Changes to legislation: *There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Import and Export Restrictions (Foot-and-Mouth Disease) (Scotland) (No. 3) Regulations 2001. 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

2001 No. 429

ANIMALS

ANIMAL HEALTH

The Import and Export Restrictions (Foot-and-Mouth Disease) (Scotland) (No. 3) Regulations 2001

Made - - - -	*20th November 2001*
Laid before the Scottish Parliament - - - -	*22nd November 2001*
Coming into force at 1.30 p.m. on - - - - - -	*20th November 2001*

The Scottish Ministers in exercise of the powers conferred by section 2(2) of the European Communities Act 1972[F1] and of all other powers enabling them in that behalf, hereby make the following Regulations:

F1 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.

Citation, commencement, extent and cessation

1.—(1) These Regulations may be cited as the Import and Export Restrictions (Foot-and-Mouth Disease) (Scotland) (No. 3) Regulations 2001 and shall come into force at 1.30 p.m. on 20th November 2001.

(2) These Regulations extend to Scotland only.

(3) These Regulations shall remain in force until midnight on 31st December 2001.

Interpretation

2.—(1) In these Regulations, unless the context otherwise requires–

"approved" means approved in accordance with regulation 3;

"the Decision" means Commission Decision 2001/740/EC of 19th October 2001 (concerning certain protection measures with regard to foot-and-mouth disease in the United Kingdom

and repealing Commission Decision 2001/356/EC) [F2] as amended by Commission Decision 2001/763/EC[F3] and Commission Decision 2001/789/EC[F4];

"dispatch" means dispatch from a place within the restricted area to a place outside the restricted area and includes consigning for dispatch;

"export" means export outside the British Islands and includes consigning for export, and "exporting" and "exported" shall be construed accordingly;

"inspector" means a person appointed to be an inspector for the purposes of these Regulations, the Products of Animal Origin (Import and Export) Regulations 1996 [F5] or the Animals and Animal Products (Import and Export) (Scotland) Regulations 2000 [F6] by the Scottish Ministers or a local authority, and when used in relation to a person so appointed by the Scottish Ministers, includes a veterinary inspector;

"HACCP" means Hazard Analysis at Critical Control Points, which is a system in which the critical points of the manufacturing process have been identified, assessments have been made of the potential risks at those points, and necessary steps have been taken to minimise those risks;

"local authority" means a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 [F7];

"meat products" means meat products as defined in Article 2 of Council Directive 77/99/EEC (on health problems affecting the production and marketing of meat products and certain other products of animal origin) [F8];

"milk" and "milk products" have the meaning given in Article 2 of Council Directive 92/46/EC (laying down the health rules for the production and placing on the market of raw milk, heat-treated milk and milk-based products) [F9];

"official veterinary surgeon" means a person appointed as such under regulation 8 of the Fresh Meat (Hygiene and Inspection) Regulations 1995 [F10], under regulation 8 of the Poultry Meat, Farmed Game Bird Meat and Rabbit Meat (Hygiene and Inspection) Regulations 1995 [F11] or under regulation 6 of the Wild Game Meat (Hygiene and Inspection) Regulations 1995 [F12] as the case may be.

"port of import" means the ports of Cairnryan, Dover and Stranraer;

"restricted area" means the British Islands other than Northern Ireland and the Isle of Man. "semen collection centre" means a semen collection centre authorised by the Scottish Ministers for the purposes of regulation 10(2)(c) for the dispatch of frozen bovine or porcine semen.

(2) A reference in these Regulations to anything done in writing or produced in written form includes a reference to an electronic communication, as defined in the Electronic Communications Act 2000 [F13], which has been recorded and is consequently capable of being reproduced.

(3) Unless the context otherwise requires, any reference in these Regulations–

(a) to a numbered regulation is a reference to the regulation so numbered in these Regulations;

(b) to a numbered paragraph is a reference to the paragraph so numbered in the regulation in which it occurs;

(c) to a numbered Schedule is a reference to the Schedule so numbered in these Regulations.

(4) Unless the context otherwise requires, any reference in these Regulations (or in a certificate required by virtue of these Regulations) to Commission Decision 2001/172/EC or Commission Decision 2001/356/EC shall be construed as a reference to the Decision.

