

**2023 No. 391**

**ANIMALS**

**POULTRY**

**The Importation of Animals and Related Products  
(Miscellaneous Amendment and Revocation) (Scotland) Order  
2023**

*Made* - - - - 21st December 2023

*Laid before the Scottish Parliament* 22nd December 2023

*Coming into force* - - 1st January 2024

The Scottish Ministers make the following Order in exercise of the powers conferred by sections 1, 10(1) and (2), 29, 87(2) and 88(2) of the Animal Health Act 1981(a) and all other powers enabling them to do so.

**Citation, Commencement and Extent**

**1.**—(1) This Order may be cited as the Importation of Animals and Related Products (Miscellaneous Amendment and Revocation) (Scotland) Order 2023 and comes into force on 1 January 2024.

(2) This Order extends to Scotland only.

**Amendment of the Rabies (Importation of Dogs, Cats and Other Mammals) Order 1974**

**2.**—(1) The Rabies (Importation of Dogs, Cats and Other Mammals) Order 1974(b) is amended as follows.

(2) In article 4(2) (prohibition on landing of animals in Great Britain) after sub-paragraph (d) insert—

“(e) a dog, cat or ferret which is subject to the Trade in Animals and Related Products (Scotland) Regulations 2012(c) and complies with the trade requirements.”.

**Amendment of the Importation of Animals Order 1977**

**3.**—(1) The Importation of Animals Order 1977(d) is amended as follows.

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- (a) 1981 c. 22. The power to make Orders was originally conferred on “the Ministers” as defined in section 86(1) of that Act. The functions of the Ministers were, insofar as within devolved competence, transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c. 46).
- (b) S.I. 1974/2211. Article 4 was amended by S.I. 1984/1182, S.I. 2011/2883, S.S.I. 2012/177, S.I. 2019/782 and S.I. 2020/1388.
- (c) S.S.I. 2012/177.
- (d) S.I. 1977/944.

(2) In article 3 (prohibition on landing of imported animals in Great Britain otherwise than under licence) after paragraph (1) insert—

“(1A) Paragraph (1) does not apply to the landing of imported animals to which Commission Regulation (EU) No 206/2010 of 12 March 2010 laying down lists of third countries, territories or parts thereof authorised for the introduction into the European Union of certain animals and fresh meat and the veterinary certification requirements(a) applies.”.

#### **Amendment of the Importation of Birds, Poultry and Hatching Eggs Order 1979**

**4.**—(1) The Importation of Birds, Poultry and Hatching Eggs Order 1979(b) is amended as follows.

(2) In article 4 (prohibition of landing of poultry and eggs) after paragraph (1) insert—

“(1A) Paragraph (1) does not apply to the landing of any poultry or eggs to which either of the following instruments apply—

- (a) Commission Regulation (EC) No 798/2008 of 8 August 2008 laying down a list of third countries, territories, zones or compartments from which poultry and poultry products may be imported into and transit through the Community and the veterinary certification requirements(c), or
- (b) Commission Implementing Regulation (EU) No 139/2013 of 7 January 2013 laying down animal health conditions for imports of certain birds into the Union and the quarantine conditions thereof(d).”.

#### **Amendment of the Importation of Embryos, Ova and Semen Order 1980**

**5.**—(1) The Importation of Embryos, Ova and Semen Order 1980(e) is amended as follows.

(2) In article 4 (prohibition of landing of embryos, ova or semen)—

- (a) in paragraph (1) for “paragraph” substitute “paragraphs (1A) or”, and
- (b) after paragraph (1) insert—

“(1A) Paragraph (1) does not apply to the landing of any embryos, ova or semen to which any of the following instruments apply—

- (a) Commission Decision of 4 January 2006 establishing the animal health and veterinary certification requirements for imports into the Community of bovine embryos(f),
- (b) Commission Decision of 22 July 2008 establishing the list of third countries from which Member States authorise imports of ova and embryos of the porcine species(g),
- (c) Commission Decision of 26 August 2010 on imports of semen, ova and embryos of animals of the ovine and caprine species into the Union(h),
- (d) Commission Implementing Decision of 20 September 2011 on imports into the Union of semen of domestic animals of the bovine species(i),
- (e) Commission Implementing Decision of 1 March 2012 on imports into the Union of semen of domestic animals of the porcine species(j), or

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(a) EUR 2010/206 as amended by S.I. 2020/1462, S.I. 2022/735 and S.I. 2023/217.

