

2007 No. 386

ANIMALS

ANIMAL HEALTH

**The Foot-and-Mouth Disease (Export Restrictions) (Scotland)
Regulations 2007**

Made - - - - 24th August 2007

Coming into force in accordance with article 1

Laid before the Scottish Parliament 28th August 2007

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The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 2(2) of, and paragraph 1A of Schedule 2, to the European Communities Act 1972^(a) and all other powers enabling them to do so.

These Regulations make provision for a purpose mentioned in section 2(2) of that Act, and it appears to the Scottish Ministers that it is expedient for references to Community instruments referred to in regulation 2(1) to be references to those instruments as amended from time to time.

Title, commencement, cessation and extent

1.—(1) These Regulations may be cited as the Foot-and-Mouth Disease (Export Restrictions) (Scotland) Regulations 2007, and come into force at 2300 hours on 24th August 2007.

(2) These Regulations cease to have effect on 15th September 2007.

(3) These Regulations extend to Scotland only.

Interpretation

2.—(1) In these Regulations, unless the context otherwise requires—

“the Decision” means Commission Decision 2007/554/EC concerning certain protection against foot-and-mouth disease in the United Kingdom and repealing Decision 2007/552/EC^(b), as amended from time to time;

“export” includes consigning for export;

“Directive 2002/99” means Council Directive 2002/99/EC laying down the animal health rules governing the production, processing, distribution and introduction of products of animal origin for human consumption^(c);

“export” means export outside the Great Britain and includes consigning for export;

“inspector” means—

(a) a person appointed by the Scottish Ministers or a local authority to be an inspector for the purposes of—

(i) these Regulations;

(ii) the Animal Health Act 1981^(d);

(iii) the Products of Animal Origin (Import and Export) Regulations 1996^(e);

(iv) the Products of Animal Origin (Third Country Imports) (Scotland) Regulations 2007^(f); or

(v) the Animals and Animal Products (Import and Export) (Scotland) Regulations 2007^(g);

(b) 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

(a) 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. Paragraph 1A of Schedule 2 was inserted by section 28 of the Legislative and Regulatory Reform Act 2006 (c.51).

(b) O.J. No. L 210, 10.8.2007, p.36.

(c) O.J. No. L 18, 23.1.2003, p.11.

(d) 1981 c.22.

(e) S.I. 1996/3124, as amended by S.I. 1997/3023, 1998/994, 1999/663, 2000/656 and, as regards Scotland, S.S.I. 2000/62, 171, 288 and 2001/169 and 257.

(f) S.S.I. 2007/1, as amended by S.S.I. 2007/304.

(g) S.S.I. 2007/194.

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;

“Regulation 1774/2002” means Regulation (EC) No 1774/2002 of the European Parliament and of the Council laying down health rules concerning animal by-products not intended for human consumption(a);

“Regulation 853/2004” means Regulation (EC) No 853/2004 of the European Parliament and of the Council laying down specific hygiene rules for food of animal origin(b);

“Regulation 854/2004” means Regulation (EC) No 854/2004/EC of the European Parliament and of the Council laying down specific rules for the organisation of official controls on products of animal origin intended for human consumption(c); and

“restricted area” means the surveillance zone declared on 24th August 2007(d) under article 31(1) of the Foot-and-Mouth Disease (England) Order 2006(e).

(2) A notice under these Regulations shall be in writing, may be subject to conditions and may be amended or revoked by further notice in writing at any time.

Export and movement of live animals

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

(2) By way of derogation from paragraph (1) of this regulation, the Scottish Ministers may authorise the export of those animals originating outside the restricted area—

- (a) if the animals travelled through that area on main roads or railway lines; and
- (b) the requirements in paragraph (3) are met.

