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SCOTTISH STATUTORY INSTRUMENTS

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**2002 No. 445**

**The Products of Animal Origin (Third  
Country Imports) (Scotland) Regulations 2002**

**PART VI**

**TRANSIT PRODUCTS**

**Border inspection posts of entry and exit**

**35.** In this Part of these Regulations—

“border inspection post of entry” means the border inspection post at which a transit product enters the customs territory of the Community; and

“border inspection post of exit” means the border inspection post through which a transit product is intended to leave the customs territory of the Community, as specified in the certificate of veterinary clearance relating thereto.

**Prior authorisation of transit**

**36.** No person shall introduce a transit product into Scotland from a third country unless the official veterinary surgeon at the border inspection port of entry has previously authorised the transit of that product in writing.

**Physical check of transit products**

**37.** Any person required by regulation 18 to present a transit product, or ensure that it is presented, to the official veterinary surgeon at the border inspection post of entry need permit the official veterinary surgeon, or an assistant appointed pursuant to regulation 6(1)(b) or (2)(c), to carry out a physical check on the transit product only if the official veterinary surgeon considers that it presents a risk to animal or public health or reasonably suspects some other irregularity, as defined in regulation 21(5), in relation to the transit product.

**Movement of transit products**

**38.—(1)** No person shall remove, or cause to be removed, a transit product from the border inspection post of entry unless the person responsible for the product has given a written undertaking to the official veterinary surgeon there to observe and perform the requirements of regulation 39.

(2) Where, at any time after removal from a border inspection post of entry, a transit product is transported through Scotland by road, rail, waterway or air—

(a) the person responsible for the transit product and any carrier who has charge of it for the time being shall ensure that it is conveyed in a vehicle or container sealed by the customs or veterinary authorities responsible for the border inspection post of entry, accompanied by its required documents, any translations required under regulation 18(4) and its certificate of veterinary clearance, to the border inspection post of exit under the supervision of the

Commissioners in accordance with the external transit procedure referred to in Articles 91 to 97 of the Customs Code;

- (b) no person shall break the seals on the vehicle or container in which the transit product is conveyed, or unload the transit product, or split the consignment or part consignment which includes the transit product, or subject the transit product to any form of handling; and
  - (c) the person responsible for the transit product and any carrier who has charge of it for the time being shall ensure that it leaves the customs territory of the Community at the border inspection post of exit not more than 30 days after removal from the border inspection post of entry (excluding the day of removal).
- (3) No person shall introduce a transit product into a free zone, a free warehouse or a customs warehouse in Scotland.

### **Disposal of returned transit products**

**39.**—(1) If a transit product is returned to Scotland after leaving the customs territory of the Community, the person responsible for the transit product shall either—

- (a) redispach the transit product from the border inspection post to which it is returned to a third country by the mode of transport by which it was returned within sixty days of its return (excluding the day of return); or
  - (b) if the circumstances described in paragraph (2) apply, destroy the product without undue delay by rendering or incineration in accordance with the Animal By-Products Order in the facilities provided for that purpose nearest to the border inspection post to which the product is returned.
- (2) The transit product shall be destroyed in accordance with paragraph (1)(b) where—
- (a) redispach of the product is precluded on animal or public health grounds by the results of a physical check, or by any animal or public health requirement laid down in a Community instrument in force on the date on which these Regulations are made, or is otherwise impossible;
  - (b) the sixty day period referred to in paragraph (1)(a) has expired; or
  - (c) the person responsible for the transit product agrees immediately to its destruction.

(3) Any person who has possession or control of the required documents relating to a transit product to which paragraph (1) applies, or of the certificate of veterinary clearance relating thereto, shall submit them for invalidation to the official veterinary surgeon at the border inspection post to which the product is returned.

(4) The person responsible for a transit product to which paragraph (1) applies shall store it until redispach or destruction under the supervision of the official veterinary surgeon at the border inspection post to which the product is returned at such place and in such conditions as the official veterinary surgeon may direct.

(5) The person responsible for a transit product to which paragraph (1) applies shall pay the costs of storing, transporting, redispaching and destroying it.