(b) S.I. 1979/1702.

(c) EUR 2008/798 as amended by S.I. 2020/1462, S.I. 2021/211, S.I. 2022/735, S.I. 2022/1315 and S.I. 2023/217.

(d) EUR 2013/139 as amended by S.I. 2020/1462, S.I. 2021/1229, and S.I. 2022/735.

(e) S.I. 1980/12. Article 4 was amended by S.I. 1984/1326.

(f) EUDN 2006/168 as amended by S.I. 2020/1462 and S.I. 2022/735.

(g) EUDN 2008/636 as amended by S.I. 2020/1462.

(h) EUDN 2010/472 as amended by S.I. 2020/1462 and S.I. 2022/735.

(i) EUDN 2011/630 as amended by S.I. 2020/1462 and S.I. 2022/735.

(j) EUDN 2012/137 as amended by S.I. 2020/1462 and S.I. 2022/735.

- (f) Commission Implementing Regulation (EU) 2018/659 of 12 April 2018 on the conditions for the entry into the Union of live equidae and of semen, ova and embryos of equidae(a).”.

### **Amendment of the Importation of Animal Products and Poultry Products Order 1980**

6.—(1) The Importation of Animal Products and Poultry Products Order 1980(b) is amended as follows.

- (2) At the end of article 1A (scope) insert “or to any importation from Northern Ireland”.

### **Revocations**

7. The following orders are revoked—

- (a) the Hares (Control of Importation) Order 1965(c),
- (b) the Importation of Processed Animal Protein Order 1981(d),
- (c) the Importation of Processed Animal Protein (Amendment) Order 1982(e),
- (d) the Importation of Salmonid Viscera Order 1986(f),
- (e) in schedule 2 of the Channel Tunnel (Amendment of Agriculture, Fisheries and Food Import Legislation) Order 1990(g), the entries for the Hares (Control of Importation) Order 1965 and the Importation of Processed Animal Protein Order 1981.

*GILLIAN MARTIN*

Authorised to sign by the Scottish Ministers

St Andrew's House  
Edinburgh  
21st December 2023

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(a) EUR 2018/659 as amended by S.I. 2020/1462 and S.I. 2022/735.  
(b) S.I. 1980/14. Article 1A was inserted by S.S.I. 2012/177.  
(c) S.I. 1965/2040.  
(d) S.I. 1981/677.  
(e) S.I. 1982/459.  
(f) S.I. 1986/2265.  
(g) S.I. 1990/2371.

## EXPLANATORY NOTE

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

This Order amends or revokes several orders made or having effect under the Animal Health Act 1981 which prohibit the importation of animals and related products, except under the authority of a licence.

Article 2 amends the Rabies (Importation of Dogs, Cats and Other Mammals) Order 1974, which regulates the importation into Great Britain of certain orders of mammals. It amends that order to provide that the prohibition on landing does not apply to dogs, cats and ferrets which meet requirements for importation provided for in retained EU law.

Article 3 amends the Importation of Animals Order 1977, which regulates the importation into Great Britain of ruminating animals, swine and elephants. It amends that order to provide that the prohibition on landing such animals, otherwise than under a licence, does not apply where the authorisation for importation of such animals is provided for in retained direct EU legislation.

Article 4 amends the Importation of Birds, Poultry and Hatching Eggs Order 1979, which regulates the importation into Great Britain of poultry, hatching eggs and captive birds. It amends that order to provide that the prohibition on landing poultry, hatching eggs and captive birds, otherwise than under a licence, does not apply where the authorisation for importation is provided for in retained direct EU legislation.

Article 5 amends the Importation of Embryos, Ova and Semen Order 1980, which regulates the importation into Great Britain of the embryos, ova and semen of any mammal (except humans) and the semen of poultry. It amends that order to provide that the prohibition on landing embryos, ova and semen, otherwise than under a licence, does not apply where the authorisation for importation is provided for in retained direct EU legislation.

Article 6 amends the Importation of Animal Products and Poultry Products Order 1980 which prohibits the importation into Great Britain of animal and poultry products otherwise than under a licence. It amends that Order to provide that the prohibition does not apply to animal and poultry products imported from Northern Ireland.

Article 7 revokes the Hares (Control of Importation) Order 1965, the Importation of Processed Animal Protein Order 1981, provisions amending those instruments and the Importation of Salmonid Viscera Order 1986, which are unnecessary because of other applicable legislation.

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