(3) No person may export any biungulate animal originating outside the restricted area to another member State unless at least three days before export the Scottish Ministers have notified the destination member State, and—

- (a) in the case of a bovine, porcine, ovine and caprine animal, the health certificate accompanying the animal bears the following words—

“Animals conforming to Commission Decision 2007/554/EC of 9 August 2007 concerning certain protection measures against foot-and-mouth disease in the United Kingdom”; and

- (b) in the case of any other biungulate, the health certificate accompanying the animal bears the following words—

“Live biungulates conforming to Commission Decision 2007/554/EC of 9 August 2007 concerning certain protection measures against foot-and-mouth disease in the United Kingdom”.

Export of fresh meat, minced meat, mechanically separated meat and meat preparations and sale of meat not eligible for export

4.—(1) No person shall export any meat of an animal of the bovine, ovine, caprine or porcine species or other biungulate coming from the restricted area or obtained from animals originating in that area.

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

- (a) meat obtained before 15th July 2007; or

(a) O.J. No. L 273, 10.10.2002, p.1 as last amended by Regulation (EC) No. 829/2007.

(b) O.J. No. L 139, 30.4.2004, p.55.

(c) O.J. No. L 139, 30.4.2004, p.206 as last amended by Regulation (EC) No. 1791/2006.

(d) The zone is described at <http://defraweb/animalh/diseases/fmd/pdf/declaration-pz-sz-rz230807.pdf>.

(e) S.I. 2006/182.

- (b) meat derived from animals reared outside of the restricted area for at least 90 days prior to slaughter and slaughtered outside the restricted area, or in the case of meat obtained from wild game species susceptible to foot-and-mouth disease killed, outside the restricted area,

provided that the meat—

- (i) is clearly identified;
- (ii) has since the date of production been transported and stored separately from meat from the restricted area not eligible for export; and
- (iii) bears the health mark in accordance with Chapter III of Annex I to Regulation 854/2004.

(3) The prohibition in paragraph (1) does not apply in relation to fresh meat obtained from a cutting plant situated in the restricted area if—

- (a) only fresh meat as described in paragraph (2) is processed in the cutting plant in any one day;
- (b) cleansing and disinfection is carried out after processing any meat not meeting the requirement in sub-paragraph (a);
- (c) all meat bears the health mark in accordance with Chapter III of Section I to Annex I of Regulation (EC) No 854/2004;
- (d) the cutting plant is operated under strict veterinary control; and
- (e) the fresh meat is clearly identified, transported and stored separately from meat which is not eligible for export.

(4) Meat exported to another member State must be accompanied by a certificate from an official veterinarian which bears the following words—

“Meat conforming to Commission Decision 2007/554/EC of 9 August 2007 concerning certain protection measures against foot-and-mouth disease in the United Kingdom”.

(5) Meat not eligible for export to another member State must be marked in accordance with—

- (a) the second paragraph of Article 4(1) of Directive 2002/99; or
- (b) Commission Decision 2001/304/EC on the marking and use of certain animal products^(a).

(6) In this regulation, the reference to “meat” includes fresh meat, minced meat, mechanically separated meat and meat preparations as defined in points 1.10, 1.13, 1.14 and 1.15 of Annex 1 to Regulation 853/2004.

Export of meat products

5.—(1) No person shall export meat products, including treated stomachs, bladders and intestines, of an animal of the bovine, ovine, caprine or porcine species and other ruminants coming from the restricted area, or prepared using meat obtained from animals originating in that area.

(2) The prohibition in paragraph (1) does not apply to meat products that have been transported and stored since the date of production separately from other meat products not eligible for dispatch, provided that the meat products—

- (a) are clearly identified;
- (b) bear the health mark in accordance with Chapter III or Annex I to Regulation 854/2004; and
- (c) are either—
 - (i) made from meats described in regulation (2); or

(a) O.J. No. L 104, 13.4.2001, p.6.

