
SCOTTISH STATUTORY INSTRUMENTS

2019 No. 407

The Official Feed and Food Controls (Miscellaneous Amendments) (Scotland) Regulations 2019

Amendment of the Feed (Hygiene and Enforcement) (Scotland) Regulations 2005

3.—(1) The Feed (Hygiene and Enforcement) (Scotland) Regulations 2005⁽¹⁾ are amended in accordance with paragraphs (2) to (6).

(2) In regulation 2 (interpretation)—

(a) in paragraph (1)—

(i) in the definition of “prescribed manner” for “Article 11(1) of Regulation 882/2004” substitute “Article 34 of Regulation 2017/625”,

(ii) omit the definition of “Regulation 882/2004”, and

(iii) after the definition of “Regulation 767/2009” insert—

“Regulation 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 food and feed law, rules on animal health and welfare, plant health and plant protection products, amending Regulations (EC) No 999/2001, (EC) No 396/2005, (EC) No 1069/2009, (EC) No 1107/2009, (EU) No 1151/2012, (EU) No 652/2014, (EU) 2016/429 and (EU) 2016/2031 of the European Parliament and of the Council, Council Regulations (EC) No 1/2005 and (EC) No 1099/2009 and Council Directives 98/58/EC, 1999/74/EC, 2007/43/EC, 2008/119/EC and 2008/120/EC, and repealing Regulations (EC) No 854/2004 and (EC) No 882/2004 of the European Parliament and of the Council, Council Directives 89/608/EEC, 89/662/EEC, 90/425/EEC, 91/496/EEC, 96/23/EC, 96/93/EC and 97/78/EC and Council Decision 92/438/EEC⁽²⁾,

“Regulation (EU) 2019/1793” means Regulation (EU) 2019/1793 on the temporary increase of official controls and emergency measures governing the entry into the Union of certain goods from certain third countries implementing Regulations (EU) 2017/625 and (EC) No 178/2002 of the European Parliament and of the Council and repealing Commission Regulations (EC) No 669/2009, (EU) No 884/2014, (EU) 2015/175, (EU) 2017/186 and (EU) 2018/1660⁽³⁾,” and

(b) in paragraph (2)—

(i) omit “Regulation 882/2004 or”, in both places where it occurs, and

(ii) after “Regulation 183/2005⁽⁴⁾”, in both places where it occurs, insert “or Regulation 2017/625”.

(1) S.S.I. 2005/608.

(2) OJ L 95, 7.4.2017, p.1.

(3) OJ L 277, 29.10.2019, p.89.

(4) OJ L 35, 8.2.2005, p.1.

- (3) In regulation 24 (powers of entry for authorised officers) omit paragraph (13)(c).
- (4) For regulation 28 (liability for expenditure) substitute—
- “**28.** Any sums due to the enforcement authority by virtue of Article 138(4) of Regulation 2017/625 must be paid by the feed business operator to the enforcement authority on demand.”.
- (5) In regulation 30 (procedure relating to samples for analysis)—
- (a) in paragraph (1)—
- (i) in the opening words, after “regulation 24(6)” insert “or Article 36 of Regulation 2017/625”, and
- (ii) for paragraph (1)(c) substitute—
- “(c) send another part to the person—
- (i) on whose premises the material was sampled or to that person’s agent, or
- (ii) who offered the material for sale by means of distance communication if the material was ordered from such a person or to that person’s agent, and” , and
- (b) in paragraph (4), after the opening text, for sub-paragraphs (a) and (b) substitute—
- “(a) the person—
- (i) on whose premises the material was sampled or that person’s agent, or
- (ii) who offered the material for sale by means of distance communication if the material was ordered from such a person or to that person’s agent, and
- (b) if part of the sample was sent under paragraph (2), the person to whom that part was sent.”.
- (6) In schedule 1 (specified feed law)—
- (a) omit “Regulation 882/2004”,
- (b) omit “Regulation (EC) 669/2009 implementing Regulation (EC) No. 882/2004 of the European Parliament and of the Council as regards the increased level of official controls on imports of certain feed and food of non-animal origin and amending Decision 2006/504/EC , in so far as it relates to feed”, and
- (c) after “Regulation 767/2009” insert—
- “Regulation 2017/625
Regulation 2019/1793.”.