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. 2) Amendment (No. 4) 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. 394

ANIMALS

ANIMAL HEALTH

The Import and Export Restrictions (Foot-and-Mouth Disease) (Scotland) (No. 2) Amendment (No. 4) Regulations 2001

Made - - - -	*24th October 2001*
Laid before the Scottish Parliament - - - -	*26th October 2001*
Coming into force - -	*24th October 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 and cessation

1.—(1) These Regulations may be cited as the Import and Export Restrictions (Foot-and-Mouth Disease) (Scotland) (No. 2) Amendment (No. 4) Regulations 2001 and shall come into force at 5.00 p.m. on 24th October 2001.

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

Amendment to the Import and Export Restrictions (Foot-and-Mouth Disease) (Scotland) (No. 2) Regulations 2001

2.—(1) The Import and Export Restrictions (Foot-and-Mouth Disease) (Scotland) (No. 2) Regulations 2001 [F2] are amended in accordance with this regulation.

(2) In regulation 1(3) for "midnight on 30th November 2001", there is substituted " midnight on 31st December 2001 ".

(3) In regulation 2–

(a) before the definition of "the Decision", there is inserted–

""approved" means approved in accordance with regulation 2A;";

(b) for the definition of "the Decision", there is substituted–

""the Decision" means the 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) [F3];";

(c) after the definition of "milk" and "milk products", there is inserted–

""official veterinary surgeon" means a person appointed as such under regulation 8 of the Fresh Meat (Hygiene and Inspection) Regulations 1995 [F4];";

(d) in the definition of "semen collection centre" for "regulation 8(2A)", there is substituted " regulation 8(2)(c) "; and

(e) for paragraph (4) there is substituted–

"(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.".

(4) After regulation 2, there is inserted–

" **Approvals**

2A.—(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.".

(5) In regulation 4(2)–

(a) in sub-paragraph (b) before "cutting plants", there is inserted " approved ";

(b) for each of sub-paragraphs (b)(i) and (c)(i), there is substituted–

"(i) the only meat processed in the establishment on the day of processing destined for dispatch 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 the Schedule to these Regulations ("the Schedule");

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

(c) in sub-paragraph (c) before "under the following conditions", there is inserted " and approved under these Regulations ";

(d) after sub-paragraph (c), there is inserted–

";

(d) fresh meat, minced meat or meat preparations obtained from porcine animals reared within one or more of the areas described in the Schedule and conforming to the following conditions–

(i) there has been no outbreak of foot-and-mouth disease within an area in the same group of areas as those listed in the Schedule 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 the Schedule 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, except in the case of pigs coming from a supplying holding which meets the requirements laid down in that sub-paragraph, in which case the period concerned shall be 7 days;

(iv) the animals have been transported under licence in writing granted by the Scottish Ministers where the holding referred to in sub-paragraph (d)(ii) above is situated directly to an approved slaughterhouse situated in one of the areas listed in the Schedule;

(v) the means of transport must have been cleansed and disinfected before loading;

(vi) before it leaves the holding referred to in sub-paragraph (d)(ii) above, the means of transport must be sealed by a person authorized in writing by the Scottish Ministers, and the number of the seal recorded on the licence granted under sub-paragraph (d)(iv) above;

(vii) the person consigning the animals to the slaughterhouse must give at least 72 hours written notice to the official veterinary surgeon at the slaughterhouse that pigs (the meat of which is intended for dispatch under this paragraph) will be sent to that slaughterhouse;

(viii) the seal referred to in sub-paragraph (vi) above must be intact and correctly numbered on examination by an official veterinary surgeon when the means of transport arrives at the slaughterhouse;

(ix) the animals are slaughtered–

(A) within 24 hours of arrival at the slaughterhouse; and

(B) separately from animals, the meat from which, is not eligible for dispatch;

(x) during inspection by the official veterinary surgeon at the slaughterhouse, no evidence of clinical or post-mortem signs of foot-and-mouth disease emerges;

(xi) the meat derived from such animals remains in the slaughterhouse for at least 24 hours after slaughter;

(xii) all such fresh meat must bear the health mark in accordance with Chapter XI of Annex I to Council Directive 64/433/EEC;

(xiii) the slaughterhouse is operated under strict veterinary control;

(xiv) in a case where foot-and-mouth disease has been diagnosed in the slaughterhouse, any further preparation of meat for dispatch shall only be authorized–

(A) after the slaughter of all animals present;

(B) after removal of all meat and dead animals; and

(C) at least 24 hours after the completion of the effective cleansing and disinfection of the establishment under the control of a veterinary inspector;

(xv) the fresh meat must be clearly identified, and transported and stored separately from meat which is not eligible for dispatch;

(xvi) where the meat is subject to further processing in a plant approved under sub-paragraph (b) or (c) of this paragraph, such processing is in accordance with those paragraphs".

