

Scottish Statutory Instrument 2003 No. 225

The Products of Animal Origin (Third Country Imports) (Scotland) Amendment (No. 2) Regulations 2003

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SCOTTISH STATUTORY INSTRUMENTS

2003 No. 225

AGRICULTURE

The Products of Animal Origin (Third Country Imports) (Scotland) Amendment (No. 2) Regulations 2003

<i>Made</i>	<i>27th March 2003</i>	
<i>Laid before the Scottish Parliament</i>		<i>31st March 2003</i>
<i>Coming into force</i>	<i>11th April 2003</i>	

The Scottish Ministers, in exercise of the powers conferred 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 and commencement

1. These Regulations may be cited as the Products of Animal Origin (Third Country Imports)

(Scotland) Amendment (No.2) Regulations 2003 and shall come into force on 11th April 2003.

Amendment to the Products of Animal Origin (Third Country Imports) (Scotland) Regulations 2002

2. - (1) The Products of Animal Origin (Third Country Imports) (Scotland) Regulations 2002^[2] are amended in accordance with this regulation.

(2) In regulation 2(1) (interpretation)-

(a) after the definition of "the Customs Code" insert-

"customs officer" means an officer commissioned by the Commissioners of Customs and Excise under section 6(3) of the Customs and Excise Management Act 1979^[3];" and

(b) after the definition of "physical check" insert-

"point of entry" means any place where the goods are subject to customs supervision under Articles 37 and 38 of the Customs Code, other than a border inspection post;"

(3) In regulation 4(c) (enforcement authorities)^[4] for "regulation 5(1)" substitute "regulations 5(1) and 16".

(4) After regulation 12, insert-

" Exchange of Information

12A. - (1) For the purposes of the execution or enforcement of these Regulations, the Scottish Ministers, the Commissioners, any local authority and the Agency may exchange amongst themselves any information received by them in the execution or enforcement of these Regulations.

(2) The Scottish Ministers, the Commissioners, any local authority and the Agency may share information received by them in the execution or enforcement of these Regulations with enforcement agencies in England, Wales and Northern Ireland for the purposes of the execution or enforcement of legislation on the introduction of products of animal origin from third countries in England, Wales and Northern Ireland respectively enacted in implementation of Directive 97/78/EC.

(3) Paragraphs (1) and (2) are without prejudice to any function of the Scottish Ministers, the Commissioners, any local authority and the Agency in respect of the disclosure of information."

(5) In regulation 13(1)(b) (suspension of border inspection posts) for "or the Annex to Commission Decision 2001/812/EC" substitute "or in Commission Decision 2001/812/EC".

(6) For regulation 16 (introduction of products at border inspection posts) substitute-

" Prohibition on introduction of products except at border inspection posts

16. - (1) No person shall introduce a product into Scotland from a third country except at a border inspection post designated and approved for veterinary checks on that product.

(2) Where the border inspection post of introduction of an Article 9 product is outside the United Kingdom and its border inspection post of destination is in Scotland, no person shall introduce it into Scotland except at a border inspection post designated and approved for veterinary checks on that product.

(3) This regulation shall be enforced-

(a) at points of entry, by the Commissioners;

(b) at premises referred to in regulation 4(b), by the Agency; and

(c) at any other place, by the local authority.

(4) In cases where an officer of a local authority, when exercising any statutory function, discovers at a point of entry a consignment or product which that officer considers may have been introduced in breach of this regulation, that officer shall notify a customs officer and detain the consignment or product until a customs officer takes charge of it.

(5) Where products are introduced in contravention of this regulation, the time of introduction shall be the time of importation as ascertained in accordance with section 5 of the Customs and Excise Management Act 1979."

(7) In regulation 28 (costs in respect of products re-dispatched or disposed of)-

(a) for paragraph (1) substitute-

" (1) The person responsible for the product or consignment concerned or, where a notice has been served on the person appearing to have charge of the product or consignment, the owner of the product or consignment, or the person on whom a notification of seizure pursuant to the Customs and Excise Management Act 1979 has been served, shall pay on demand the costs of storing, transporting, redispaching, disposing of and destroying any product or consignment redispached or destroyed pursuant to regulation 21, 24, 25 or 26 or any powers exercised under the Customs and Excise Management Act 1979 in the enforcement of regulation 16."; and

(b) in paragraph (2), for "or the Agency" substitute ", the Agency or the Commissioners".

(8) In Part I of Schedule 6 (provisions where due diligence defence is available) for "16 (Introduction of products at border inspection posts)" substitute "16 (Prohibition on introduction of products except at border inspection posts)".

ROSS FINNIE

A member of the Scottish Executive

St Andrew's House, Edinburgh
27th March 2003

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Products of Animal Origin (Third Country Imports) (Scotland) Regulations 2002 (S.S.I. 2002/445 as amended by S.S.I 2002/565 and S.S.I 2003/165) ("the principal Regulations") which implement Council Directive 97/78/EC laying down the principles governing the organisation of veterinary checks on products entering the Community from third countries (O.J. No. L 24, 30.1.98, p.9).

Regulation 2(4) inserts a new regulation 12A into the principal Regulations which provides that the Scottish Ministers, the Commissioners of Customs and Excise, any local authority and the Food Standards Agency may exchange information amongst themselves and share information with the enforcement agencies in England, Wales and Northern Ireland.

Regulation 2(6) (to be read with the amendment at regulation 2(3)) substitutes a new regulation for regulation 16 of the principal Regulations. The new regulation 16 provides that the prohibition on the introduction into Scotland of products of animal origin (except at border inspection posts) shall be

enforced at points of entry by the Commissioners instead of the local authority.

Regulation 2(7) amends regulation 28 of the principal Regulations to provide that the Commissioners may charge the costs of redispaching or destroying a product or consignment to the person on whom a notification of seizure has been served.

Consequential amendments to the principal Regulations are made by regulations 2(3) and (8), and regulation 2(5) corrects an error in the principal Regulations.

A regulatory impact assessment has been prepared and placed in the Scottish Executive Library, Saughton House, Broomhouse Drive, Edinburgh EH11 3XD. Copies may be obtained from the Animal Health and Welfare Branch of the Scottish Executive, Environment and Rural Affairs Department, 47 Robb's Loan, Edinburgh EH 14 1TY.

Notes:

[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 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.[back](#)

[2] S.S.I. 2002/445, as amended by S.S.I. 2002/565 and 2003/165.[back](#)

[3] 1979 c.2.[back](#)

[4] Regulation 4(c) was amended by S.S.I. 2003/165.[back](#)

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