriff may—

- (a) remit the matter to the official veterinarian or the enforcement authority for reconsideration; or
- (b) substitute for the decision of the official veterinarian or the enforcement authority another decision which could have been made under the regulation concerned (or where a substituted decision would have no practical effect, make such other order, including an order as to compensation, as seems appropriate in the circumstances).

(9) On remitting a matter under paragraph (8)(a) above, the sheriff may—

- (a) specify a date by which the official veterinarian or the enforcement authority must, having reconsidered the matter, make another decision; and
- (b) modify any procedural steps which otherwise would be required in relation to the matter by or under these Regulations.

(10) The sheriff may include in the decision on an appeal under this regulation such order as to the expenses of the appeal as the sheriff thinks proper.

(11) The decision of the sheriff is final.

Re-importation of [^{F97} animals and] products

23.—^{F98}(1) An official veterinarian at a border control post must authorise the re-importation of consignments of the categories of animals and products referred to in points (a) and (b) of Article 47(1) [^{F99}of the Official Controls Regulation] originating from, and returning to, [^{F100}Great Britain] following a refusal of entry by a third country, provided that —

- (a) the animals and genetic material have been authorised in advance by the competent authority and comply with the relevant animal health and animal welfare requirements;
- (b) the products of animal origin and composite products comply with animal and public health requirements relating to consignments of products for human consumption originating in and returning to [^{F101}Great Britain] following a refusal of entry by a third country; and
- (c) the animal by-products comply with the animal health requirements laid down in Annex XIV to Commission Regulation (EU) 142/2011.]

(2) The official veterinarian must carry out a documentary and identity check and if necessary a physical check.

(3) The importer must either—

- (a) transport the consignment directly to the establishment of origin ^{F102}..., in leak-proof means of transport, identified and sealed by the official veterinarian at the [^{F103}border control post] so that the seals will be broken whenever the container is opened; or
 - [^{F104}(b) dispose of any product comprising the consignment in accordance with Regulation (EC) No 1069/2009.]
- [^{F105}(4) During the transitional staging period, animals and products that originate from Scotland and which have been rejected from entering the European Union at a member State border control post are not required to re-enter Scotland through a border control post if—
- (a) the re-entry has been pre-notified through the appropriate computerised information management system to the Scottish Ministers or Food Standards Scotland; and
 - (b) Scottish Ministers or Foods Standards Scotland have not notified the importer that the product is high risk or, in the case of animals and products that are high risk, have authorised re-entry other than through a border control post before re-entry is to take place.
- (5) In paragraph (4)—
- (a) “the transitional staging period” has the same meaning as in paragraph 2 of Annex 6 to the Official Controls Regulation;
 - (b) “pre-notified” means notification that has been given at least one working day before the expected time of arrival at a point of entry into Scotland or, where the importer can provide evidence of a logistical constraint preventing such notification, by notification at least 4 hours in advance of the expected time of arrival;
 - (c) “high risk” means the animals or products are suspected of constituting a serious risk to human or animal health or animal welfare.]

- F97** Words in reg. 23 heading inserted (14.12.2019) by [The Official Controls \(Agriculture etc.\) \(Scotland\) Regulations 2019 \(S.S.I. 2019/412\)](#), regs. 1(1), **24(21)(a)**
- F98** Reg. 23(1) substituted (14.12.2019) by [The Official Controls \(Agriculture etc.\) \(Scotland\) Regulations 2019 \(S.S.I. 2019/412\)](#), regs. 1(1), **24(21)(b)**
- F99** Words in reg. 23(1) inserted (31.12.2020) by [The Trade in Animals and Related Products \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2020 \(S.S.I. 2020/458\)](#), regs. 1(3), **2(19)(a)(i)**
- F100** Words in reg. 23(1) substituted (31.12.2020) by [The Trade in Animals and Related Products \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2020 \(S.S.I. 2020/458\)](#), regs. 1(3), **2(19)(a)(ii)**
- F101** Words in reg. 23(1) substituted (31.12.2020) by [The Trade in Animals and Related Products \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2020 \(S.S.I. 2020/458\)](#), regs. 1(3), **2(19)(a)(iii)**
- F102** Words in reg. 23(3)(a) omitted (31.12.2020) by virtue of [The Trade in Animals and Related Products \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2020 \(S.S.I. 2020/458\)](#), regs. 1(3), **2(19)(b)(i)**
- F103** Words in reg. 23(3)(a) substituted (31.12.2020) by [The Trade in Animals and Related Products \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2020 \(S.S.I. 2020/458\)](#), regs. 1(3), **2(19)(b)(ii)**
- F104** Reg. 23(3)(b) substituted (1.7.2012) by [The Trade in Animals and Related Products \(Scotland\) Amendment Order 2012 \(S.S.I. 2012/198\)](#), arts. 1(b), **2(2)**
- F105** Reg. 23(4)(5) inserted (31.12.2020) by [The Trade in Animals and Related Products \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2020 \(S.S.I. 2020/458\)](#), regs. 1(3), **2(19)(c)**

Admission of products into warehouses

[^{F106}24.—[^{F107}(1)] No person may bring a consignment of products that does not comply with the import requirements of these Regulations into [^{F108}a free zone or premises approved by HMRC.]

[^{F109}(2) In this regulation “free zone” and “premises approved by HMRC” have the same meaning as in Part 2 of schedule 2 of the Taxation (Cross-border Trade) Act 2018.]]

- F106** Reg. 24 substituted (28.2.2019) by [The Environment, Food and Rural Affairs \(Miscellaneous Amendments and Revocations\) \(Scotland\) Regulations 2018 \(S.S.I. 2018/391\)](#), regs. 1(1), **35(5)**
- F107** Reg. 24 renumbered as reg. 24(1) (31.12.2020) by [The Trade in Animals and Related Products \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2020 \(S.S.I. 2020/458\)](#), regs. 1(3), **2(20)(a)**
- F108** Words in [reg. 24\(1\)](#) substituted (31.12.2020) by [The Trade in Animals and Related Products \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2020 \(S.S.I. 2020/458\)](#), regs. 1(3), **2(20)(b)**
- F109** Reg. 24(2) inserted (31.12.2020) by [The Trade in Animals and Related Products \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2020 \(S.S.I. 2020/458\)](#), regs. 1(3), **2(20)(c)**

[^{F110}Additional requirements in specific cases

24A. Schedule 2 (additional requirements in specific cases) has effect.]

- F110** Reg. 24A inserted (29.12.2020) by [The Animals, Food and Feed \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2020 \(S.S.I. 2020/455\)](#), regs. 1(2), **3(2)**

PART 4

Safeguard measures

[^{F111}Special measures

25.—(1) Where the Scottish Ministers or Food Standards Scotland—

- (a) have reasonable grounds for suspecting the existence of a disease, zoonosis, phenomenon or circumstance in a country [^{F112}or territory] outside [^{F113}Great Britain], such that animals or products originating from the whole or part of the country [^{F112}or territory] concerned are liable to pose risk to human or animal health; or
- (b) are of the opinion that there is serious non-compliance with official control rules under the [^{F114}Official Controls Regulation in relation to imports],

the Scottish Ministers or Food Standards Scotland may publish a written declaration of the special measures necessary in Scotland in order to contain the risk to human or animal health or the risk of non-compliant animals or products entering into Scotland.

(2) The special measures that the Scottish Ministers or Food Standards Scotland may require include—

- (a) suspension of entry into Scotland of any animal or product originating in or dispatched from the whole or part of the country [^{F115}or territory] concerned;
- (b) imposition of conditions requiring that any animals or products—
 - (i) prior to dispatch, or on arrival, are made the subject of specific treatment or controls;
 - (ii) be accompanied by an official certificate, an official attestation, or any other evidence (in any format that may be specified) that any import ^{F116}... complies with established official control rules under the [^{F117}Official Controls Regulation] or equivalent rules in [^{F118}third countries];
- (c) such other measures as the Scottish Ministers or Food Standards Scotland consider necessary to contain the risk.

