SCOTTISH STATUTORY INSTRUMENTS

1999 No. 15

FOOD

The Animal Feedingstuffs from Belgium (Control) (Scotland) Regulations 1999

Made - - - -	*28th July 1999*
Laid before the Scottish Parliament - - - -	*30th July 1999*
Coming into force - -	*29th July 1999*

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 and interpretation

1.—(1) These Regulations may be cited as the Animal Feedingstuffs from Belgium (Control) (Scotland) Regulations 1999 and shall come into force on 29th July 1999.

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

"the Act" means the Food Safety Act 1990(**2**) and any expressions used both in these Regulations and in the Act have the meaning they bear in the Act;

"controlled entity" means any creature, product or material which is excluded from the definition of "relevant animal or animal product" in the Order solely by reason that it is neither food nor a food source; and

"the Order" means the Food (Animals and Animal Products from Belgium) (Emergency Control) (Scotland) Order 1999(**3**) and any expressions used both in these Regulations and in the Order have the meaning they bear in the Order.

Exemptions

2.—(1) Regulation 3 of these Regulations shall not apply to–

(**1**) 1972 c. 68; section 2(2) was amended by the Scotland Act 1998 (c. 46), Schedule 8, paragraph 15(3). The functions of a Minister of the Crown under that section so far as within devolved competence were transferred to the Scottish Ministers by virtue of section 53 of that Act.
(**2**) 1990 c. 16.
(**3**) S.S.I.1999/14.

(a) the importation of any controlled entity, if when imported, that controlled entity is accompanied by valid certification relating to it, as specified in paragraph (3) below;

(b) any subsequent activity in relation to the controlled entity, if it can be proved by the person carrying out the activity that at the time of importation it was so accompanied; or

(c) the return to Belgium, under cover of an official certificate in accordance with Article 5 of the Commission Decision of any controlled entity.

(2) Regulation 5 of these Regulations shall not, save for sub-paragraphs (a) and (b) of paragraph (1) thereof, apply to any imported controlled entity which is accompanied by valid certification relating to it as specified in paragraph (3) below.

(3) The certification to which paragraphs (1)(a) and (b) and (2) above apply is the certification which would have applied in relation to the controlled entity by virtue of article 2(3) of the Order, had the Order extended to controlled entities.

Prohibitions and offence

3.—(1) Subject to paragraph (2) below–

(a) no person shall sell any controlled entity which is not a live creature for the purpose of its being used to feed to an animal or in the manufacture of a product for such use;

(b) no person shall possess, offer, expose, advertise, prepare, present, label, wrap, store or transport any such controlled entity for sale for that purpose;

(c) no person shall consign, deliver or serve any such controlled entity by way of sale for that purpose;

(d) no person shall derive material from any controlled entity for that purpose; and

(e) no person shall import or export any controlled entity.

(2) Paragraph (1) above shall not be taken to prohibit the bringing into Scotland from a member State of any controlled entity in free circulation in the member State.

(3) Any person who knowingly contravenes paragraph (1) above shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale or imprisonment not exceeding three months.

Enforcement

4.—(1) These Regulations shall be enforced and executed by each relevant authority, namely the Scottish Ministers and each food authority within its area, as appropriate.

(2) For the purposes of the return to Belgium of any product as specified in regulation 2(1)(c) of these Regulations the competent authority for the purposes of the official certificate shall be the Scottish Ministers, any authorised officer of a food authority or any inspector appointed by such an authority, where it is also an authority with responsibilities under section 67 of the Agriculture Act 1970(**4**).

(3) An authorised officer of a relevant authority shall have the same powers of entry for the purposes of the exercise of that duty as are bestowed on an authorised officer of an enforcement authority by section 32 of the Act for purposes connected with the Act or Regulations or Orders under the Act and shall also have, in relation to any business producing material to feed to animals, the same power as an authorised officer of an enforcement authority has under that section in relation to a food business.

(**4**) 1970 c. 40.