SCOTTISH STATUTORY INSTRUMENTS

2000 No. 216

ANIMALS

The Animals and Animal Products (Import and Export) (Scotland) Regulations 2000

Made - - - -	*23rd June 2000*
Laid before the Scottish Parliament - - - -	*27th June 2000*
Coming into force - -	*28th July 2000*

The Scottish Ministers, in exercise of the powers conferred on them 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:

Citation, commencement, interpretation and extent

1.—(1) These Regulations may be cited as the Animals and Animal Products (Import and Export) (Scotland) Regulations 2000 and shall come into force on 28th July 2000.

(2) In these Regulations, unless the context otherwise requires, any expressions used have the meaning they bear in Council Directive 90/425/EEC (concerning veterinary and zootechnical checks applicable in intra-Community trade in certain live animals and products with a view to the completion of the single market)(**2**) and Council Directive 91/496/EEC (laying down the principles governing the organisation of veterinary checks on animals entering the Community from third countries)(**3**), both of which have been amended by the legislation listed in Schedule 1, and, for cattle and pigs, Council Directive 64/432 EEC (on health problems affecting intra-community trade in bovine animals and swine)(**4**);

"assembly centre" means holdings, collection centres and markets, at which bovine animals, swine, sheep or goats originating from different holdings are grouped together to form consignments of animals intended for intra-Community trade and approved by the Scottish Ministers in accordance with regulation 12;

"border inspection post" means, in relation to a species of animal, a place specified in relation to that species in Schedule 2;

(**1**) 1972 (c. 68). Section 2(2) was amended by the Scotland Act 1998 (c. 46), Schedule 8, paragraph 15(3). The functions conferred on a Minister of the Crown under section 2(2) of the European Communities Act 1972, 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 224, 18.8.90, p.29 as read with the provisions listed in Schedule 1.
(**3**) O.J. No. L 268, 24.9.91, p.56 as read with the provisions listed in Schedule 1.
(**4**) O.J. No. L 121, 29.7.1964, p 1977/64. Directive last amended by Directive 95/25EC(O.J. No. L 243, 11.10.95, p.16).

"dealer" means any person who buys and sells animals commercially either directly or indirectly, who has a regular turnover of these animals and who within 30 days of purchasing animals resells or relocates them from the first premises to other premises not within his ownership;

"European international instruments" means the Act of Accession to the European Communities of the Kingdom of Denmark, Ireland, the Kingdom of Norway and the United Kingdom of Great Britain and Northern Ireland(**5**), the Decision on the conclusion of the Agreement on the European Economic Area between the European Communities, their Member States and the Republic of Austria, the Republic of Finland, the Republic of Iceland, the Principality of Liechtenstein, the Kingdom of Norway, the Kingdom of Sweden, and the Swiss Confederation(**6**) and the Act concerning the conditions of accession of the Kingdom of Norway, the Republic of Austria, the Republic of Finland and the Kingdom of Sweden and the adjustments to the Treaties on which the European Union is founded(**7**);

"herd" means an animal or group of animals kept as an epidemiological unit;

"import" means import into Scotland;

"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;

"local authority" means each council constituted under section 2 of the Local Government (Scotland) Act 1994(**8**);

"place of destination" means the address or addresses to which the consignment is consigned by the consignor;

"required consignment documentation" means any certificates or other documents which are required by these Regulations to accompany the consignment;

"veterinary inspector" means a person appointed as a veterinary inspector by the Scottish Ministers.

(3) Any reference in these Regulations to a Schedule, unless the context otherwise requires, is a reference to a Schedule to these Regulations.

(4) Any reference in these Regulations to an instrument of the European Community is to that instrument as amended at the time these Regulations are made.

(5) A notice or approval under these Regulations shall be in writing and may be made subject to conditions and may be amended, suspended or revoked in writing at any time.

(6) These Regulations extend to Scotland only.