(3) The declaration must be published in such manner as the Scottish Ministers or Food Standards Scotland (as the case may be) think fit and may be amended or revoked by further declaration at any time.

(4) No person may import anything in breach of such a declaration.]

- F111** Reg. 25 substituted (14.12.2019) by [The Official Controls \(Agriculture etc.\) \(Scotland\) Regulations 2019](#) (S.S.I. 2019/412), regs. 1(1), **24(22)**
- F112** Words in [reg. 25\(1\)\(a\)](#) inserted (31.12.2020) by [The Trade in Animals and Related Products \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2020](#) (S.S.I. 2020/458), regs. 1(3), **2(21)(a)(ii)**
- F113** Words in [reg. 25\(1\)\(a\)](#) substituted (31.12.2020) by [The Trade in Animals and Related Products \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2020](#) (S.S.I. 2020/458), regs. 1(3), **2(21)(a)(i)**
- F114** Words in [reg. 25\(1\)\(b\)](#) substituted (31.12.2020) by [The Trade in Animals and Related Products \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2020](#) (S.S.I. 2020/458), regs. 1(3), **2(21)(b)**
- F115** Words in [reg. 25\(2\)\(a\)](#) inserted (31.12.2020) by [The Trade in Animals and Related Products \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2020](#) (S.S.I. 2020/458), regs. 1(3), **2(21)(c)**
- F116** Words in [reg. 25\(2\)\(b\)\(ii\)](#) omitted (31.12.2020) by virtue of [The Trade in Animals and Related Products \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2020](#) (S.S.I. 2020/458), regs. 1(3), **2(21)(d)(i)**
- F117** Words in [reg. 25\(2\)\(b\)\(ii\)](#) substituted (31.12.2020) by [The Trade in Animals and Related Products \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2020](#) (S.S.I. 2020/458), regs. 1(3), **2(21)(d)(ii)**
- F118** Words in [reg. 25\(2\)\(b\)\(ii\)](#) substituted (31.12.2020) by [The Trade in Animals and Related Products \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2020](#) (S.S.I. 2020/458), regs. 1(3), **2(21)(d)(iii)**

PART 5

Administration

Notifications and authorisations

- 26.** Any notification or authorisation under these Regulations—
- (a) must be in writing;
 - (b) may be subject to conditions; and
 - (c) may be amended, suspended or revoked by further notification or authorisation in writing at any time.

Enforcement

- 27.—**(1) At a [^{F119}border control post] these Regulations are enforced—
- (a) in relation to animals by the Scottish Ministers; and
 - (b) in relation to products by the local authority.
- (2) Outside a [^{F119}border control post], these Regulations are enforced—
- [^{F120}(za) in relation to aquatic animals and aquaculture animal products by the Scottish Ministers;]
- (a) in relation to animals [^{F121}, other than those mentioned in sub-paragraph (za),] by the local authority;
 - (b) in relation to products [^{F122}, other than those mentioned in sub-paragraph (za),]—
 - (i) except where head (ii) applies, by the local authority; or

- (ii) by the [^{F123}Food Standards Scotland] at any cutting plant, game-handling establishment or slaughterhouse, or premises at which the Agency enforces the Food Hygiene (Scotland) Regulations 2006 ^{F124}.

(3) In addition, in relation to products, these Regulations are enforced by a general customs official in any place (other than the inspection facilities in a [^{F119}border control post]) where goods are subject to customs supervision by that official under [^{F125}the Taxation (Cross-border Trade) Act 2018.]

(4) The Scottish Ministers may direct, in relation to cases of a particular description or a particular case, that the Scottish Ministers will discharge any duty imposed on a local authority under this regulation.

(5) The Scottish Ministers may recover from the local authority concerned any expenses reasonably incurred by them under paragraph (4).

[^{F126}(6) Where a customs officer exercising a statutory function at any place under customs supervision discovers any animal or product suspected of being non-compliant, that officer must detain it and notify such detention to an authorised officer of the relevant enforcement authority.]

[^{F127}(7) In paragraph (2)(za)—

“aquatic animal” has the same meaning as in Council [Directive 2006/88/EC](#) on animal health requirements for aquaculture animals and products thereof, and on the prevention and control of certain diseases in aquatic animals; and

“aquaculture animal product” means any product of an aquaculture animal to which Article 6(1), 8(1) or (3) or 12(1) of [Commission Regulation \(EC\) No 1251/2008](#) implementing Council [Directive 2006/88/EC](#) as regards conditions and certification requirements for the placing on the market and the import into the Community of aquaculture animals and products thereof and laying down a list of vector species applies.]

F119 Words in reg. 27(1)(2)(3) substituted (14.12.2019) by [The Official Controls \(Agriculture etc.\) \(Scotland\) Regulations 2019](#) (S.S.I. 2019/412), regs. 1(1), **24(23)(a)**

F120 Reg. 27(2)(za) inserted (8.1.2016) by [The Trade in Animals and Related Products \(Scotland\) Amendment Regulations 2015](#) (S.S.I. 2015/401), regs. 1(1), **2(2)(a)(i)** (with reg. 3)

F121 Words in reg. 27(2)(a) inserted (8.1.2016) by [The Trade in Animals and Related Products \(Scotland\) Amendment Regulations 2015](#) (S.S.I. 2015/401), regs. 1(1), **2(2)(a)(ii)** (with reg. 3)

F122 Words in reg. 27(2)(b) inserted (8.1.2016) by [The Trade in Animals and Related Products \(Scotland\) Amendment Regulations 2015](#) (S.S.I. 2015/401), regs. 1(1), **2(2)(a)(iii)** (with reg. 3)

F123 Words in reg. 27(2)(b)(ii) substituted (1.4.2015) by [The Food \(Scotland\) Act 2015 \(Consequential and Transitional Provisions\) Order 2015](#) (S.S.I. 2015/100), arts. 1(2), 2, **sch. para. 31**

F124 S.S.I. 2006/3, to which there are amendments not relevant to these Regulations.

F125 Words in reg. 27(3) substituted (31.12.2020) by [The Trade in Animals and Related Products \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2020](#) (S.S.I. 2020/458), regs. 1(3), **2(22)**

F126 Reg. 27(6) substituted (14.12.2019) by [The Official Controls \(Agriculture etc.\) \(Scotland\) Regulations 2019](#) (S.S.I. 2019/412), regs. 1(1), **24(23)(b)**

F127 Reg. 27(7) inserted (8.1.2016) by [The Trade in Animals and Related Products \(Scotland\) Amendment Regulations 2015](#) (S.S.I. 2015/401), regs. 1(1), **2(2)(b)** (with reg. 3)

[^{F128}Powers of entry

28.—(1) An authorised officer of the Scottish Ministers or an enforcement agency may enter any premises during normal working hours without prior notice at a reasonable hour (except any premises used wholly or mainly as a private dwelling) if the officer believes that it is necessary to enter for the purpose of enforcing these Regulations.

(2) An authorised officer must, if requested to do so, produce a duly authenticated authorisation document.

(3) A justice of the peace, sheriff or summary sheriff may sign a warrant to permit an enforcement officer to enter any premises, including dwelling-houses, if necessary by reasonable force, if the justice, sheriff or summary sheriff on sworn information in writing is satisfied—

- (a) that there are reasonable grounds to enter those premises for the purpose of enforcing these Regulations; and
- (b) that one or more of the conditions in paragraph (4) are met.