- (ii) have undergone at least one of the relevant treatments laid down for foot-and-mouth disease in Part 1 of Annex III to Directive 2002/99 laying down the animal health rules governing the production, processing, distribution and introduction of products of animal origin for human consumption^(a).
- (3) Meat products exported to another member State must be accompanied by a certificate from an official veterinarian which bears the following words—

“Meat products (including treated stomachs, bladders and intestines) conforming to Commission Decision 2007/554/EC of 9 August 2007 concerning certain protection measures against foot-and-mouth disease in the United Kingdom”.
- (4) Paragraph (3) does not apply to meat products which comply with paragraph (2) and which have been processed in an establishment operating HACCP and an auditable standard operating procedure that ensures that standards for treatment are met and recorded, if compliance with paragraph (2)(c)(ii) is stated in the commercial document accompanying the consignment, endorsed in accordance with regulation 12.
- (5) Paragraph (3) does not apply to meat products heat treated in accordance with paragraph (2)(c)(ii) and stored in hermetically sealed containers in such manner as to ensure that they are shelf stable, if the heat treatment applied is stated in the commercial document accompanying the consignment.

Export of milk

- 6.—**(1) No person shall export milk produced or prepared in the restricted area.
- (2) The prohibition in paragraph (1) does not apply to milk produced in the restricted area which has been subjected to at least a treatment in accordance with—
- (a) Part A of Annex IX to Council Directive 2003/85/EC on Community measures for the control of foot-and-mouth disease^(b) (milk intended for human consumption); or
 - (b) Part B of Annex IX to Directive 2003/85/EC, if the milk is not intended for human consumption or is intended for feeding to animals of species susceptible to foot-and-mouth disease.
- (3) The prohibition in paragraph (1) does not apply to milk prepared in an establishment in the restricted area if—
- (a) all milk used in the establishment has been treated in accordance with paragraph (2), or has been obtained from animals reared and milked outside the restricted area;
 - (b) the establishment is operated under strict veterinary control;
 - (c) the milk is clearly identified and transported and stored separately from milk and dairy products which are not eligible for export; and
 - (d) raw milk from outside the restricted area is carried to the establishment in vehicles which—
 - (i) are cleansed and disinfected prior to carriage; and
 - (ii) have no contact with any holding in the restricted on which animals of species susceptible to foot-and-mouth disease are kept.
- (4) Milk exported to another member State shall be accompanied by an official certificate which bears the following words—
- “Milk conforming to Commission Decision 2007/554/EC of 9 August 2007 concerning certain protection measures against foot-and-mouth disease in the United Kingdom”.
- (5) Paragraph (4) of this regulation shall not apply to milk which complies with the requirements of paragraph 2(a) or (b) if such compliance is stated in the commercial document accompanying the consignment, endorsed in accordance with regulation 12, and has been processed in an

^(a) OJ No. L 18, 23.1.2003, p.11.

^(b) O.J. No. L 306, 22.11.2003, p.1 as last amended by Directive 2006/104/EC.

establishment operating HACCP and an auditable standard operating procedure which ensures that standards for treatment are met and recorded.

(6) Paragraph (4) does not apply to milk which conforms with the requirements of paragraph (2)(a) or (b) and which has been heat treated in hermetically sealed containers so as to ensure that it is shelf stable, if the heat treatment applied is stated in the commercial document accompanying the consignment.

Export of dairy products

7.—(1) No person shall export a dairy product produced or prepared in the restricted area.

(2) The prohibition in paragraph (1) does not apply to a dairy product—

- (a) produced before 15th July 2007;
- (b) prepared from milk complying with the provisions in regulation 6(2) or (3); or
- (c) for export to a third country where import conditions permit a product to be subject to treatment other than laid down in Regulation 6(2) which ensures the inactivation of the foot-and-mouth disease virus.

