
SCOTTISH STATUTORY INSTRUMENTS

2001 No. 95

ANIMALS

ANIMAL HEALTH

The Import and Export Restrictions (Foot-and-Mouth Disease) (Scotland) Regulations 2001

<i>Made</i>	- - - -	<i>9th March 2001</i>
<i>Laid before the Scottish Parliament</i>	- - - -	<i>13th March 2001</i>
<i>Coming into force at 11.50 p.m. on</i>	- - - - -	<i>9th March 2001</i>

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

Citation, commencement, extent and cessation

- 1.—(1) These Regulations may be cited as the Import and Export Restrictions (Foot-and-Mouth Disease) (Scotland) Regulations 2001 and shall come into force on 9th March 2001 at 11.50 p.m.
- (2) These Regulations extend to Scotland only.
- (3) These Regulations shall remain in force until midnight on 27th March 2001.

Interpretation

- 2.—(1) In these Regulations, unless the context otherwise requires—
- “the Decision” means Commission Decision [2001/190/EC](#) amending Commission Decision [2001/172/EC](#) of 1st March 2001 concerning certain protection measures with regard to foot-and-mouth disease in the United Kingdom and repealing Decision [2001/145/EC](#)(2);
- “export” means export outside the British Islands;

(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) O.J. No. L 67, 9.3.01, p.88.

“inspector” means a person appointed to be an inspector for the purposes of these Regulations 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⁽³⁾;

“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)⁽⁴⁾;

“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)⁽⁵⁾;

(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⁽⁶⁾, which has been recorded and is consequently capable of being reproduced.

(3) Any reference in these Regulations—

- (a) to a numbered regulation is a reference to the regulation so numbered in these Regulations; and
- (b) to a numbered paragraph is a reference to the paragraph so numbered in the regulation in which it occurs.

Import and export of live animals

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

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

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

Export of fresh meat

4.—(1) No person shall export any fresh meat of animals of the bovine, ovine, caprine or porcine species or other biungulate.

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

- (a) fresh meat obtained before 1st February 2001 provided that the meat is clearly identified and since that date has been transported and stored separately from meat which is not destined for dispatch outside the United Kingdom;
- (b) fresh meat from animals reared and slaughtered outside the United Kingdom;

(3) 1994 c. 39.

(4) 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).

(5) 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).

(6) 2000 c. 7.

(c) fresh meat obtained from cutting plants situated in the United Kingdom under the following conditions:—

- (i) the only meat processed in the establishment is fresh meat described in sub-paragraph (a) and (b), fresh meat from animals reared outside the United Kingdom, transported directly and under official control in sealed means of transport to a slaughterhouse for immediate slaughter, or fresh meat from animals reared and slaughtered outside the United Kingdom;
- (ii) all the meat must bear the health mark in accordance with Chapter XI of Annex I to Council Directive 64/433/EEC (on animal health problems affecting intra-Community trade in fresh meat)(7);
- (iii) the plant is operated under strict veterinary control; and
- (iv) the meat is clearly identified and transported and stored separately from meat which is not destined for export.

(3) Meat consigned to another member State shall be accompanied by an official certificate prepared on behalf of the Scottish Ministers which bears the following words:—

“Meat conforming to Commission Decision 2001/172/EC of 1st March 2001 concerning certain protection measures with regard to foot-and-mouth disease in the United Kingdom”.

Export of meat products

5.—(1) No person shall export meat products of animals of the bovine, ovine, caprine, or porcine species or any other biungulate coming from the United Kingdom.

(2) The prohibition in paragraph (1) shall not apply to meat products which have undergone one of the treatments laid down in Article 4(1) of Council Directive 80/215/EEC (on animal health problems affecting intra-Community trade in meat products)(8), or to meat products as defined in Council Directive 77/99/EEC which have been subjected during preparation uniformly throughout the substance to a pH value of less than 6.

(3) The prohibition in paragraph (1) shall not apply to—

- (a) meat products prepared from meat derived from biungulate animals slaughtered before 1st February 2001 provided that the meat products are clearly identified and since that date have been transported and stored separately from meat products which are not destined for export; or
- (b) meat products prepared in establishments under the following conditions:—
 - (i) all fresh meat used in the establishment must be from animals reared outside the United Kingdom and transported directly and under official control in sealed means of transport to a slaughterhouse for immediate slaughter;
 - (ii) all meat products used in the final product must conform to the conditions in sub-paragraph (a) or be made from fresh meat obtained from animals reared and slaughtered outside the United Kingdom;
 - (iii) all meat products must bear the health mark in accordance with Chapter VII of Annex A to Directive 77/99/EEC;
 - (iv) the establishment must be operated under strict veterinary control; and
 - (v) the meat products must be clearly identified and transported and stored separately from meat and other meat products which are not destined for export.

(7) O.J. No. L 121, 27.9.64, p.2012/64; Directive updated by Directive 91/497/EEC (O.J. No. L 268, 24.9.91, p.69) as last amended by Directive 95/23/EC (O.J. No. L 243, 11.10.95, p.7).

(8) O.J. No. L 47, 21.2.80, p.4.

(4) Meat products consigned to another member State shall be accompanied by an official certificate prepared on behalf of the Scottish Ministers which bears the following words:–

“Meat products conforming to Commission Decision [2001/172/EC](#) of 1st March 2001 concerning certain protection measures with regard to foot-and-mouth disease in the United Kingdom”.