(4) The conditions are—

- (a) that entry to the premises has been, or is likely to be, refused, and notice of the intention to apply for a warrant has been given to the occupier;
- (b) that asking for admission to the premises, or giving such a notice, would defeat the object of the entry;
- (c) that entry is required urgently;
- (d) that the premises are unoccupied or the occupier is temporarily absent.

(5) A warrant is valid for 30 days from the date of signature.

(6) An authorised officer entering any premises which are unoccupied or from which the occupier is temporarily absent must leave them as effectively secured against unauthorised entry as they were before entry.

(7) An authorised officer may—

- (a) be accompanied by such other persons (up to a maximum of three) as the officer considers necessary;
- (b) bring onto the premises such equipment as the officer considers necessary.]

F128 Reg. 28 substituted (14.12.2019) by [The Official Controls \(Agriculture etc.\) \(Scotland\) Regulations 2019 \(S.S.I. 2019/412\)](#), regs. 1(1), **24(24)**

Powers of authorised officers

29. An authorised officer may—

- (a) inspect and examine any animal;
- (b) inspect any product, or genetic material, including its packaging, seals, marking, labelling and presentation, and any plant or equipment used for or in connection with it;
- (c) have access to, and inspect and copy any documents or records (in whatever form they are held), and remove them to enable them to be copied;
- (d) have access to, inspect and check the operation of any computer and any associated apparatus used in connection with the records, and may require any computer records to be produced in a form in which they may be taken away;
- (e) seize and detain anything required as evidence;
- (f) open any bundle, package, packing case, or item of personal luggage, or require any person in possession of or accompanying the same to open it and inspect the contents; ^{F129}...
- (g) take samples of any animal or product for laboratory tests, for checking against any relevant document relating to the animal or product,

- [^{F130}(h) require the slaughter of any imported animal which is non-compliant with import or animal welfare requirements in these Regulations or the [^{F131}Official Controls Regulation], or suspected by the Scottish Ministers of posing a risk to animal or human health; and
- (i) require the quarantine of any imported animal that is suspected by the Scottish Ministers of posing a risk to animal or human health;]

for the purpose of enforcing these Regulations or any condition of import.

- F129** Word in reg. 29(f) omitted (14.12.2019) by virtue of [The Official Controls \(Agriculture etc.\) \(Scotland\) Regulations 2019 \(S.S.I. 2019/412\)](#), regs. 1(1), **24(25)(a)**
- F130** Reg. 29(h)(i) inserted (14.12.2019) by [The Official Controls \(Agriculture etc.\) \(Scotland\) Regulations 2019 \(S.S.I. 2019/412\)](#), regs. 1(1), **24(25)(b)**
- F131** Words in reg. 29(h) substituted (31.12.2020) by [The Trade in Animals and Related Products \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2020 \(S.S.I. 2020/458\)](#), regs. 1(3), **2(23)**

[^{F132}**Importation of animals and products constituting a risk to animal or public health**

30.—(1) If imported animals or products are suspected by the Scottish Ministers of constituting a serious risk to human or animal health or animal welfare, or, in the case of suspected non-compliance, the animals or products come from a region contaminated by an epizootic disease, an authorised officer of the Scottish Ministers may require—

- (a) an investigation in order to confirm or eliminate that suspicion;
- (b) an investigation into the extent of any suspected non-compliance and to establish the import operator's responsibilities;
- (c) intensified official controls on consignments of animals or products from a particular region until such imports are no longer regarded by the officer of constituting such health risk;
- (d) the official detention of animals or products;
- (e) appropriate measures to ensure that the person responsible for the animals or products remedies the non-compliance and prevents further occurrences of such non-compliance.

(2) In a case within paragraph 1(a), the importer must assist the officer in establishing the region of origin.

(3) Where the Scottish Ministers are satisfied that imported animals or products constitute a risk to animal or public health, an authorised officer of the Scottish Ministers may, following written notice, take any reasonable action to ensure compliance with any rules laid down in accordance with Article 1(2) of the [^{F133}Official Controls Regulation], including—

- (a) taking samples for testing and order or performed veterinary treatments on animals;
- (b) ordering the unloading of animals and their transfer via another means of transport to a specified holding for a specified quarantine period (whether or not involving the postponement of the slaughter of animals);
- (c) the slaughter or killing of animals provided that this is the most appropriate measure to safeguard human health as well as animal health and welfare;
- (d) restricting or prohibiting the placing on the market, the movement or the export of the animal or product, or requiring its return to the country of dispatch;
- (e) ordering the importer to increase the frequency and thoroughness of systematic checks and controls before importing further animals or products from the region;
- (f) ordering the isolation or closure, for an appropriate period of time, of all or part of a business operation (including any related internet and on-line sales of products that may

- constitute a risk to animal or human health) affected by the importation of an animal or product that constitutes a risk to animal or human health;
- (g) the recall, withdrawal, removal or destruction of products;
 - (h) the treatment of products for human consumption;
 - (i) the alteration of labels or corrective information to be provided to consumers;
 - (j) the temporary suspension or withdrawal of the registration or approval of an affected establishment, plant, holding or means of transport concerned or of an authorisation of a transporter;
 - (k) the use of products for purposes other than those for which they were originally intended.
- (4) An authorised officer of the Scottish Ministers must provide an affected business operator, or its representative, with—
- (a) written notification of the decision concerning the action or measure to be taken in accordance with this regulation, together with the reasons for that decision; and
 - (b) information on any right of review against such decision in accordance with regulation 30A.
- (5) All expenditure incurred as a result of actions taken by or on behalf of the Scottish Ministers under this regulation is to be borne by the responsible operators.
- (6) In the case of the issue of false or misleading official certificates in Scotland, or where there is evidence of abuse of official certificates, an authorised officer of the Scottish Ministers may take appropriate measures, including—
- (a) the temporary suspension of the certifying officer from certifying any certificates related to any relevant trade;
 - (b) the withdrawal of the authorisation of a person to sign official certificates; and
 - (c) any other measure believed by the officer to be necessary to prevent a reoccurrence of any non-compliance or abuse.]

F132 Reg. 30 substituted (14.12.2019) by [The Official Controls \(Agriculture etc.\) \(Scotland\) Regulations 2019 \(S.S.I. 2019/412\)](#), regs. 1(1), **24(26)**

F133 Words in reg. 30(3) substituted (31.12.2020) by [The Trade in Animals and Related Products \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2020 \(S.S.I. 2020/458\)](#), regs. 1(3), **2(24)**

[^{F134}Review of decisions by an appointed person

30A.—(1) Any person aggrieved by a decision made under these Regulations, other than decisions referred to in regulations 18 or 21, may request a review of that decision by a person appointed by the Scottish Ministers (“the appointed person”).

(2) Within 21 days of the appointment of the appointed person, written representations may be made by the aggrieved person to the appointed person.

(3) The appointed person must consider any written representations made when reviewing the disputed decision and must report in writing to the Scottish Ministers 21 days from the expiry of the period in (2) with a recommended course of action resulting from the review.

(4) The Scottish Ministers must consider the report of the appointed person and promptly notify the owner of the outcome of the review and provide a copy of the report of the appointed person.

(5) A review, or right of review, does not affect the obligation on the designated authority to take prompt action to eliminate or contain the risks to human or animal health.]

F134 Reg. 30A inserted (14.12.2019) by [The Official Controls \(Agriculture etc.\) \(Scotland\) Regulations 2019 \(S.S.I. 2019/412\)](#), regs. 1(1), **24(27)**

Exchange of information

31.—(1) The Commissioners of Her Majesty's Revenue and Customs, a general customs official and an enforcement authority may exchange information for the purposes of these Regulations, and may divulge information to [^{F135}an enforcement authority in any of the territories of the British Islands] for the purposes of this Part or the equivalent legislation in those jurisdictions.

(2) Paragraph (1) is without prejudice to any other power of the Commissioners, any general customs official or any enforcement authority to disclose information.