Exception

2. These Regulations shall not apply to veterinary checks on movements of pets (other than equidae) accompanied by and under the responsibility of a natural person, where such movements are not the subject of a commercial transaction.

Enforcement

3.—(1) Except where otherwise expressly provided, these Regulations shall be executed and enforced by the local authority.

(**5**) O.J. No. L 73, Special Edition, 27.3.72.
(**6**) O.J. No. L 73, Special Edition, 27..3.72.
(**7**) O.J. No. C 241, 29.8.94, p.21 is amended by O.J. No. L 1, 1.1.95, p.1.
(**8**) 1994 c. 39.

(2) The Scottish Ministers may direct, in relation to cases of a particular description or a particular case, that any duty imposed on a local authority under paragraph (1) above shall be discharged by the Scottish Ministers and not by the local authority.

PART II

INTRA-COMMUNITY TRADE

Application of Part II

4. This Part of these Regulations shall apply to trade between member States in live animals and all animal products which are the subject of the Directives and other measures referred to in Part I of Schedule 3, except aquaculture products for human consumption controlled by Council Directive 91/67/EEC (concerning the animal health conditions governing the placing on the market of aquaculture animals and products)(**9**).

Exports

5.—(1) No person shall export or consign for export to another member State any animal or animal product controlled under one or more of the Directives or other measures referred to in Part I of Schedule 3 unless–

(a) it complies with the relevant provisions of those Directives or measures (including any option permitted by those Directives or measures which has been exercised by the member State of destination);

(b) when required by a Directive or other measure, it is accompanied by an export health certificate signed by a veterinary inspector (or, where specified in a Directive or other measure, signed by a veterinary surgeon nominated by the exporter) or any other document required by a Directive or other measure;

(c) when required by a Directive or other measure, any notification of a disease on the holding from which the animal has been consigned has been made within the time and in the manner (if any) specified in the Directive or other measure; and

(d) if the animal is acquired through an assembly centre, that centre has been approved by the Scottish Ministers for the purposes of intra-Community trade, and it complies with the provisions of Article 11 of Council Directive 64/432/EEC, and Part I of Schedule 3.

(2) If an inspector has reasonable cause to suspect that a person in charge of animals or animal products intends to export them in contravention of this regulation he may by notice served on the consignor, his representative or person in charge of the animals or animal products prohibit that exportation and require the person on whom the notice is served to take the animals or animal products to such place as may be specified in the notice and to take such further action in relation to them as may be specified in the notice.

(3) In the event of a notice served under paragraph (2) above not being complied with an inspector may seize or cause to be seized any animal or animal product to which it relates and arrange for the requirements of the notice to be complied with.

(4) No person shall export to another member State any animal to which the provisions of Articles 7, 9 and 10 of Council Directive 92/65/EEC (laying down animal health requirements governing trade in and imports into the Community of animals, semen, ova and embryos not subject to animal health requirements laid down in specific Community rules referred to in Annex A(1) to

(**9**) O.J. No. L 46, 19.2.91, p.1 as amended and read with the provisions listed in paragraph 8 of Schedule 3.

Council Directive 90/425/EEC)(**10**) apply unless the animal originates from a holding which has been registered with the Scottish Ministers and the owner or person in charge of that holding has given to the Scottish Ministers undertakings in accordance with Article 4 of Council Directive 92/65/EEC.

Imports

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) If an animal is imported for slaughter, 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 animals require the animals to be slaughtered as may be specified in the notice.

(3) In the event of a notice served under paragraph (2) not being complied with an inspector may seize or cause to be seized any animal to which it relates and arrange for the requirements of the notice to be complied with.

Transport of animals and animal products

7.—(1) No person shall transport any animal or animal product in intra-Community trade unless it is accompanied by the documents required by Article 3.1.d of Council Directive 90/425/EEC.