(3) The prohibition in paragraph (1) does not apply to a dairy product intended for human consumption produced from—

- (a) milk of a controlled pH less than 7.0 and subject to a heat treatment at a temperature of at least 72°C for at least 15 seconds, on the understanding that such treatment is not necessary for a finished product the ingredients of which comply with the respective animal health conditions laid down in these Regulations;

(b) raw milk—

- (i) of a bovine, ovine or caprine animal which has been resident for at least 30 days on a holding within the restricted area and situated in the centre of a circle of at least 10 km radius in which no outbreak of foot-and-mouth disease has occurred during the 30 days prior to the date of production of the raw milk; and
- (ii) subjected to a maturation or ripening process of at least 90 days during which the pH is lowered below 6.0 throughout the substance, and the rind of which has been treated with 0.2% citric acid immediately prior to wrapping or packaging.

(4) The prohibition in paragraph (1) does not apply to a dairy product—

(a) prepared in an establishment in the restricted area if—

- (i) all milk used in the establishment conforms to the conditions of regulation 6(2) or is obtained from animals outside the restricted area;
- (ii) all dairy products used in the final product conform to the conditions of paragraph (2)(a) or (b) or (3) or are made from milk obtained from animals situated outside the restricted area;
- (iii) the establishment is under strict veterinary control; and
- (iv) the product is clearly identified and transported and stored separately from milk and dairy products from the restricted area that are not eligible for export;

(b) prepared in a part of the United Kingdom outside the restricted area using milk obtained before 15th July 2007 from the restricted area if the product is clearly identified and transported and stored separately from milk products the restricted area that are not eligible for export.

(5) A dairy product exported to another member State must be accompanied by an official certificate which bears the following words—

“Dairy products conforming to Commission Decision 2007/554/EC of 9 August 2007 concerning certain protection measures against foot-and-mouth disease in the United Kingdom”.

(6) Paragraph (5) of this regulation does not apply to a dairy product which complies with the requirements of paragraphs (2)(a) or (b), (3) or (4) if such compliance is stated in the commercial

document accompanying the consignment, endorsed in accordance with regulation 12, and the dairy product has been processed in an establishment operating HACCP and an auditable standard operating procedure which ensures that standards for treatment are met and recorded.

(7) Paragraph (5) does not apply to a dairy product which complies with the requirements of paragraphs (2)(a) or (b), (3) or (4), which has been treated in hermetically sealed containers so as to ensure that they are shelf stable if the heat treatment applied is stated in the commercial document accompanying the consignment.

Export of semen, ova and embryos

8.—(1) No person shall export semen, ova or embryos of an animal of the bovine, ovine, caprine and porcine species and other biungulate produced in or coming from the restricted area.

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

- (a) Semen, ova and embryos produced before 15th July 2007; and
- (b) frozen bovine and porcine semen and bovine embryos imported into the United Kingdom in accordance with the conditions in—
 - (i) 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(a);
 - (ii) Council Directive 89/556/EEC on animal health conditions governing intra-Community trade in and importation from third countries of embryos of domestic animals of the bovine species(b); and
 - (iii) Council Directive 90/429/EEC laying down the animal health requirements applicable to intra-Community trade in and imports of semen of domestic animals of the porcine species(c),

and which since introduction into the United Kingdom have been stored and transported separately from semen and embryos not eligible from the restricted area that are not eligible for export.

(3) Frozen bovine semen exported to another member State must be accompanied by a health certificate bearing the following words:—

“Frozen bovine semen conforming to Commission Decision 2007/554/EC of 9 August 2007 concerning certain protection measures against foot-and-mouth disease in the United Kingdom”.

(4) Bovine embryos exported to another member State must be accompanied by a health certificate bearing the following words:—

“Bovine embryos conforming to Commission Decision 2007/554/EC of 9 August 2007 concerning certain protection measures against foot-and-mouth disease in the United Kingdom”.

(5) Frozen porcine semen exported to another member State must be accompanied by a health certificate bearing the following words:—

“Frozen porcine semen conforming to Commission Decision 2007/554/EC of 9 August 2007 concerning certain protection measures against foot-and-mouth disease in the United Kingdom”.

Export of hides and skins

9.—(1) No person shall export hides and skins of animals of the bovine, ovine, caprine and porcine species and other biungulates produced in or coming from the restricted area.