(3) No person, including a servant of the Crown, may disclose any information received from the Commissioners or a general customs official under paragraph (1) if—

- (a) the information relates to a person whose identity—
 - (i) is specified in the disclosure; or
 - (ii) can be deduced from the disclosure;
- (b) the disclosure is for a purpose other than the purposes specified in paragraph (1); and
- (c) the Commissioners have not given their prior consent to the disclosure.

F135 Words in [reg. 31\(1\)](#) substituted (31.12.2020) by [The Trade in Animals and Related Products \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2020 \(S.S.I. 2020/458\)](#), regs. 1(3), **2(25)**

Fees and expenses

32.—^{F136}(1)

(2) The consignor's representative and the person in charge of an animal or product are jointly and severally liable for any reasonable expenses incurred by an enforcement authority arising out of or in connection with the authority's enforcement of these Regulations relating to that animal or product.

(3) Where a person fails to comply with these Regulations, an enforcement authority may take such steps as are necessary to ensure the requirement is met and the person in default must reimburse any reasonable expenses incurred by the enforcement authority in taking such steps.

F136 Reg. 32(1) omitted (31.12.2020) by virtue of [The Trade in Animals and Related Products \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2020 \(S.S.I. 2020/458\)](#), regs. 1(3), **2(26)**

Offences

33. A person commits an offence if the person—

- (a) intentionally obstructs any person acting in the execution of these Regulations [^{F137}or the [^{F138}Official Controls Regulation]]; or
- (b) without reasonable cause, fails to give any person acting in execution of these Regulations [^{F137}or the [^{F139}Official Controls Regulation]] any assistance or information that that person may reasonably require for the purpose of carrying out functions under these Regulations [^{F137}or the [^{F139}Official Controls Regulation]];

- (c) furnishes to any person acting in the execution of these Regulations [^{F137}or the [^{F140}Official Controls Regulation]] any information knowing it to be false or misleading; ^{F141}...

^{F142}[^{F143}(d)

- (e) without reasonable excuse fails to comply with any of the following provisions—]

<i>Provision</i>	<i>Description of offence</i>
F144	F144
.
F144	F144
.
F144	F144
.
F144	F144
.
F144	F144
.
F145	F145
.
regulation 11	Importation other than at a [^{F146} border control post]
regulation 12	Failure to notify
regulation 13(1)	Failure to present a consignment for inspection
regulation 13(2)	Failure to comply with a notice
regulation 14(1)	Removal from a [^{F146} border control post] without a [^{F147} CHED] or authority of the official veterinarian
regulation 14(2)	Failure to transport a consignment to the place specified in the [^{F147} CHED] accompanied by its [^{F147} CHED]
regulation 15	Movement other than under Customs supervision and failure to notify the Scottish Ministers
regulation 21(5)	Failure to re-export a horse
regulation 23(3)	Failure to transport in accordance with paragraph (3)(a) or to destroy consignment as animal by-products
regulation 24	Bringing a non-compliant product into a warehouse etc.
[^{F148} regulation 25(4)]	Bringing in an animal or product in breach of a declaration

regulation 31(3)	Disclosure of information
Schedule 2:	
F149	F149
...	...
F149	F149
...	...
F149	F149
...	...
F149	F149
...	...
F149	F149
...	...
paragraph 7(2)	Slaughter of animals
paragraph 7(3)	Keeping animals at their place of destination
paragraph 8(2)	Transport of birds to approved quarantine facilities or centres
paragraph 8(3)	Release of birds from quarantine
paragraph 10	Use of a certificate relating to ships' stores
Schedule 3 paragraph 3(3)	Destruction or redispach in accordance with the authorisation

- F137** Words in reg. 33 inserted (14.12.2019) by [The Official Controls \(Agriculture etc.\) \(Scotland\) Regulations 2019 \(S.S.I. 2019/412\)](#), regs. 1(1), **24(28)(a)**
- F138** Words in reg. 33(a) substituted (31.12.2020) by [The Trade in Animals and Related Products \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2020 \(S.S.I. 2020/458\)](#), regs. 1(3), **2(27)(a)**
- F139** Words in reg. 33(b) substituted (31.12.2020) by [The Trade in Animals and Related Products \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2020 \(S.S.I. 2020/458\)](#), regs. 1(3), **2(27)(a)**
- F140** Words in reg. 33(c) substituted (31.12.2020) by [The Trade in Animals and Related Products \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2020 \(S.S.I. 2020/458\)](#), regs. 1(3), **2(27)(a)**
- F141** Word in reg. 33(c) omitted (1.7.2012) by virtue of [The Trade in Animals and Related Products \(Scotland\) Amendment Order 2012 \(S.S.I. 2012/198\)](#), arts. 1(b), **2(3)(a)**
- F142** Reg. 33(d) omitted (31.12.2020) by virtue of [The Trade in Animals and Related Products \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2020 \(S.S.I. 2020/458\)](#), regs. 1(3), **2(27)(b)**
- F143** Reg. 33(d)(e) substituted for reg. 33(d) (1.7.2012) by [The Trade in Animals and Related Products \(Scotland\) Amendment Order 2012 \(S.S.I. 2012/198\)](#), arts. 1(b), **2(3)(b)**
- F144** Words in reg. 33(e) Table omitted (31.12.2020) by virtue of [The Trade in Animals and Related Products \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2020 \(S.S.I. 2020/458\)](#), regs. 1(3), **2(27)(c)(i)**
- F145** Words in reg. 33 table omitted (1.7.2012) by virtue of [The Trade in Animals and Related Products \(Scotland\) Amendment Order 2012 \(S.S.I. 2012/198\)](#), arts. 1(b), **2(3)(c)(i)**
- F146** Words in reg. 33(e) Table substituted (31.12.2020) by [The Trade in Animals and Related Products \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2020 \(S.S.I. 2020/458\)](#), regs. 1(3), **2(27)(c)(ii)**
- F147** Word in reg. 33(e) Table substituted (31.12.2020) by [The Trade in Animals and Related Products \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2020 \(S.S.I. 2020/458\)](#), regs. 1(3), **2(27)(c)(iii)**

F148 Words in reg. 33 table substituted (1.7.2012) by [The Trade in Animals and Related Products \(Scotland\) Amendment Order 2012 \(S.S.I. 2012/198\)](#), arts. 1(b), **2(3)(c)(ii)**

F149 Words in [reg. 33\(e\) Table](#) omitted (31.12.2020) by virtue of [The Trade in Animals and Related Products \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2020 \(S.S.I. 2020/458\)](#), regs. 1(3), **2(27)(c)(iv)**

Protection of officials acting in good faith

34.—(1) No authorised officer is personally liable in respect of any act done by that person in the performance or purported performance of the functions within the scope of that person's employment, if the person did that act in the honest and reasonable belief that that person's duty under these Regulations required or entitled the person to do so.

(2) Paragraph (1) does not relieve an enforcement authority from any liability in respect of acts of its officers.

Offences by bodies corporate

35.—(1) Where—

- (a) an offence under these Regulations has been committed by a body corporate or a Scottish partnership or other unincorporated association; and
- (b) it is proved that the offence was committed with the consent or connivance of, or was attributable to any neglect on the part of—
 - (i) the relevant individual; or
 - (ii) an individual purporting to act in the capacity of a relevant individual,

the individual as well as the body corporate, Scottish partnership or unincorporated association commits an offence and is liable to be proceeded against and punished accordingly.

(2) In paragraph (1), “relevant individual” means—

- (a) in relation to a body corporate—
 - (i) a director, manager, secretary or other similar officer of the body;
 - (ii) where the affairs of the body are managed by its members, a member;
- (b) in relation to a Scottish partnership, a partner; and
- (c) in relation to an unincorporated association other than a Scottish partnership, a person who is concerned in the management or control of the association.

