
SCOTTISH STATUTORY INSTRUMENTS

2019 No. 71

**EXITING THE EUROPEAN UNION
ANIMALS**

**The Animal Health (EU Exit) (Scotland)
(Amendment) Regulations 2019**

Made - - - - 21st February 2019

Laid before the Scottish

Parliament - - - - 25th February 2019

Coming into force in accordance with regulation 1

The Scottish Ministers make these Regulations in exercise of the powers conferred by section 2(2) of the European Communities Act 1972 ^{F1}, paragraph 1(1) and (3) of schedule 2 and paragraph 21(b) of schedule 7 of the European Union (Withdrawal) Act 2018 ^{F2} and all other powers enabling them to do so.

F1 1972 c.68. Section 2(2) was amended by paragraph 15(3) of schedule 8 of the [Scotland Act 1998 \(c.46\)](#) (“the 1998 Act”) (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 Part 1 of the schedule of the [European Union \(Amendment\) Act 2008 \(c.7\)](#) (“the 2008 Act”). The functions conferred upon the Minister of the Crown under section 2(2), insofar as exercisable within devolved competence, were transferred to the Scottish Ministers by virtue of section 53 of the 1998 Act. It is prospectively repealed by the [European Union \(Withdrawal\) Act 2018 \(c.16\)](#), [section 1](#) from exit day (see [section 20](#) of that Act).

F2 2018 c.16.

PART 1

INTRODUCTION

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Animal Health (EU Exit) (Scotland) (Amendment) Regulations 2019 and come into force—

(a) as regards this Part and Part 2, on 28 March 2019,

Status: This version of this Instrument contains provisions that are prospective.
Changes to legislation: There are currently no known outstanding effects for the The Animal Health (EU Exit) (Scotland) (Amendment) Regulations 2019. (See end of Document for details)

- (b) as regards Part 3, on exit day.
 (2) These Regulations extend to Scotland only.

Commencement Information

- I1** Reg. 1 in force at 28.3.2019, see reg. 1(1)(a)

PART 2

AMENDMENT OF REFERENCES IN SECONDARY LEGISLATION

The Foot-and-Mouth Disease (Scotland) Order 2006

2. In article 2(1) (interpretation) of the Foot-and-Mouth Disease (Scotland) Order 2006 ^{F3}—
- (a) in the definition of “the Directive”, insert at the end “, as last amended by Commission Implementing Decision (EU) 2018/1099 ^{F4}”,
- (b) in the definition of “health marked”, after “consumption” insert “, as last amended by Commission Implementing Regulation (EU) 2018/981 ^{F5}”,
- (c) in the definition of “identification marked”, after “origin” insert “, as last amended by Commission Regulation (EU) 2017/1981 ^{F6}”,
- (d) in the definition of “Regulation (EC) (No.) 1069/2009” insert at the end “, as last amended by Council Regulation (EU) No 1385/2013 ^{F7}”,
- (e) in the definition of “slaughterhouse”—
- (i) in paragraph (a), insert at the end “, as last amended by Commission Implementing Regulation (EU) 2018/1587 ^{F8}”,
- (ii) in paragraph (b), for “) was” substitute “, as last amended by Commission Regulation (EU) 2017/1981 was ”.

F3 S.S.I. 2006/44, relevant amending instruments are S.S.I. 2007/455, S.S.I. 2011/171, S.S.I. 2012/321, S.S.I. 2013/173, S.S.I. 2013/307 and S.S.I. 2018/391. The amendments made by S.S.I. 2018/391 come into force on 28 February 2019.

F4 OJ L 197, 3.8.2018, p.11.

F5 OJ L 176, 12.7.2018, p.11.

F6 OJ L 285, 1.11.2017, p.10.

F7 OJ L 354, 28.12.2013, p.86, corrected by Corrigendum to Council Regulation (EU) No 1385/2013 (OJ L 122, 17.5.2018, p.35).

F8 OJ L 264, 23.10.2018, p.20.