F2 O.J. No. L 227, 20.10.01, p.30. Commission Decision 2001/356/EC (O.J. No. L 125, 5.5.01).
F3 O.J. No. L 287, 31.10.01, p. 36.

F4 O.J. No. L 295, 13.11.01, p.25.
F5 S.I. 1996/3124.
F6 S.S.I. 2000/216.
F7 1994 c.39.
F8 O.J. No. L 26, 31.1.77, p.85 as last amended by Directive 92/45/EEC (O.J. No. L 268, 14.9.92, p.35).
F9 O.J. No. L 268, 14.9.92, p.1 as last amended by Council Directive 94/71/EC (O.J. No. L 368, 31.12.94, p.33).
F10 S.I. 1995/539, amended by S.I. 1995/731, 1763, 2148, 2200, 3124 and 3189, 1996/1148 and 2235, 1997/1729 and 2074, S.S.I. 2000/62, 171, 288 and 2001/160, 358 and 394.
F11 S.I. 1995/540, amended by S.I. 1995/1763, 2148, 2220 and 3205, 1997/1729, S.S.I. 2000/62, 171 and 288.
F12 S.I. 1995/2148, amended by S.I. 1995/3205 and S.S.I. 2000/62.
F13 2000 c.7.

Approvals

3.—(1) The Scottish Ministers may approve premises for the purposes of these Regulations if they are satisfied that the occupier of the premises will comply with–

(a) the conditions specified in these Regulations; and

(b) such additional conditions as the Scottish Ministers may impose.

(2) Any approval shall be in writing and may be amended, suspended or revoked by notice in writing at any time if the Scottish Ministers are reasonably of the opinion that the conditions specified in these Regulations or any such additional conditions are not being complied with.

(3) In relation to any premises which are in a part of the British Islands outside Scotland, any requirement for approval (so far as necessary for the purposes of these Regulations) shall be treated as fulfilled if such premises are approved by the relevant competent authority for the purposes of the Decision.

Importation of live animals

4.—(1) No person shall import any live animal of species susceptible to foot-and-mouth disease into Scotland from another member State.

(2) Paragraph (1) shall not apply–

(a) in relation to animals brought into one of the areas in Scotland specified in Schedule 1 from Dover; or

(b) in relation to animals brought into Scotland at Cairnryan or Stranraer for movement to one of the areas specified in Schedule 1,

provided that the conditions specified at paragraph (3) are met.

(3) The conditions referred to in paragraph (2) are–

(a) the transport must be subject to authorisation by the competent authorities at the place from which the animals are sent;

(b) the Scottish Ministers must be notified by those competent authorities, at least three days before arrival in Scotland, of the details of the consignment, the journey and the port of import;

(c) before the animals are imported the importer must have obtained a specific movement licence under the Foot-and-Mouth Disease Order 1983 [F14] permitting movement from the port of import to the place of destination;

(d) the animals must enter through a port of import;

(e) when animals are brought in by road, each vehicle must contain only a single consignment;

(f) the consignment must be taken directly to a single holding in an area specified in Schedule 1 which is the holding of destination in the specific movement licence referred to in sub-paragraph (c);

(g) after unloading the animals, and before the vehicle departs from Great Britain, the empty vehicle must be moved under a licence issued by an officer of the local authority or the Scottish Ministers to cleansing and disinfection premises approved by the Scottish Ministers;

(h) after cleansing and disinfection the Scottish Ministers shall issue a certificate in the form set out in Schedule 2;

(i) the driver of the vehicle retains the certificate until the vehicle leaves Great Britain and produces it to an inspector on demand.

F14 S. I. 1983/1950 as amended by S. I.. 1993/3119 and 1995/2922 and, as regards Scotland, by S.S.I. 2001/52, 55 and 101, as applied and varied by the Foot-and-Mouth Disease Declaratory (Controlled Area) (Scotland) (No. 3) Order 2001 (S.S.I. 2001/111, as amended by S.S.I. 2001/131, 146, 150, 159, 170, 181, 187, 204 and 246) for, amongst other things, the purpose of issuing movement licences.