^{F150}Penalties

36. A person who is guilty of any offence under these Regulations is liable—

- (a) on summary conviction to a fine not exceeding level 5 on the standard scale or to imprisonment for a term not exceeding three months or to both; or
- (b) on conviction on indictment, to imprisonment for a term not exceeding 2 years, to a fine, or to both.]

F150 [Reg. 36](#) substituted (14.12.2019) by [The Official Controls \(Agriculture etc.\) \(Scotland\) Regulations 2019 \(S.S.I. 2019/412\)](#), regs. 1(1), **24(29)**

Consequential amendments

37. Schedule 4 makes amendments consequential to these Regulations.

Revocations

38. The following are revoked:—

- (a) the Animals and Animal Products (Import and Export) (Scotland) Amendment (No. 2) Regulations 2006 ^{F151};
- (b) the Animals and Animal Products (Import and Export) (Scotland) Regulations 2007 ^{F152};
- (c) the Animals and Animal Products (Import and Export) (Scotland) Amendment Regulations 2007 ^{F153};
- (d) the Animals and Animal Products (Import and Export) (Scotland) Amendment Regulations 2008 ^{F154};
- (e) the Animals and Animal Products (Import and Export) (Scotland) Amendment Regulations 2009 ^{F155};
- (f) the Animals and Animal Products (Import and Export) (Scotland) Amendment Regulations 2010 ^{F156};
- (g) the Fresh Meat (Import Conditions) Regulations 1996 ^{F157};
- (h) the Miscellaneous Products of Animal Origin (Import Conditions) Regulations 1999 ^{F158};
- (i) the Products of Animal Origin (Import and Export) Regulations 1996 ^{F159};
- (j) the Products of Animal Origin (Import and Export) (Amendment) Regulations 1997 ^{F160};
- (k) the Products of Animal Origin (Import and Export) Amendment (Scotland) Regulations 2001 ^{F161};
- (l) the Products of Animal Origin (Third Country Imports) (Scotland) Regulations 2007 ^{F162};
- (m) the Products of Animal Origin (Third Country Imports) (Scotland) Amendment Regulations 2007 ^{F163};
- (n) the Products of Animal Origin (Third Country Imports) (Scotland) Amendment Regulations 2009 ^{F164}; and
- (o) the Products of Animal Origin (Third Country Imports) (Scotland) Amendment Regulations 2010 ^{F165}.

F151 [S.S.I. 2006/450.](#)

F152 [S.S.I. 2007/194.](#)

F153 [S.S.I. 2007/375.](#)

F154 [S.S.I. 2008/155.](#)

F155 [S.S.I. 2009/227.](#)

F156 [S.S.I. 2010/343.](#)

F157 [S.I. 1996/3125.](#)

F158 [S.I. 1999/157.](#)

F159 [S.I. 1996/3124.](#)

F160 [S.I. 1997/3023.](#)

F161 [S.S.I. 2001/257.](#)

F162 [S.S.I. 2007/1.](#)

F163 [S.S.I. 2007/304.](#)

F164 [S.S.I. 2009/228.](#)

F165 [S.S.I. 2010/225](#).

Saving provision

39. Despite their revocation by regulation 38—

- (a) the Products of Animal Origin (Import and Export) Regulations 1996 continue to have effect in relation to the import into Scotland or export of a product to which those Regulations apply, where the process of import or export had commenced under those Regulations before the coming into force of these Regulations;
- (b) the Products of Animal Origin (Third Country Imports) (Scotland) Regulations 2007 continue to have effect in relation to the import into Scotland of a product to which those Regulations apply, where the process of import had commenced under those Regulations before the coming into force of these Regulations; and
- (c) the Animals and Animal Products (Import and Export) (Scotland) Regulations 2007 continue to have effect in relation to the import into Scotland or export of an animal or product to which those Regulations apply, where the process of import or export had commenced under those Regulations before the coming into force of these Regulations.

St Andrew's House,
Edinburgh

RICHARD LOCHHEAD
A member of the Scottish Executive

Changes to legislation: There are currently no known outstanding effects for the The Trade in Animals and Related Products (Scotland) Regulations 2012. (See end of Document for details)

^{F166}SCHEDULE 1

Regulations 2, 5, 13, 18 and 21

European Union legislation

F166 Sch. 1 omitted (13.12.2022) by virtue of [The Trade in Animals and Related Products \(Amendment and Legislative Functions\) Regulations 2022 \(S.I. 2022/1322\)](#), regs. 2, **6(5)**

.....

SCHEDULE 2

Regulations 5, 13, 18 and 33

Additional requirements in specific cases

^{F167}PART 1

Additional requirements for trade with member States

F167 Sch. 2 Pt. 1 omitted (31.12.2020) by virtue of [The Trade in Animals and Related Products \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2020 \(S.S.I. 2020/458\)](#), regs. 1(3), **2(28)(a)**

Assembly centres and dealers in cattle, pigs, sheep or goats

1.

Transport of cattle, pigs, sheep or goats

2.

Poultry Health Scheme

3.

Approvals for the Balai Directive

4.

Circuses

5.

Animal by-products

6.

PART 2

Additional provisions relating to imports from third countries

Arrival at premises of destination

7.—(1) This paragraph applies to elephants and to cattle, pigs, sheep, goats and all other animals of the taxa *Artiodactyla*, and their crossbreeds.

(2) Animals intended for immediate slaughter must be conveyed without delay from the [^{F168}border control post] to the slaughterhouse of destination and slaughtered within five working days.

(3) In any other case the animals must be taken without delay from the [^{F168}border control post] to the holding of destination and kept there for at least 30 days (unless consigned from the holding direct to a slaughterhouse).

F168 Words in sch. 2 para. 7 substituted (31.12.2020) by [The Trade in Animals and Related Products \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2020 \(S.S.I. 2020/458\)](#), regs. 1(3), **2(28)(b)**

Imported birds

8.—(1) The Scottish Ministers are the competent authority for [^{F169}the import of certain birds and quarantine conditions for the purposes of][^{F170}Commission Implementing Regulation (EU) No 139/2013 laying down animal health conditions for imports of certain birds into the Union and the quarantine conditions thereof.]

(2) An importer must comply with Article 7 (transport of birds) of that Regulation.

(3) No person may release a bird from quarantine except in accordance with Article 16 (release of birds) of that Regulation.

F169 Words in sch. 2 para. 8(1) inserted (14.12.2019) by [The Official Controls \(Agriculture etc.\) \(Scotland\) Regulations 2019 \(S.S.I. 2019/412\)](#), regs. 1(1), **24(31)(e)**

F170 Words in sch. 2 para. 8(1) substituted (28.2.2019) by [The Environment, Food and Rural Affairs \(Miscellaneous Amendments and Revocations\) \(Scotland\) Regulations 2018 \(S.S.I. 2018/391\)](#), regs. 1(1), **35(8)(b)**

Horses

9. When a horse is imported from a third country under [^{F171}Commission Implementing Regulation (EU) 2018/659], the official veterinarian must return the health certificate to the person accompanying the horse, and make a record of the certificate.

F171 Words in sch. 2 para. 9 substituted (28.2.2019) by [The Environment, Food and Rural Affairs \(Miscellaneous Amendments and Revocations\) \(Scotland\) Regulations 2018 \(S.S.I. 2018/391\)](#), regs. 1(1), **35(8)(c)**

[^{F172}Ship supply

10.—(1) A product that does not comply with import requirements and is sent from a border control post to a ship must be accompanied by the relevant health certificate relating to that product,

Changes to legislation: There are currently no known outstanding effects for the *The Trade in Animals and Related Products (Scotland) Regulations 2012*. (See end of Document for details)

and the master of the vessel must confirm delivery of the product by signing a certificate which must accompany the consignment to its place of destination.