(2) The prohibition in paragraph (1) does not apply to hides and skins that—

(a) O.J. No. L 194, 22.7.1988, p.10 as last amended by the Act of Accession of Austria, Finland and Sweden.

(b) O.J. No. L 302, 19.10.1989, p.11 as last amended by Act of Accession of Austria, Finland and Sweden.

(c) O.J. No. L 224, 18.8.1990, p.62 as last amended by Council Decision 2001/36/EC (O.J. No. L 13, 19.1.2000, p.21.)

- (a) were produced before 15th July 2007; or
- (b) conform to the requirements of point (c) or (d) of paragraph 2 of Part A of Chapter VI of Annex VIII to Regulation 1774/2002; or
- (c) were produced outside the restricted area in accordance with the conditions laid down in Regulation (EC) No 1774/2002, and since introduction into the United Kingdom have been transported separately from hides and skins not eligible for export,

provided that treated hides and skins are separated from untreated hides and skins.

(3) Hides and skins consigned to another member State must be accompanied by an official certificate which bears the following words:—

“Hides and skins conforming to Commission Decision 2007/554/EC of 9 August 2007 concerning certain protection measures against foot-and-mouth disease in the United Kingdom”.

(4) Paragraph (3) does not apply to hides and skins which conform to the requirements of either—

- (a) Points (b) to (e) or paragraph 1 of Part A of Chapter VI of Annex VIII to Regulation 1774/2002; or
- (b) Points(c) or (d) of paragraph 2 of Part A of Chapter VI of Annex VIII to Regulation 1774/2002,

if compliance with those conditions is stated in the commercial document accompanying the consignment, endorsed in the case of sub-paragraph (b) in accordance with regulation 12.

Export of animal products

10.—(1) No person export dispatch an animal product of a bovine, ovine, caprine and porcine species or other biungulate not otherwise mentioned in these Regulations—

- (a) produced after 15th July 2007 in the restricted area; or
- (b) obtained from animals originating in the restricted area.

(2) No person shall dispatch from the restricted area any dung or manure from an animal of a bovine, ovine, caprine and porcine species or other biungulate.

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

- (a) an animal products which has been subjected to heat treatment in—
 - (i) a hermetically sealed container with a Fo value of 3.00 or more;
 - (ii) which the centre temperature of the product is raised to at least 70°C; or
 - (iii) were produced outside the restricted area in accordance with the conditions laid down in Regulation 1774/2002, and which since introduction into the United Kingdom have been stored and transported separately from animal products not eligible for export;
- (b) blood and blood products as defined in paragraphs 4 and 5 of Annex I to Regulation 1774/2002 which have been subjected to—
 - (i) one of the treatments provided for in paragraph 3(a)(ii) of Part A of Chapter IV of Annex VIII to that Regulation, followed by an effectiveness check; and
 - (ii) that have been imported in accordance with Part A of Chapter IV of Annex VIII to Regulation 1774/2002;
- (c) lard and rendered fats which have been subjected to the heat treatment prescribed in point 2(d)(iv) of Part B of Chapter IV of Annex VII to Regulation 1774/2002;
- (d) animal casings that comply with the conditions in Part A of Chapter 2 of Annex I to Directive 92/118/EC laying down animal health and public requirements governing trade in and imports into the Community of certain products (a), and which are cleaned and scraped and then—

(a) O.J. No. L 62, 15.3.1993, p.49.