Commencement Information

- I2** Reg. 2 in force at 28.3.2019, see reg. 1(1)(a)

The Foot-and-Mouth Disease (Slaughter and Vaccination) (Scotland) Regulations 2006

3. In regulation 2(1) (interpretation) of the Foot-and-Mouth Disease (Slaughter and Vaccination) (Scotland) Regulations 2006 ^{F9}—

- (a) in the definition of “the Directive”, insert at the end “ , as last amended by Commission Implementing Decision (EU) 2018/1099 ”,
- (b) in the definition of “health marked”, after “consumption” insert “ , as last amended by Commission Implementing Regulation (EU) 2018/981 ”,
- (c) in the definition of “identification marked”, after “origin” insert “ , as last amended by Commission Regulation (EU) 2017/1981 ”,
- (d) in the definition of “slaughterhouse”—
 - (i) in paragraph (a), insert at the end “ , as last amended by Commission Implementing Regulation (EU) 2018/1587 ”,
 - (ii) in paragraph (b), for “) was” substitute “ , as last amended by Commission Regulation (EU) 2017/1981 was ”.

F9 [S.S.I. 2006/45](#), relevant amending instruments are [S.S.I. 2011/171](#), [S.S.I. 2012/321](#), [S.S.I. 2013/173](#), [S.S.I. 2013/307](#) and [S.S.I. 2018/391](#). The amendments made by [S.S.I. 2018/391](#) come into force on 28 February 2019.

Commencement Information

I3 Reg. 3 in force at 28.3.2019, see reg. 1(1)(a)

The Avian Influenza and Influenza of Avian Origin in Mammals (Scotland) Order 2006

4.—(1) The Avian Influenza and Influenza of Avian Origin in Mammals (Scotland) Order 2006^{F10} is amended as follows.

- (2) In article 2 (interpretation)—
 - (a) omit the definition of “competent authority”,
 - (b) omit the definition of “the Directive”,
 - (c) in the definition of “hatchery”, for the words from “has the same” to the end substitute “ means an establishment for incubating eggs, hatching and supplying chicks ”,
 - (d) in the definition of “packing centre”, insert at the end “ , as last amended by Commission Delegated Regulation (EU) 2017/2168^{F11} ”.

(3) In paragraph 17(j) of schedule 4 (measures in a protection zone), for the words from “in accordance with” to “foodstuffs” substitute “ as referred to in Chapter II of Section X of Annex III to Regulation (EC) No 853/2004 of the European Parliament and of the Council laying down specific hygiene rules for food of animal origin^{F12} ”.

F10 [S.S.I. 2006/336](#), relevant amending instruments are [S.S.I. 2008/129](#), [S.S.I. 2008/395](#), [S.S.I. 2013/173](#) and [S.S.I. 2018/391](#). The amendments made by [S.S.I. 2018/391](#) come into force on 28 February 2019.

F11 OJ L 306, 22.11.2017, p.6.

F12 OJ L 139, 30.4.2004, p.55.

Commencement Information

I4 Reg. 4 in force at 28.3.2019, see reg. 1(1)(a)

The Avian Influenza (Slaughter and Vaccination) (Scotland) Regulations 2006

5. In regulation 2(1) (interpretation) of the Avian Influenza (Slaughter and Vaccination) (Scotland) Regulations 2006^{F13}—

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Changes to legislation: There are currently no known outstanding effects for the The Animal Health (EU Exit) (Scotland) (Amendment) Regulations 2019. (See end of Document for details)

- (a) omit the definition of “competent authority”,
- (b) in the definition of “hatchery”, for the words from “has the same” to the end substitute “ means an establishment for incubating eggs, hatching and supplying chicks ”,
- (c) in the definition of “packing centre”, insert at the end “ , as last amended by Commission Delegated Regulation (EU) 2017/2168 ”,
- (d) in the definition of “slaughterhouse”, in sub-paragraph (a), for “Commission Regulation (EU) 2018/455” substitute “ Commission Implementing Regulation (EU) 2018/1587 ”.

F13 [S.S.I. 2006/337](#), relevant amending instruments are [S.S.I. 2008/129](#), [S.S.I. 2008/395](#), [S.S.I. 2013/173](#) and [S.S.I. 2018/391](#). The amendments made by [S.S.I. 2018/391](#) come into force on 28 February 2019.

Commencement Information

I5 Reg. 5 in force at 28.3.2019, see reg. 1(1)(a)

The Avian Influenza (H5N1 in Wild Birds) (Scotland) Order 2007

6. In article 2 (interpretation) of the Avian Influenza (H5N1 in Wild Birds) (Scotland) Order 2007^{F14}, in the definition of “Regulation (EC) No. 853/2004”, for “853” substitute “ 853/2004 ”.