(2) Within 15 days upon completion of delivery of products by ship, the operator responsible for the delivery, or the representative of the master of the vessel must return the counter-signed official certificate (or send via electronic means and systems) to the competent authorities of the border control post of —

- (a) entry; or
- (b) the approved Customs warehouse.]

F172 Sch. 2 para. 10 substituted (14.12.2019) by [The Official Controls \(Agriculture etc.\) \(Scotland\) Regulations 2019 \(S.S.I. 2019/412\)](#), regs. 1(1), **24(31)(f)**

[^{F173} **Special import conditions: products of animal origin**

10A.—(1) The Scottish Ministers may by regulations impose special import conditions in respect of imports from third countries of products of animal origin intended for human consumption, having regard to the animal health situation of the third country or countries concerned.

(2) Regulations under sub-paragraph (1) may—

- (a) make different provision for different purposes;
- (b) include such incidental, supplementary, consequential, transitional, transitory or saving provision as the Scottish Ministers consider appropriate;
- (c) amend, modify or revoke any retained direct minor EU legislation made under Article 8(4) of Council [Directive 2002/99/EC](#).

(3) Regulations under sub-paragraph (1) are subject to negative procedure.

(4) In this paragraph “products of animal origin” means products obtained from animals and products obtained therefrom, for human consumption, including live animals where they are prepared for such use.]

F173 Sch. 2 para. 10A inserted (12.3.2021) by [The Trade in Animals and Related Products \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2021 \(S.S.I. 2021/138\)](#), regs. 1, **2**

Charges for veterinary checks from New Zealand

^{F174}**11.**

F174 Sch. 2 para. 11 omitted (14.12.2019) by virtue of [The Official Controls \(Agriculture etc.\) \(Scotland\) Regulations 2019 \(S.S.I. 2019/412\)](#), regs. 1(1), **24(31)(g)**

SCHEDULE 3

Regulations 7 and 33

Cases to which Part 3 does not apply

[^{F175}Case 1: Personal imports and small consignments

1.—(1) Products referred to in Articles 7 and 10 of [^{F176}Commission Delegated Regulation (EU) 2019/2122.]]

F175 Sch. 3 para. 1 substituted (14.12.2019) by The Official Controls (Agriculture etc.) (Scotland) Regulations 2019 (S.S.I. 2019/412), regs. 1(1), **24(32)(a)**

F176 Words in sch. 3 para. 1 substituted (31.12.2020) by The Trade in Animals and Related Products (EU Exit) (Scotland) (Amendment) Regulations 2020 (S.S.I. 2020/458), regs. 1(3), **2(29)(a)**

Case 2: International means of transport

2. Any product that is on board a means of transport operating internationally that is intended for consumption by the crew and passengers and that is—

- (a) not unloaded;
- (b) transferred directly from one means of transport operating internationally to another at the same port and under customs supervision; or
- (c) destroyed as soon as it is unloaded.

[^{F177}Case 3: Research and diagnostic samples

3.—(1) ^{F178}... Research and diagnostic samples as defined in point (38) of Annex 1 to [^{F179}Commission Regulation (EU) No 142/2011] are exempt from veterinary checks at the border control post provided that they have been authorised in advance by the Scottish Ministers and the consignment is sent directly from the point of entry to the authorised user.

^{F180}(2)]

F177 Sch. 3 para. 3 substituted (14.12.2019) by The Official Controls (Agriculture etc.) (Scotland) Regulations 2019 (S.S.I. 2019/412), regs. 1(1), **24(32)(b)**

F178 Words in sch. 3 para. 3(1) omitted (31.12.2020) by virtue of The Trade in Animals and Related Products (EU Exit) (Scotland) (Amendment) Regulations 2020 (S.S.I. 2020/458), regs. 1(3), **2(29)(b)(i)(aa)**

F179 Words in sch. 3 para. 3(1) substituted (31.12.2020) by The Trade in Animals and Related Products (EU Exit) (Scotland) (Amendment) Regulations 2020 (S.S.I. 2020/458), regs. 1(3), **2(29)(b)(i)(bb)**

F180 Sch. 3 para. 3(2) omitted (31.12.2020) by virtue of The Trade in Animals and Related Products (EU Exit) (Scotland) (Amendment) Regulations 2020 (S.S.I. 2020/458), regs. 1(3), **2(29)(b)(ii)**

[^{F181}Case 4: Consignments cleared in Great Britain

4. Consignments of animals and products that have been presented to a border control post in Great Britain and cleared for free circulation.]

F181 Sch. 3 para. 4 substituted (31.12.2020) by The Trade in Animals and Related Products (EU Exit) (Scotland) (Amendment) Regulations 2020 (S.S.I. 2020/458), regs. 1(3), **2(29)(c)**

Case 5: Composite products

5.—(1) Composite products and foodstuffs listed in ^{F182}...Commission Decision [2007/275/EC](#).

(2) Composite products not containing meat or meat products, where less than half of the product is processed product of animal origin, provided that such products are—

- (a) shelf-stable at ambient temperature or have clearly undergone, in their manufacture, a complete cooking or heat treatment process throughout their substance, so that any raw product is denatured;
- (b) clearly identified as intended for human consumption;
- (c) securely packaged or sealed in clean containers; and
- (d) accompanied by a commercial document and labelled in [^{F183}English (whether or not it also appears in any other language)], so that that document and labelling together give information on the nature, quality and number of packages of the composite products, the country of origin, the manufacturer and the ingredient.

F182 Words in [sch. 3 para. 5\(1\)](#) omitted (14.12.2019) by virtue of [The Official Controls \(Agriculture etc.\) \(Scotland\) Regulations 2019](#) (S.S.I. 2019/412), regs. 1(1), **24(32)(d)**

F183 Words in [sch. 3 para. 5\(2\)\(d\)](#) substituted (31.12.2020) by [The Trade in Animals and Related Products \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2020](#) (S.S.I. 2020/458), regs. 1(3), **2(29)(d)**

Case 6: Animals subject to rabies control

6. Animals specified in Schedule 1 to the Rabies (Importation of Dogs, Cats and Other Mammals) Order 1974 ^{F184} and imported in accordance with a licence under that Order.

F184 [S.I. 1974/2211](#) to which there are amendments not relevant to these Regulations.

[^{F185}Case 7: [^{F186}Relevant] animals intended for scientific purposes

7.—(1) [^{F187}Relevant] animals intended for scientific purposes such as research, educational activities or research related to product development activities are exempt from official controls at border control posts (other than controls carried out in accordance with Article 15(2) of Regulation (EU) No 1143/2014) provided that—

- (a) they comply with all requisite animal health requirements;
- (b) they have been authorised by the Scottish Ministers; and
- (c) when the activities relating to the scientific purposes have been carried out, they and any products derived from them (with the exception of any portions used for the scientific purposes) are disposed of or re-dispatched to the third country of origin.

[^{F188}(1A) In this paragraph, “relevant animals” means—

- (a) animals listed in Schedule 2 to the Animals (Scientific Procedures) Act 1986; and
- (b) invertebrate animals.]

[^{F189}(2) Paragraph (1) does not apply to zebra fish, aquatic molluscs belonging to the phylum *Mollusca* or aquatic crustaceans belonging to the subphylum *Crustacea*.]

[^{F190}(3) The reference to educational activities in sub-paragraph (1) does not apply in relation to—

- (a) vertebrate animals; or
- (b) honey bees (*Apis mellifera*) or bumble bees (*Bombus* spp).]]