- (i) salted, bleached or dried; and
 - (ii) effective steps taken to prevent recontamination of the casings;
 - (e) sheep wool, ruminant hair and pig bristles which have undergone factory washing or have been obtained from tanning, and unprocessed sheep wool, ruminant hair and pig bristles which are securely enclosed in packaging and in a dry state;
 - (f) pet food conforming to the requirements of paragraphs 2 to 4 of Part B of Chapter II of Annex VIII to Regulation 1774/2002;
 - (g) composite products containing products of animal origin not subjected to further treatment provided that the treatment was not necessary for finished products the ingredients of which comply with the respective animal health conditions laid down in these Regulations;
 - (h) game trophies in accordance with paragraphs 1, 3 or 4 of Part A of Chapter VII of Annex VIII to Regulation 1774/2002;
 - (i) any packed product intended for use as an in-vitro diagnostic or laboratory reagent; or
 - (j) medicinal products as defined in Directive 2001/83/EC of the European Parliament and of the Council of 6 November 2001 on the Community Code relating to medicinal products for human use^(a), veterinary medicinal products as defined in Directive 2001/82/EC of the European Parliament and of the Council of 6 November 2001 on the Community Code relating to veterinary medicinal products ^(b) and investigational medicinal products as defined in Directive 2001/20/EC of the European Parliament and of the Council of 4 April 2001 on the approximation of the laws, regulations and administrative provisions of the Member States relating to the conduct of clinical trials on medicinal products for human use ^(c).
- (4) A product specified in paragraph (3) exported to another member State must be accompanied by an official certificate which bears the following words:–
- “Animal products conforming to Commission Decision 2007/554/EC of 9 August 2007 concerning certain protection measures against foot-and-mouth disease in the United Kingdom”.
- (5) Paragraph (4) does not apply to a product specified in sub-paragraphs (b), (c) or (d) of paragraph (3) accompanied by a commercial document endorsed in accordance with regulation 13 of these Regulations.
- (6) Paragraph (4) does not apply to a product specified in sub-paragraph (e) of paragraph (3) accompanied by a commercial document stating that the product–
- (a) has undergone factory washing or have been obtained from tanning; or
 - (b) complies with the conditions laid down in paragraphs 1 and 4 of Chapter VIII of Annex VIII to Regulation 1774/2002.
- (7) Paragraph (4) does not apply to a product specified in sub-paragraph (f) and (g) of paragraph (3) produced in an establishment operating HACCP and an auditable standard operating procedure which ensures that pre-processed ingredients comply with the requirements of these Regulations accompanied by a commercial document endorsed in accordance with regulation 12.
- (8) Paragraph (4) does not apply to a product specified in sub-paragraph (i) and (j) of paragraph (3) accompanied by a commercial document stating that the product is for use as in-vitro diagnostic or laboratory reagent or is a medicinal product, provided that the product is clearly labelled “for in-vitro diagnostic use only” or “for laboratory use only” or “medicinal product”.
- (9) Paragraph (4) does not apply to composite products that fulfil the conditions set out in Article 6(1) of Commission Decision 2007/275/EC concerning lists of animals and products to be subject to controls at border inspection posts^(d), if they are accompanied by a commercial document which bears the following words:

(a) O.J. No. L 311, 28.11.2001, p.67.

(b) O.J. No. L 311, 28.11.2001, p.1.

(c) O.J. No. L 121, 1.5.2001, p.34.

(d) O.J. No. L 116, 4.5.2007, p.9.

“These composite products are shelf stable at ambient temperatures or have clearly undergone in their manufacture a complete cooking or heat treatment process throughout their substance so that any raw material is de-natured”.

Exemptions

11. The prohibitions in regulations 5, 6, 7 and 10 do not apply to a product—

- (a) not produced in the United Kingdom and which remains in the original packaging indicating country of origin; or
- (b) which is—
 - (i) produced in the restricted area in an approved establishment from pre-processed products originating outside that area which, since introduction into the United Kingdom, were transported, stored and processed separately from products not intended for export; and
 - (ii) accompanied by a commercial document or official certificate as required by these Regulations.

Endorsement of commercial documents

12.—(1) Where reference is made to a commercial document being endorsed in accordance with this regulation, the document must have attached to it a copy of the official certificate which—

- (a) states that the production process has been audited and found to be—
 - (i) in compliance with the appropriate requirements in Community animal health legislation; and
 - (ii) suitable to destroy the foot-and-mouth disease virus; or
- (b) states that the product or products concerned have been produced from pre-processed materials which have been certified in accordance with paragraph (a), and that provisions are in place to avoid possible re-contamination with the foot-and-mouth disease virus.