F14 [S.S.I. 2007/61](#), relevant amending instruments are [S.S.I. 2011/171](#), [S.S.I. 2013/307](#) and [S.S.I. 2018/391](#). The amendments made by [S.S.I. 2018/391](#) comes into force on 28 February 2019.

Commencement Information

I6 Reg. 6 in force at 28.3.2019, see reg. 1(1)(a)

The Avian Influenza (H5N1 in Poultry) (Scotland) Order 2007

7.—(1) The Avian Influenza (H5N1 in Poultry) (Scotland) Order 2007^{F15} is amended as follows.

(2) In article 2 (interpretation)—

- (a) omit the definition of “the Commission Decision”,
- (b) in the definition of “competent authority”, for the words from “in a” to the end substitute “ which, immediately before Commission Decision 2006/415 concerning certain protection measures in relation to highly pathogenic avian influenza of the subtype H5N1 in poultry in the Community and repealing Decision 2006/135/EC ceased to have effect, was responsible for compliance with obligations provided for in that Decision^{F16} ”,
- (c) after the definition of “protection zone” insert—

““Regulation (EC) No. 853/2004” means Regulation (EC) No 853/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific hygiene rules for food of animal origin”.

(3) Omit article 5 (areas A and B).

(4) In article 11(2)(b)(i) (restrictions on the movement of wild game bird products) omit the words from “of the European Parliament” to the end.

F15 [S.S.I. 2007/62](#), relevant amending instruments are [S.S.I. 2011/171](#), [S.S.I. 2013/173](#), [S.S.I. 2013/307](#) and [S.S.I. 2018/391](#). The amendments made by [S.S.I. 2018/391](#) come into force on 28 February 2019.

F16 OJ L 164, 16.6.2006, p.51 (“the Decision”). The Decision was last amended by Commission Implementing Decision (EU) 2017/2410 of 20 December 2017 amending Decisions 2006/415/EC

and 2007/25/EC and Implementing Decision 2013/657/EU concerning certain protection measures in relation to highly pathogenic avian influenza (OJ L 342, 21.12.2017, p. 13) which in particular amended Article 12 of the Decision to provide that the Decision was to apply until 31 December 2018.

Commencement Information

I7 Reg. 7 in force at 28.3.2019, see reg. 1(1)(a)

The Cattle Identification (Scotland) Regulations 2007

8. In schedule 3 (cattle passports etc), Part 2 (movement and cattle passports), paragraph 18(1) (export to third countries) of the Cattle Identification (Scotland) Regulations 2007 ^{F17} omit “In accordance with Article 6(5) of Regulation (EC) No 1760/2000,”.

F17 [S.S.I. 2007/174](#).

Commencement Information

I8 Reg. 8 in force at 28.3.2019, see reg. 1(1)(a)

The Products of Animal Origin (Disease Control) (Scotland) Order 2008

9.—(1) The Products of Animal Origin (Disease Control) (Scotland) Order 2008 ^{F18} is amended as follows.

(2) In article 2 (interpretation), after the definition of “premises” insert—
““Regulation No. 853/2004” means Regulation (EC) No 853/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific hygiene rules for food of animal origin”.

(3) In schedule 3 (special identification mark).

- (a) in paragraph (1)(a) (identification mark on restricted meat from animals) omit the words from “of the European Parliament” in the first place they occur to the end,
- (b) in paragraph (3) (identification mark on restricted meat from poultry)—
 - (i) omit sub-paragraph (a),
 - (ii) omit the “or” before sub-paragraph (b).

F18 [S.S.I. 2008/158](#), relevantly amended by [S.S.I. 2009/174](#).

Commencement Information

I9 Reg. 9 in force at 28.3.2019, see reg. 1(1)(a)

The Sheep and Goats (Records, Identification and Movement) (Scotland) Order 2009

10. In article 2(1) (interpretation) of the Sheep and Goats (Records, Identification and Movement) (Scotland) Order 2009 ^{F19}, in the definition of “slaughterhouse”, insert at the end “, as last amended by Commission Implementing Regulation (EU) 2018/981 ”.

F19 [S.S.I. 2009/414](#), amended by [S.S.I. 2018/391](#). The amendments made by [S.S.I. 2018/391](#) come into force on 28 February 2019.