(6) In regulation 5(2), the words after "pH value of less than 6" are omitted.

(7) In regulations 5(3)(b), 6(3), 7(3) after "prepared in" each time it occurs, there is inserted " approved ".

(8) In regulation 7–

(a) for paragraph (2)(c) and (d), there is substituted–

"(c) milk products intended for human consumption produced from milk of a pH less than 7.0 and subjected to heat treatment at a temperature of at least 72oC for at least 15 seconds or an equivalent treatment;

(d) milk products destined for dispatch to a third country where import conditions permit such products to be subject to treatment other than laid down in these Regulations which ensures the inactivation of the foot-and-mouth disease virus;";

(b) after paragraph (2)(e) [F5], there is inserted–

"(f) milk products produced from raw milk of bovine, ovine or caprine animals which have been resident for at least 30 days on a holding situated, within the restricted area, in the centre of a circle of at least 10 km radius where no outbreak of foot-and-mouth disease has occurred during the 30 days prior to producing the raw milk, and which are subject to a maturation or ripening process of at least 90 days during which the pH is lowered below 6.0 throughout the substance, and the rind of which has been treated with 0.2% citric acid immediately prior to wrapping or packaging.";

and

(c) after sub-paragraph (3)(d), there is inserted–

"(e) the milk products are only intended for human consumption and all milk products used in the final product will either conform to the conditions of paragraph (3)(a) and (b) above or meet the conditions of paragraph (2)(d) or (f) above.".

(9) In regulation 8–

(a) for paragraphs (2) and (2A) [F6], there is substituted–

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

(a) frozen bovine and porcine semen produced before 1st February 2001;

(b) frozen bovine and porcine semen and bovine embryos imported into the United Kingdom in accordance with the conditions laid down in Council Directives 88/407/EEC, 89/556/EEC, and 90/429/EEC (as amended) [F7] respectively, and which since introduction into the United Kingdom have been stored and transported separately from semen and embryos to which the prohibition in paragraph (1) applies; or

(c) frozen bovine and porcine semen produced in accordance with the provisions of Council Directive 88/407/EEC or Council Directive 90/429/EEC after 30th September 2001 and also approved under these Regulations, subject to the following conditions–

(i) the donor bull or boar showed no clinical sign of foot-and-mouth disease on the day of collection of the semen;

(ii) the donor bull or boar was kept in the semen collection centre for at least three months (which may include the isolation period of at least 30 days in isolation accommodation attached to the semen collection centre) prior to the collection of the semen;

(iii) no animal was introduced into the semen collection centre during the 30 days prior to the collection of the semen;

(iv) the semen collection centre has been free from foot-and-mouth disease for at least three months and no case of foot-and-mouth disease occurred within a 10 kilometre radius around the semen collection centre for the 30 days before and after the collection of the semen;

(v) no animal in the semen collection centre has been vaccinated against foot-and-mouth disease;

(vi) the donor bull or boar showed a negative response to a test for antibodies against foot-and-mouth disease virus carried out at least 21 days after the collection of the last semen of the consignment and the negative test results were available before dispatch of the semen;

(vii) the frozen semen was stored for a period of at least 30 days between collection and dispatch and during this period no animal in the semen collection centre showed any sign of foot-and-mouth disease;

(viii) the semen was collected, processed and stored separately from semen which is not eligible for dispatch; and

(ix) all semen collected, processed and frozen in the semen collection centre was dispatched from the semen collection centre in a way that avoids any risk of introducing foot-and-mouth disease into the centre.";

and

(b) after paragraph (4) there is inserted–

"(5) The health certificate provided for in Council Directive 90/429/EEC (laying down the animal health requirements applicable to intra-Community trade in and imports of semen of domestic animals of the porcine species) accompanying frozen porcine semen consigned to another member State shall bear the following words:–

"Frozen porcine semen conforming to Commission Decision 2001/740/EC of 19th October 2001 concerning certain protection measures with regard to foot-and-mouth disease in the United Kingdom".".