- F185** Sch. 3 para. 7 inserted (14.12.2019) by The Official Controls (Agriculture etc.) (Scotland) Regulations 2019 (S.S.I. 2019/412), regs. 1(1), **24(32)(e)**
- F186** Word in sch. 3 para. 7 heading substituted (30.4.2021) by The Official Controls (Exemptions from Controls at Border Control Posts) (Amendment) Regulations 2021 (S.I. 2021/453), regs. 1(1)(b), **3(2)(a)**
- F187** Word in sch. 3 para. 7(1) substituted (30.4.2021) by The Official Controls (Exemptions from Controls at Border Control Posts) (Amendment) Regulations 2021 (S.I. 2021/453), regs. 1(1)(b), **3(2)(a)**
- F188** Sch. 3 para. 7(1A) inserted (30.4.2021) by The Official Controls (Exemptions from Controls at Border Control Posts) (Amendment) Regulations 2021 (S.I. 2021/453), regs. 1(1)(b), **3(2)(b)**
- F189** Sch. 3 para. 7(2) substituted (30.4.2021) by The Official Controls (Exemptions from Controls at Border Control Posts) (Amendment) Regulations 2021 (S.I. 2021/453), regs. 1(1)(b), **3(2)(c)**
- F190** Sch. 3 para. 7(3) inserted (30.4.2021) by The Official Controls (Exemptions from Controls at Border Control Posts) (Amendment) Regulations 2021 (S.I. 2021/453), regs. 1(1)(b), **3(2)(d)**

SCHEDULE 4

Regulation 37

Consequential amendments

Bluetongue (Scotland) Order 2008

1. In the Bluetongue (Scotland) Order 2008 ^{F191}—
- ^{F192}(a)
- ^{F193}(b)

- F191** S.S.I. 2008/11, to which there are amendments not relevant to these Regulations.
- F192** Sch. 4 para. 1(a) revoked (24.9.2012) by The Bluetongue (Scotland) Order 2012 (S.S.I. 2012/199), arts. 1(b), **34(2)** (with art. 8)
- F193** Sch. 4 para. 1(b) revoked (1.7.2012) by The Trade in Animals and Related Products (Scotland) Amendment Order 2012 (S.S.I. 2012/198), arts. 1(b), **2(5)**

Importation of Animal Products and Poultry Products Order 1980

2. After article 1 of the Importation of Animal Products and Poultry Products Order 1980 ^{F194} insert—

“Scope

- 1A.** This Order does not apply in relation to any importation in relation to which the Trade in Animals and Related Products (Scotland) Regulations 2012 ^{F195} apply.”.

- F194** S.I. 1980/14 to which there are amendments not relevant to these Regulations.
- F195** S.S.I. 2012/177.

Official Feed and Food Controls (Scotland) Regulations 2009

3. In Schedule 3 (definition of relevant food law) to the Official Feed and Food Controls (Scotland) Regulations 2009 ^{F196}, for sub-head (vii) of paragraph (a) substitute—

“(vii) the regulation of the import of and trade in products of animal origin under the Trade in Animals and Related Products (Scotland) Regulations 2012, with the exception of the execution and enforcement under regulation 27 of those Regulations by the Agency;”.

F196 [S.S.I. 2009/446](#) to which there are amendments not relevant to these Regulations.

Fishery Products (Official Controls Charges) (Scotland) Regulations 2007

4. In regulation 2 (interpretation) of the Fishery Products (Official Controls Charges) (Scotland) Regulations 2007 ^{F197}, for the definition of “third country import” substitute—

““third country import” means an import in respect of which a charge is payable under Regulation 882/2004.”.

F197 [S.S.I. 2007/537](#), as relevantly amended by [S.S.I. 2008/98](#).

The Swine Vesicular Disease (Scotland) Order 2009

5. For article 3(1)(b) (application) of the Swine Vesicular Disease (Scotland) Order 2009 ^{F198} substitute—

“(b) any border inspection post within the meaning of, and for so long as it remains approved for the purposes of, regulation 11 of the Trade in Animals and Related Products (Scotland) Regulations 2012.”.

F198 [S.S.I. 2009/173](#).

The Aquatic Animal Health (Scotland) Regulations 2009

6. In regulation 19(5) (disease prevention requirements in respect of transport) of the Aquatic Animal Health (Scotland) Regulations 2009 ^{F199}, for paragraph (a) substitute—

“(a) “border inspection post” means a border inspection post within the meaning of, and for so long as it remains approved for the purposes of, regulation 11 of the Trade in Animals and Related Products (Scotland) Regulations 2012;”.

F199 [S.S.I. 2009/85](#), to which there are amendments not relevant to these Regulations.

The Rabies (Importation of Dogs, Cats and Other Mammals) Order 1974

7. In article 4(11)(a)(ii) (prohibition on landing of animals in Great Britain) of the Rabies (Importation of Dogs, Cats and Other Mammals) Order 1974 ^{F200} for “Animals and Animal Products (Import and Export) (Scotland) Regulations 2007” substitute “ Trade in Animals and Related Products (Scotland) Regulations 2012 ”.

F200 [S.I. 1974/2211](#), [article 4\(11\)](#) was inserted by paragraph 3(h) of the Schedule 2 to the Non-Commercial Movement of Pet Animals Order 2011 (S.I. 2011/2883).

[^{F201}SCHEDULE 5

Regulation 7

Application of, derogations from, and modifications to, Part 3 in relation to certain territories subject to transitional import arrangements

F201 Sch. 5 inserted (31.12.2020) by [The Trade in Animals and Related Products \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2020 \(S.S.I. 2020/458\)](#), regs. 1(3), **2(30)**

PART 1

Introductory

Application

1.—(1) This schedule applies during the transitional staging period to animals and products falling within Article 47(1)(a) and (b) of the Official Controls Regulation which originate from a relevant third country.

(2) In sub-paragraph (1) “the transitional staging period” and “relevant third country” have the same meaning as in paragraph 2 of Annex 6 to the Official Controls Regulation.

(3) Animals and products falling within sub-paragraph (1) are referred to in this schedule as “relevant goods”.

Application of, derogations from, and modifications to, Part 3 of these Regulations

2. The provisions of Part 3 of these Regulations apply to relevant goods with the derogations and modifications specified in Part 2 of this schedule.

PART 2

Derogations from, and modifications to, Part 3 of these Regulations

Derogation from regulation 11: place of importation

3.—(1) Regulation 11 does not apply to relevant goods.

(2) Relevant goods are not required to enter Scotland through a border control post and may enter Scotland through any point of entry.

Derogation from regulation 12: notification of importation

4.—(1) Regulation 12 does not apply to relevant goods.

(2) From 1st January 2021, relevant goods of the following descriptions must be pre-notified at least one working day before the expected time of arrival at a point of entry into Scotland—

- (a) relevant goods which originate from a relevant third country other than a territory subject to special transitional import arrangements;
- (b) animal by-products comprising—
 - (i) Category 1 material;
 - (ii) Category 2 material;

(iii) processed animal protein derived from Category 3 material.

(3) From [^{F202}1st January 2022] relevant goods consisting of products of animal origin [^{F203}or animal by-products not covered by sub-paragraph (2)(b)] must be pre-notified at least one working day before the expected time of arrival at a point of entry into Scotland.

[^{F204}(3A) Sub-paragraph (3) does not apply to relevant goods which are imported into Scotland from the Republic of Ireland when the condition in sub-paragraph (3B) is met.

(3B) The condition is that the goods were produced in Northern Ireland or the Republic of Ireland, and for these purposes goods are taken to be produced in Northern Ireland [^{F205}or the Republic of Ireland] if they are processed there.]

(4) Where the importer can provide evidence of a logistical constraint preventing the notification under sub-paragraphs (2) or (3), that requirement may be satisfied by notification of the consignment's expected time of arrival at least 4 hours in advance.

(5) This paragraph applies in addition to other requirements for prior notification of the entry into Scotland of relevant goods from a third country during the transitional staging period (see Article 56A of the Official Controls Regulation as inserted by paragraph 13 of Annex 6 to that Regulation).

