

2008 No. 155

ANIMALS

ANIMAL HEALTH

**The Animals and Animal Products (Import and Export)
(Scotland) Amendment Regulations 2008**

<i>Made</i> - - - -	<i>15th April 2008</i>
<i>Laid before the Scottish Parliament</i>	<i>17th April 2008</i>
<i>Coming into force</i> - -	<i>9th May 2008</i>

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 2(2) of the European Communities Act 1972^(a) and all other powers enabling them to do so.

Citation and commencement

1. These Regulations may be cited as the Animals and Animal Products (Import and Export) (Scotland) Amendment Regulations 2008 and come into force on 9th May 2008.

Amendment of the Animals and Animal Products (Import and Export) (Scotland) Regulations 2007

2.—(1) The Animals and Animal Products (Import and Export) (Scotland) Regulations 2007^(b) are amended as follows.

(2) In regulation 1(2) (interpretation), after the definition of “assembly centre” insert—

““bluetongue susceptible animal” means any ruminating animal”.

(3) In regulation 2 (exception), after paragraph (2) insert—

“(3) In this regulation “pet” means any animal of a species listed in Annex I to Regulation (EC) No. 998/2003.”.

(a) 1972 c.68. Section 2(2) was amended by the Scotland Act 1998 (c.46) (“the 1998 Act”), Schedule 8, paragraph 15(3), and the Legislative and Regulatory Reform Act 2006 (c.51), section 27(1). 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 1998 Act.

(b) S.S.I. 2007/194 as amended by S.S.I. 2007/375.

(4) For the heading of Part III (third countries) substitute–

“THIRD COUNTRY IMPORTS”.

(5) After regulation 28 (import procedure) insert–

“PART IVA THIRD COUNTRY EXPORTS

Application of Part IVA

28A. This Part shall apply in respect of any animal, semen, ovum or embryo exported other than to a member State.

Exports to third countries

28B.—(1) A person must not export any animal, semen, ovum or embryo to a third country unless it complies with the relevant provisions of the instrument listed in Schedule 8A.

(2) If an inspector has reasonable cause to suspect that a person intends to export any animal, semen, ovum or embryo in contravention of this regulation they may by notice served on that person, their representative or the person appearing to them to be in charge of the animal, semen, ovum or embryo, prohibit that export and require the person on whom the notice is served to take the animal, semen, ovum or embryo to such place as may be specified in the notice and to take such further action in relation to it as may be specified in the notice.

(3) If a notice served under paragraph (2) is not complied with, an inspector may seize any animal, semen, ovum or embryo to which it relates and arrange for the requirements of the notice to be complied with.”.

(6) At the end of Part I of Schedule 3 insert–

“Bluetongue susceptible animals

17. Instrument: Commission Regulation (EC) No. 1266/2007 on implementing rules for Council Directive 2000/75/EC as regards the control, monitoring, surveillance and restrictions on movements of certain animals of susceptible species in relation to bluetongue (O.J. No. L 283, 27.10.2007, p.37 and O.J. No. L 327, 22.12.2000, p.74 respectively), as amended by, and as read with–

Commission Regulation (EC) No. 289/2008 (O.J. No. L 89, 1.4.2008, p.3)(a).

Relevant provisions in that instrument: Articles 7(1), 7(2), 7(4), 8(1), 8(3), 8(4)(a) and (b), 8(6) and 9, and Annex III.”.

(7) For the heading of Schedule 7 (Community legislation in relation to third countries) substitute–

**“COMMUNITY LEGISLATION IN RELATION TO IMPORTS
FROM THIRD COUNTRIES”.**

(a) Commission Regulation (EC) No. 289/2008 amends Annex III of Commission Regulation (EC) No. 1266/2007, replacing it with a new Annex III.

(8) After Schedule 8 (approval of quarantine centres etc.) insert–

“SCHEDULE 8A

COMMUNITY LEGISLATION IN RELATION TO EXPORTS TO THIRD COUNTRIES

Bluetongue susceptible animals

1. Instrument: Commission Regulation (EC) No. 1266/2007 on implementing rules for Council Directive 2000/75/EC as regards the control, monitoring, surveillance and restrictions on movements of certain animals of susceptible species in relation to bluetongue (O.J. No. L 283, 27.10.2007, p.37 and O.J. No. L 327, 22.12.2000, p.74 respectively), as amended by, and as read with–

Commission Regulation (EC) No. 289/2008 (O.J. No. L 89, 1.4.2008, p.3).

Relevant provisions in that instrument: Articles 7(1), 7(2), 7(4), 8(1), 8(3), 8(4)(a) and (b), 8(6) and 9, and Annex III.”.

RICHARD LOCHHEAD

A member of the Scottish Executive

St Andrew’s House,
Edinburgh
15th April 2008

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Animals and Animal Products (Import and Export) (Scotland) Regulations 2007 (“the principal Regulations”), to take account of Commission Regulation (EC) No. 1266/2007 on implementing rules for Council Directive 2000/75/EC as regards the control, monitoring, surveillance and restrictions on movements of certain animals of susceptible species in relation to bluetongue.

The amendments to the principal Regulations–

- (a) regulate the export of live bluetongue susceptible animals, and their semen, ova and embryos to other member States and third countries (regulation 2(2), (5), (6) and (8));
- (b) provide powers for inspectors to prohibit exports to third countries, and seize consignments of live animals destined for third countries (regulation 2(5)); and
- (c) define “pet” in regulation 2(3) of the principal Regulations (regulation 2(3)).

A Regulatory Impact Assessment has not been prepared for these Regulations.

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