Status: *This version of this Instrument contains provisions that are prospective.*
Changes to legislation: *There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Animals and Animal Products (Import and Export) (Scotland) Amendment Regulations 2005. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

SCOTTISH STATUTORY INSTRUMENTS

2005 No. 278

ANIMALS

ANIMAL HEALTH

The Animals and Animal Products (Import and Export) (Scotland) Amendment Regulations 2005

Made - - - -	*25th May 2005*
Laid before the Scottish Parliament - - - -	*26th May 2005*
Coming into force - -	*1st July 2005*

The Scottish Ministers, in exercise of the powers conferred by section 2(2) of the European Communities Act 1972(**1**) and of all other powers enabling them in that behalf, hereby make the following Regulations:

PROSPECTIVE

Citation and Commencement

1. These Regulations may be cited as the Animals and Animal Products (Import and Export) (Scotland) Amendment Regulations 2005 and shall come into force on 1st July 2005.

Commencement Information
I1 Reg. 1 in force at 1.7.2005, see **reg. 1**

Amendment to the Animals and Animal Products (Import and Export) (Scotland) Regulations 2000

2.—(1) The Animals and Animal Products (Import and Export) (Scotland) Regulations 2000(**2**) are amended in accordance with the following paragraphs of this regulation.

(2) For regulation 6 substitute–

(**1**) 1972 c. 68. Section 2(2) was amended by the Scotland Act 1998 (c. 46), Schedule 8, paragraph 15(3). The functions conferred upon the Minister of the Crown under section 2(2) of the 1972 Act, insofar as within devolved competence, were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998.
(**2**) S.S.I. 2000/216, as amended by S.S.I. 2000/300, S.S.I. 2002/125 and S.S.I. 2002/196.

"**6.**—(1) No person shall import from another member State any animal or animal product subject to a Directive or other measure listed in Part I of Schedule 3 and in free circulation in another member State unless it complies with the relevant provisions of that Directive or measure and any additional requirements specified in Part I of Schedule 3.

(2) Where an animal subject to a Directive or other measure listed in Part 1 of Schedule 3 is imported from another Member State either for entry into the UK or by way of transit to another Member State, the importer, and the person in charge of the animal, if different, shall comply with all the relevant provisions of that Directive or other measure until it arrives at its place of destination or leaves Scotland, as the case may be.

(3) If an animal is imported for slaughter, other than an animal taken to an assembly centre, the importer shall ensure that it is slaughtered without undue delay; and if it is not slaughtered without undue delay, an inspector may by notice served on the importer, his representative or person in charge of the animal require the animal to be slaughtered as may be specified in the notice.

(4) Where cattle, pigs, sheep or goats are imported for slaughter and are taken to an assembly centre, the importer shall ensure that they are removed from the assembly centre directly to a slaughterhouse and slaughtered there–

(a) in the case of sheep and goats within 5 days of their arrival at the assembly centre; and

(b) in the case of cattle and pigs within 3 days of their arrival at the assembly centre.

(5) Where an animal to which paragraph (4) applies is not slaughtered within the specified period, an inspector may by notice served upon the importer, their representative, or person in charge of the animal require the animal to be slaughtered as may be specified in the notice.

(6) In the event of a notice served under paragraphs (3) or (5) not being complied with an inspector may seize or cause to be seized any animal to which the notice relates and arrange for the requirements of the notice to be complied with.".

(3) In regulation 7(4) for "cattle or pigs" substitute "cattle, pigs, sheep or goats".

(4) In regulation 8(4) for "cattle and pigs" substitute "cattle, pigs, sheep or goats".

(5) In regulation 12–

(a) for paragraph (2) substitute–

"(2) The assembly centre shall be approved by the Scottish Ministers and given a number, and approval shall only be given if the Scottish Ministers are satisfied that–

(a) in the case of an assembly centre used for cattle or pigs, the centre complies with the requirements of paragraphs (a) to (d) of Article 11.1 of Council Directive 64/432/EEC(**3**);

(b) in the case of an assembly centre used for sheep or goats, the centre complies with the requirements of paragraph (a) to (d) of Article 8a(1) of Council Directive 91/68/EEC(**4**); and

(c) the operator of the assembly centre has agreed to comply with any requirements as may be specified by the inspector as to the operation of that centre which an inspector believes are necessary to ensure the centre is capable of being operated in accordance with the second indent of Article 3(2) of Council Directive 90/425/EEC(**5**).".; and

(**3**) O.J. No. L 121, 29.7.1964 p.1977/64. Directive last amended by Commission Regulation (EC) No. 1226/2002 (O.J. No. L 179, 9.7.2002, p.13).
(**4**) O.J. No. L 46, 19.2.1991, p.19. Directive as last amended by Council Directive 2003/50/EC (O.J. No. L 169, 8.7.2003, p.51).
(**5**) O.J. No. L 224, 18.8.90, p.29.

(b) for paragraph (4)(b) substitute–

"(b) record on a register–

(i) in the case of cattle, pigs, sheep and goats, the name of the owner, the registration number, the transporter and the licence number of the lorry delivering or collecting animals from the centre;

(ii) in the case of cattle, the origin, date of entry and exit, number and identification number and the proposed destination as well as the information in sub-paragraph (4)(b)(i) above;

(iii) in the case of pigs, the registration number of the holding of origin or of the herd of origin and the proposed destination as well as the information in sub-paragraph (4)(b)(i) above; and

(iv) in the case of sheep and goats, the identification of the animals, or the registration number of the holding of origin of the animals, and, where applicable, the approval or registration number of any assembly centre through which the animals have passed prior to entering the centre as well as the information in sub-paragraph (4)(b)(i) above,

and shall preserve the register for a minimum of 3 years.".

(6) In Schedule 3, Part I, paragraph 2–

(a) after the entry for Council Directive 93/60/EEC(**6**) insert–

"Council Directive 2003/43/EC (O.J. No. L 143, 11.6.2003, p.23); and

Commission Decision 2004/101/EC (O.J. No. L30, 4.2.2004, p.15),"; and

(b) after "Relevant provisions:" for "Articles 3 4.1 and 6" substitute "Articles 3 and 6".

(7) In Schedule 3, Part I, paragraph 9–

(a) after the entry for Commission Decision 2001/327/EC(**7**) insert–

"Council Directive 2003/50/EC (O.J. No. L 169, 8.7.2003, p.51).."; and

(b) after "Relevant provisions:" for "Articles 4, 5, 6 and 9" substitute "Articles 3, 4, 4a, 4b, 4c, 5, 6 and 9".

(8) In Schedule 3 for Parts II and III substitute–

"PART II

ADDITIONAL REQUIREMENTS FOR THE TRANSPORT OF CATTLE, PIGS, SHEEP AND GOATS

1. Any person transporting cattle, pigs, sheep or goats in intra Community trade shall do so in accordance with this Part.

2. He shall, for each vehicle used for the transport of those animals, keep a register containing the following information, and shall keep the register for 3 years–

(a) places and dates of pick up, and the name or business name and address of the holding or assembly centre where the animals are picked up;

(b) places and dates of delivery, and the name or business name and address of the consignee;

(c) species and number of animals carried;

(**6**) O.J. No. L 186, 28.7.93, p.28.
(**7**) O.J. No. L 115, 25.4.01, p.12.