(6) In this paragraph—

- (a) “pre-notified” means notification that has been given through the appropriate computerised information management system to the authority responsible for performing official controls on the particular category of relevant goods at the [^{F206}place where the controls are to be carried out];
- (b) “working day” means a day other than Saturday or Sunday which is not Christmas Day, Good Friday or a bank holiday under section 1 of the Banking and Financial Dealings Act 1971;
- (c) “a territory subject to special transitional import arrangements” has the same meaning as in paragraph 2 of Annex 6 to the Official Controls Regulation;
- (d) “Category 1 material”, “Category 2 material” and “Category 3 material” have the meanings given in Articles 8 to 10 of Regulation (EC) No 1069/2009;
- (e) “processed animal protein” has the meaning given in point 5 of Annex I to [Commission Regulation \(EU\) No 142/2011](#).

F202 Words in sch. 5 para. 4(3) substituted (1.10.2021) by [The Official Controls \(Transitional Staging Period\) \(Miscellaneous Amendments\) \(Scotland\) \(No. 2\) Regulations 2021](#) (S.S.I. 2021/342), regs. 1, **3(2)(a)**

F203 Words in sch. 5 para. 4(3) inserted (1.1.2022) by [The Official Controls \(Transitional Staging Period\) \(Miscellaneous Amendments\) \(Scotland\) \(No. 3\) Regulations 2021](#) (S.S.I. 2021/493), regs. 1, **3(2)**

F204 Sch. 5 para. 4(3A)(3B) inserted (12.5.2022) by [The Official Controls \(Transitional Staging Period\) \(Miscellaneous Amendments\) \(Scotland\) Regulations 2022](#) (S.S.I. 2022/90), regs. 1, **2**

F205 Words in sch. 5 para. 4(3B) inserted (1.6.2022) by [The Environment and Trade in Animals and Related Products \(EU Exit\) \(Scotland\) \(Miscellaneous Amendment\) Regulations 2022](#) (S.S.I. 2022/138), regs. 1, **10**

F206 Words in sch. 5 para. 4(6)(a) substituted (1.10.2021) by [The Official Controls \(Transitional Staging Period\) \(Miscellaneous Amendments\) \(Scotland\) Regulations 2021](#) (S.S.I. 2021/297), regs. 1, **3(2)(a)**

Derogation from regulation 13: procedure on importation

5.—(1) Regulation 13 does not apply to relevant goods.

(2) From 1st January 2021, relevant goods consisting of—

- (a) live animals or germinal products may not be imported into Scotland unless they are accompanied by the appropriate health certificate for third country imports, in the form published by the Scottish Ministers or the Secretary of State from time to time;
- (b) products of animal origin and animal by-products must be accompanied by relevant commercial documents which at least identify the premises of origin and destination, and contain a description of the product and the quantity of the product.

^{F207}(3)

(4) The documents described in [^{F208}sub-paragraph (2)] must accompany the consignment of the relevant goods concerned to its place of destination.

(5) Official controls must take place at the [^{F209}place where the controls are to be carried out] on a random or risk basis, and in accordance with regulation 25 and 30.

F207 Sch. 5 para. 5(3) omitted (1.1.2022) by virtue of [The Animal Products \(Transitional Import Conditions\) \(Miscellaneous Amendment\) \(Scotland\) Regulations 2021 \(S.S.I. 2021/432\)](#), regs. 1, **3(2)(a)**
F208 Words in sch. 5 para. 5(4) substituted (1.1.2022) by [The Animal Products \(Transitional Import Conditions\) \(Miscellaneous Amendment\) \(Scotland\) Regulations 2021 \(S.S.I. 2021/432\)](#), regs. 1, **3(2)(b)**
F209 Words in sch. 5 para. 5(5) substituted (1.10.2021) by [The Official Controls \(Transitional Staging Period\) \(Miscellaneous Amendments\) \(Scotland\) Regulations 2021 \(S.S.I. 2021/297\)](#), regs. 1, **3(2)(b)**

Derogation from regulation 17(a): unchecked consignments

6. Regulation 17(a) does not apply to relevant goods which have entered Scotland through a point of entry other than a border control post in accordance with this schedule, or in accordance with Annex 6 to the Official Controls Regulation.

Modification of regulation 18: action following non-compliance: products

7. Regulation 18 applies as if—

- (a) for paragraph (1) there were substituted—

“(1) This regulation applies in relation to any consignment of relevant goods if the consignment does not comply with the provisions of schedule 5 of these Regulations or Article 56A of the Official Controls Regulation as inserted by paragraph 13 of Annex 6 to that Regulation.”;

- (b) in paragraph (3)(b)—

- (i) “from the same border control post” were omitted;

- (ii) for “at the border control post” there were substituted “into Scotland”.

Modification of regulation 21: action following non-compliance: animals

8. Regulation 21 applies as if in paragraph (1) for “If the checks” to “that animal” there were substituted “If checks show that an animal does not comply with the provisions of schedule 5 of these Regulations or Article 56A of the Official Controls Regulation as inserted by paragraph 13 of Annex 6 to that Regulation”.

PART 3

Additional rules in relation to relevant goods consisting of live animals

Live animals

9.—(1) This paragraph applies in relation to relevant goods consisting of live animals.

(2) The live animals must not be moved from the place of destination indicated in the accompanying health certificate before the completed and signed health certificate has been uploaded to the appropriate computerised information management system.

(3) The person responsible for the transportation of the live animals to the place of destination must be in possession of the appropriate authorisation in accordance with Council Regulation (EC) No 1/2005.]

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations implement the following four European Directives in Scotland:—

Council Directive [89/662/EEC](#) concerning veterinary checks in intra-Community trade with a view to the completion of the internal market (OJ L 395, 30.12.1989, p.13);

Council Directive [90/425/EEC](#) concerning veterinary and zootechnical checks applicable in intra-Community trade in certain live animals and products with a view to the completion of the internal market (OJ L 224, 18.8.1990, p.29);

Council Directive [91/496/EEC](#) laying down the principles governing the organization of veterinary checks on animals entering the Community from third countries and amending Directives [89/662/EEC](#), [90/425/EEC](#) and [90/675/EEC](#) (OJ L 268, 24.9.1991, p.56); and

Council Directive [97/78/EC](#) laying down the principles governing the organisation of veterinary checks on products entering the Community from third countries (OJ L 24, 30.1.1998, p.9).

They also revoke and replace the Regulations specified in regulation 38 which previously implemented these Directives.

They establish a system for trade between member States in live animals and genetic material (Part 2) (movement between member States) and for the importation of live animals and products of animal origin (which includes genetic material) from outside the European Union (Part 3) (importation from a third country).

The European Union legislation required to be complied with before animals or goods can be released from control at the port of importation (the “border inspection post”) is listed in Schedule 1.

The Scottish Ministers are empowered to prohibit importation into Scotland of any animal or product in the event of a disease outbreak outside the United Kingdom (Part 4 – safeguard measures).

The Regulations are enforced by the Scottish Ministers, local authorities, the Food Standards Agency and general customs officials in the circumstances set out in regulation 27.

Changes to legislation: *There are currently no known outstanding effects for the The Trade in Animals and Related Products (Scotland) Regulations 2012. (See end of Document for details)*

The Regulations establish various offences, punishable on summary conviction by a fine up to the statutory maximum or on conviction on indictment by an unlimited fine (or in the case of disclosure relating to customs information imprisonment for up to twelve months).
A business and regulatory impact assessment has not been produced for this instrument as no new impact on the private, voluntary or public sectors is foreseen.

Changes to legislation:

There are currently no known outstanding effects for the The Trade in Animals and Related Products (Scotland) Regulations 2012.