(5) Paragraph (4) shall not apply to meat products which conform to the requirements of paragraph (2) if such compliance is stated in the commercial document accompanying the consignment, endorsed in accordance with regulation 12, and the products either–

- (a) are consigned in hermetically sealed containers; or
- (b) have been processed in an establishment operating HACCP and an auditable standard operating procedure which ensures that standards for treatment are met and recorded.

Export of milk

6.—(1) No person shall export milk.

(2) The prohibition in paragraph (1) shall not apply to milk which has been subjected to at least–

- (a) an initial pasteurisation in accordance with the norms defined in paragraph 3(b) of Chapter 1 in Annex I to Council Directive [92/118/EEC](#) (laying down animal health and public health requirements governing trade in and imports into the Community of products not subject to the said requirements laid down in specific Community rules referred to in Annex A(I) to Directive [1989/662/EEC](#) and, as regards pathogens, to Directive [1990/425/EEC](#))(9) followed by a second heat treatment by high temperature pasteurisation, UHT, sterilisation or by a drying process which includes a heat treatment with an equivalent effect to one of the above; or
- (b) an initial pasteurisation in accordance with the norms defined in paragraph 3(b) of Chapter 1 in Annex I to Council Directive [92/118/EEC](#), combined with the treatment by which the pH is lowered below 6 and held there for at least one hour.

(3) The prohibition in paragraph (1) shall not apply in relation to milk prepared in establishments situated in the United Kingdom under the following conditions:–

- (a) all milk used in the establishment must either conform to the conditions of paragraph (2) or be obtained from animals outside the United Kingdom;
- (b) the establishment must be operated under strict veterinary control;
- (c) the milk must be clearly identified and transported and stored separately from milk and milk products which are not destined for export;
- (d) transport of raw milk from outside the United Kingdom to the establishment must be carried out in vehicles which were cleansed and disinfected prior to operation and had no subsequent contact with holdings in the United Kingdom keeping animals of species susceptible to foot-and-mouth disease.

(4) Milk consigned to another member State shall be accompanied by an official certificate prepared on behalf of the Scottish Ministers which bears the following words:–

“Milk conforming to Commission Decision [2001/172/EC](#) of 1st March 2001 concerning certain protection measures with regard to foot-and-mouth disease in the United Kingdom”.

(5) Paragraph (4) shall not apply to milk which conforms to the requirements of paragraph (2) if such compliance is stated in the commercial document accompanying the consignment, endorsed in accordance with regulation 12, and the milk either–

- (a) is consigned in hermetically sealed containers; or

(9) O.J. No. L 62, 15.3.93, p.49.

- (b) has been processed in an establishment operating HACCP and an auditable standard operating procedure which ensures that standards for treatment are met and recorded.

Export of milk products

- 7.—(1) No person shall export milk products.
- (2) The prohibition in paragraph (1) shall not apply in relation to—
- (a) milk products produced before 1st February 2001;
 - (b) milk products prepared from milk which complies with paragraphs (2) or (3) of regulation 6;
 - (c) milk products subjected to heat treatment at a temperature of at least 72°C for 15 seconds or an equivalent treatment.
- (3) The prohibitions described in paragraph (1) shall not apply to milk products prepared in establishments under the following conditions:—
- (a) all milk used in the establishment will either conform to the conditions of regulation 6(2) or be obtained from animals outside the United Kingdom;
 - (b) all milk products used in the final product will either conform to the conditions of paragraph (2) or be made from milk obtained from animals outside the United Kingdom;
 - (c) the establishment shall be under strict veterinary control;
 - (d) the milk products must be clearly identified and transported and stored separately from milk and milk products which are not destined for export.
- (4) Milk products consigned to another member State shall be accompanied by an official certificate prepared on behalf of the Scottish Ministers which bears the following words:—
- “Milk products conforming to Commission Decision [2001/172/EC](#) of 1st March 2001 concerning certain protection measures with regard to foot-and-mouth disease in the United Kingdom”.
- (5) Paragraph (4) shall not apply to milk products which conform to the requirements of paragraph (2) if such compliance is stated in the commercial document accompanying the consignment, endorsed in accordance with regulation 12, and the milk products either—
- (a) are consigned in hermetically sealed containers; or
 - (b) have been processed in an establishment operating HACCP and an auditable standard operating procedure which ensures that standards for treatment are met and recorded.

Export of semen, etc.

- 8.—(1) No person shall export semen, ova or embryos of animals of the bovine, ovine, caprine and porcine species and other biungulates.
- (2) The prohibition in paragraph (1) shall not apply in relation to frozen bovine semen and embryos produced before 1st February 2001.
- (3) The health certificate provided for in Council Directive [88/407/EEC](#) (laying down the animal health requirements applicable to intra-Community trade in and imports of deep-frozen semen of domestic animals of the bovine species)⁽¹⁰⁾ accompanying frozen bovine semen consigned to another member State shall bear the following words:—
- “Frozen bovine semen conforming to Commission Decision [2001/172/EC](#) of 1st March 2001 concerning certain protection measures with regard to foot-and-mouth disease in the United Kingdom”.

(10) O.J. L 194, 22.7.88, p.10.