(2) No person shall deliver any animal or animal product imported from another member State other than to the address specified in the required consignment documentation unless required to do so by means of a notice served on him by an inspector; and, if an animal or animal product is delivered to an address other than that specified in the required consignment documentation and not in compliance with a notice served by an inspector, an inspector may serve a notice on the person appearing to him to be in charge of the animal or animal product requiring that person to transport it, at that person's expense, to the address specified in the required consignment documentation.

(3) In the event of a notice served under paragraph (2) not being complied with an inspector may seize or cause to be seized any animal or animal product to which it relates and arrange for the requirements of the notice to be complied with.

(4) In the case of the transport of cattle or pigs, the provisions of Part II of Schedule 3 shall have effect, and any failure to comply with those provisions may lead to a withdrawal of an authorisation to transport those animals granted under article 12 of the Welfare of Animals (Transport) Order 1997(**11**) in accordance with Schedule 9 of that Order.

Dealers

8.—(1) For the purposes of paragraph (2) below the Scottish Ministers shall keep a register of dealers engaging in intra-Community trade who have applied for registration in accordance with that paragraph.

(2) If required to do so by a notice served on him by the Scottish Ministers, a dealer engaging in intra-Community trade in animals and animal products shall register as such with the Scottish Ministers and shall give to him such undertakings as to compliance with these Regulations as shall be specified in the notice.

(**10**) O.J. No. L 268, 14.9.92, p.54
(**11**) S.I. 1997/1480, to which there are amendments not relevant to these Regulations.

(3) Any person who has registered under paragraph (2) above shall keep a record of all deliveries of animals and, where a consignment is divided up or subsequently marketed, of the subsequent destination of the animals, and shall keep such records for 12 months from the arrival of the consignment.

(4) In the case of dealers in cattle and pigs the provisions of Part III of Schedule 3 shall have effect instead of paragraphs (1) to (3) above.

Approval of centres and teams

9.—(1) For the purposes of Articles 5 and 13 of Council Directive 92/65/EEC, the Scottish Ministers shall approve any body, institute or centre which has applied for approval in accordance with Article 13 of that Directive and which conforms with the requirements of Annex C to that Directive.

(2) The Scottish Ministers shall suspend, withdraw or restore the approval referred to in paragraph (1) above in accordance with point 3 of Annex C to that Directive.

(3) For the purposes of Article 11 of Council Directive 92/65/EEC, the Scottish Ministers shall approve any semen collection centre or embryo collection team which has applied to the Scottish Ministers for approval in accordance with Article 11 of that Directive and which meets the conditions applicable to it in respect of approval and the performance of its duties as required by Article 11 and Annex D to that Directive.

Inspection and checking at destination

10.—(1) A veterinary inspector shall have power to inspect, at their place of destination, all animals and animal products imported into Scotland from another member State, so as to ensure that the requirements (including requirements on documentation) of the relevant provisions of the Directives or other measures listed in Part I of Schedule 3 and any additional requirements specified in Part I of Schedule 3 have been complied with.

(2) An inspector shall have power to inspect anywhere and at any time all animals and animal products imported from another member State, as well as all accompanying documents, if he has information leading him to suspect an infringement of the Directives or other measures listed in Part I of Schedule 3 and any additional requirements specified in Part I of Schedule 3.

Duties on consignees

11.—(1) No person shall accept a consignment of animals or animal products (other than registered horses accompanied by an identification document provided for by Council Directive 90/427/EEC on the zootechnical and genealogical conditions governing intra-Community trade in equidae)(**12**) unless the importer or consignee has notified to an authorised inspector in writing, at least 24 hours in advance, the nature of the consignment, its anticipated date of arrival and the place of destination.

(2) A consignee shall retain all certificates sent in accordance with these Regulations for 12 months from the date of arrival.

(3) The authorised inspector in regulation 11(1) shall be the inspector authorised by the Scottish Ministers to receive information about the anticipated date of arrival of imported animals or animal products for the area in which the place of destination is situated.

(**12**) O.J. No. L 224, 18.8.90, p.55.