(2) The certificate shall bear a reference to the Decision, shall be valid for 30 days, shall state the expiry date and shall be renewable after inspection of the establishment.

(3) In case of products for retail sale to the final consumer, a consolidated consignment other than fresh meat, minced meat, mechanically separated meat and meat preparations, each of which is eligible for export in accordance with these Regulations, may be exported from an approved establishment accompanied by a commercial document endorsed by the attachment of a copy of an official veterinary certificate that—

- (a) confirms that the establishment of dispatch has in place a system to ensure that goods can only be dispatched if they are traceable to documentary evidence of compliance with these Regulations;
- (b) confirms that this system has been audited and found satisfactory;
- (c) refers to the Decision;
- (d) is valid for 30 days;
- (e) states the expiry date; and
- (f) is renewable only after the establishment had been audited with satisfactory results.

Offers to export

13. No person shall offer to export, or accept orders for the export of, anything prohibited from being exported by these Regulations, whether on the internet or otherwise.

Cleansing and disinfection

14.—(1) Any person in charge of a vehicle used to transport any live animal of a bovine, ovine, caprine or porcine species or any other biungulate shall cleanse and disinfect that vehicle after the transport of the animal is completed.

(2) That person shall ensure that a record is kept of the date and place of the cleansing and disinfection, in accordance with Article 12(2)(d) of Council Directive 64/432/EEC on animal health problems affecting intra-Community trade in bovine animals and swine.

Powers of an inspector

15.—(1) An inspector shall, on producing, if required to do so, some duly authenticated document showing his authority, have the right to enter any land or premises at all reasonable hours for the purpose of ascertaining whether there is or has been on the land or premises any contravention of these Regulations.

(2) An inspector shall have powers to carry out all checks and examinations necessary for the enforcement of these Regulations, and in particular may—

- (a) detain any vehicle, vessel, container or anything which the inspector reasonably suspects to contain animals or products controlled by these Regulations and intended for export for as long as is reasonably necessary to determine whether the consignment complies with the conditions for export;
- (b) search any premises;
- (c) carry out inspections of any processes used for the marking and identification of animals, any premises and any installation;
- (d) examine documentary or data processing material relevant to the checks carried out under these Regulations, including any import or export manifesto; and
- (e) take with him a representative of the European Commission acting for the purposes of the Decision.

(3) In this regulation “premises” includes any place, installation, vehicle (including any container, trailer, semi-trailer, caravan or other thing which is designed or adapted to be towed by another vehicle), train, ship, vessel, boat, craft, hovercraft or aircraft.

Illegal export of products

16.—(1) An inspector who has reasonable grounds to suspect that any product other than an animal is intended to be exported in contravention of these Regulations may seize and remove the product.

(2) An inspector who has seized and removed a product shall forthwith—

- (a) apply to the sheriff for an order under paragraph (3); and
- (b) intimate that application to any person appearing to the inspector to be in charge of the product.

(3) The sheriff, if satisfied that it was intended to dispatch the product in contravention of these Regulations, shall—

- (a) if satisfied that the product can be returned to the owner without a significant risk of a further attempt to dispatch it in contravention of these Regulations, order that it is so returned; or
- (b) if not satisfied that the product can be returned in accordance with sub-paragraph (a), order that it is to be put into storage (if practicable) or destroyed.

(4) The owner and any person in charge of a product destroyed or disposed in accordance with an order under paragraph (3) the owner shall be jointly and severally liable for the costs incurred in the return to the owner, removal to storage, storage or destruction or disposal.

(5) An inspector may apply to the sheriff for the destruction of a product stored in accordance with an order under paragraph (3), and the sheriff shall order that it is to be destroyed if satisfied that the owner cannot—

- (a) be found; or
- (b) pay the costs associated with storage of the product.