Dispatch of live animals

5.—(1) No person shall dispatch any live animal of the bovine, ovine, caprine or porcine species or any other biungulate.

(2) By way of derogation from paragraph (1), the Scottish Ministers may by licence in writing authorise the dispatch of biungulate animals originating outside the restricted area if the animals travelled through the United Kingdom in direct and uninterrupted transit on main roads or by rail or sea.

Dispatch of fresh meat, minced meat and meat preparations

6.—(1) No person shall dispatch any fresh meat of animals of the bovine, ovine, caprine or porcine species or other biungulate coming from the restricted area or obtained from animals originating in that area.

(2) The prohibition in paragraph (1) shall not apply in relation to–

(a) fresh meat, minced meat or meat preparations obtained before 1st February 2001, provided that the meat, minced meat or meat preparations is clearly identified and since that date has been transported and stored separately from meat, minced meat or meat preparations which is not destined for dispatch;

(b) fresh meat obtained from approved cutting plants under the following conditions:–

(i) the only meat processed in the establishment at the time of processing meat destined for dispatch under these Regulations is–

(A) fresh meat described in sub-paragraph (a) above;

(B) fresh meat from animals reared and slaughtered outside the restricted area; or

(C) fresh meat obtained from animals reared and slaughtered within one or more of the areas listed in Schedule 1 in accordance with the conditions in sub-paragraph (d) below;

(ii) cleansing and disinfection must be carried out after processing any meat not meeting the requirements specified in sub-sub-paragraph (i) above;

(iii) all the meat must bear the health mark in accordance with Chapter XI of Annex I to Council Directive 64/433/EEC (on health problems affecting the production and marketing of meat products and certain other products of animal origin) as amended [F15] or, in the case of meat from farmed game of species susceptible to foot-and-mouth disease, the health mark provided for in Chapter III of Annex I to Council Directive 91/495/EEC (concerning public health and animal health problems affecting the production and placing on the market of rabbit meat and farmed game meat) as amended [F16] or in the case of wild game of species susceptible to foot-and-mouth disease, in accordance with the provisions of Chapter VII of Annex I of Council Directive 92/45/EEC as amended [F17];

(iv) the plant is operated under strict veterinary control; and

(v) the meat is clearly identified and transported and stored separately from meat which is not destined for dispatch;

(c) minced meat and meat preparations obtained from establishments approved under the Minced Meat and Meat Preparations (Hygiene) Regulations 1995 [F18] and approved under these Regulations under the following conditions:–

(i) the only meat processed in the establishment at the time of processing meat destined for dispatch under these Regulations is–

(A) fresh meat described in sub-paragraph (a) above;

(B) fresh meat from animals reared and slaughtered outside the restricted area; or

(C) fresh meat obtained from animals reared and slaughtered within one or more of the areas listed in Schedule 1 in accordance with the conditions in sub-paragraph (d) below;

(ii) cleansing and disinfection must be carried out after processing any meat not meeting the requirements specified in sub-sub-paragraph (i) above;

(iii) all the minced meat and meat preparations must bear the health mark in accordance with Chapter VI of Annex 1 to Council Directive 94/65/EC[F19] (laying down the requirements for the production and placing on the market of minced meat and meat preparations);

(iv) the plant is operated under strict veterinary control; and

(v) the meat, minced meat and meat preparations are clearly identified and transported and stored separately from meat, minced meat and meat preparations which are not destined for dispatch;

(d) fresh meat obtained from bovine, ovine, caprine or porcine animals or farmed game of species susceptible to foot-and-mouth disease and conforming to the following conditions:–

(i) there has been no outbreak of foot-and-mouth disease in the same area listed in Schedule 1 during the period of 90 days prior to the date of dispatch;

(ii) during the period of 30 days prior to the date of transport to a slaughterhouse, the animals were subject to the supervision of the relevant competent authority on a single holding situated within one of the areas listed in Schedule 1 in the centre of a circle around the holding of at least 10 km radius where there has been no outbreak of foot-and-mouth disease during the said period of 30 days;

(iii) no animal of species susceptible to foot-and-mouth disease has been introduced into the holding referred to in sub-paragraph (d)(ii) above during the period of 30 days prior to the date of loading, or in the case of farmed game prior to on-farm