Obstruction

17. No person shall—

- (a) intentionally obstruct any person acting in the execution of these Regulations;
- (b) without reasonable cause, fail to give to any person acting in the execution of these Regulations any assistance or information which that person may reasonably require for the purposes of their functions under these Regulations.

False information

18. No person shall provide to any person acting in the execution of these Regulations any information which that person knows to be false or misleading.

Offences by bodies corporate

19.—(1) Where a body corporate is guilty of an offence under these Regulations, and that offence is proved to have been committed with the consent or connivance of, or to have been attributable to any neglect on the part of—

- (a) any director, manager, secretary or other similar officer of the body corporate, or
- (b) any person who was purporting to act in any such capacity,

that officer or person as well as the body corporate, shall be guilty of the offence and be liable to be proceeded against and punished accordingly.

(2) For the purposes of this regulation, “director” in relation to a body corporate whose affairs are managed by its members, means a member of the body corporate.

Penalties

20. A person contravening any provision of these Regulations is guilty of an offence and liable—

- (a) on summary conviction, to a fine not exceeding the statutory maximum or to imprisonment not exceeding three months, or to both;
- (b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years, or to both.

Authorisations, certificates or approvals issued in another part of the British Islands

21.—(1) Where these Regulations require any authorisation, certificate or approval to be issued or granted by the Scottish Ministers, an equivalent document issued in another part of the British Islands by the relevant competent authority is valid.

(2) Where these Regulations require anything to be done in an approved establishment or cutting plant in Scotland, anything processed in premises approved for those purposes in another part of the British Islands shall be treated as if it had been approved in Scotland.

Sharing of information

22. The Scottish Ministers and any local authority may exchange information for the purposes of these Regulations, and may disclose information to an enforcement authority in another part of the British Islands.

Enforcement

23. These Regulations shall be enforced by the Scottish Ministers or the local authority.

Revocation

24. The Import and Export Restrictions (Foot-and-Mouth Disease) (Scotland) (No. 2) Regulations 2007^(a) are revoked.

IAN ANDERSON

A member of the staff of the Scottish Ministers

Pentland House,
Edinburgh
24th August 2007

^(a) S.S.I. 2007/377.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations revoke and re-make with amendments the Import and Export Restrictions (Foot-and-Mouth Disease) (Scotland) (No. 2) Regulations 2007. They cease to have effect on 15th September 2007.

They implement in Scotland Commission Decision 2007/554/EC, as amended by Commission Decision 2007/588/EC, concerning certain protection measures against foot-and-mouth disease in the United Kingdom.

They regulate–

- the export and movement of live animals (regulation 3),
- the export of meat from bovine, ovine caprine and porcine animals (regulation 4),
- the export of meat products, milk and dairy products (regulations 5, 6 and 7),
- the export of semen, ova or embryos of animals of the bovine, ovine, caprine and porcine species and other biungulates (regulation 8), hides and skins (regulation 9) and various animal products (regulation 10).

They create an offence of offering to export anything which it is prohibited to export under the Regulations (regulation 13).

They provide for the cleansing and disinfection of vehicles used to transport live animals susceptible to foot-and-mouth disease (regulation 14)

They provide powers in respect of enforcement (regulation 15) and create offences of obstruction and providing false information (regulations 17 and 18).

Breach of the Regulations is an offence, punishable–

- (a) on summary conviction, to a fine not exceeding the statutory maximum or to imprisonment not exceeding three months or to both;
- (b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years or to both.

They provide for sharing of information relating to these Regulations (regulation 22).

The Regulations are enforced by the Scottish Ministers or the local authority (regulation 23).

Regulation 24 gives effect to the revocation of the instrument being replaced by these Regulations.

A regulatory impact assessment has not been prepared for these Regulations.

2007 No. 386

ANIMALS

ANIMAL HEALTH

**The Foot-and-Mouth Disease (Export Restrictions) (Scotland)
Regulations 2007**

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