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SCOTTISH STATUTORY INSTRUMENTS

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**2003 No. 411**

**The Animal By-Products (Scotland) Regulations 2003**

**PART 6**

**Derogations**

**Competent authority for Chapter V of the Community Regulation**

**25.** The Scottish Ministers shall be the competent authority for the purposes of Chapter V of the Community Regulation (derogations).

**Derogations regarding the use of animal by-products**

**26.—(1)** The use of animal by-products for diagnostic, educational or research purposes is permitted if it is in accordance with an authorisation.

(2) The use of animal by-products for taxidermy is permitted if—

- (a) it is in accordance with an approval of the Scottish Ministers; and
- (b) it is in an approved technical plant.

(3) The feeding of animal by-products specified in Article 23(2)(b) of the Community Regulation to—

- (a) zoo animals;
- (b) circus animals;
- (c) reptiles and birds of prey other than zoo or circus animals;
- (d) fur animals;
- (e) wild animals the meat of which is not destined for human consumption;
- (f) dogs from recognised kennels or recognised packs of hounds; or
- (g) maggots for fishing bait,

is permitted if it is in accordance with an authorisation.

(4) The Scottish Ministers shall maintain a register of premises used for the feeding of such animal by-products to zoo or circus animals, dogs from recognised kennels or recognised packs of hounds and maggots for fishing bait.

(5) The register specified in the previous paragraph shall contain the following information:—

- (a) the name of the operator;
- (b) the address of the premises; and
- (c) the business carried on at the premises.

(6) Any person who uses animal by-products for any of the purposes in this regulation other than in accordance with an authorisation shall be guilty of an offence.

### Collection centres

**27.**—(1) For the purposes of Article 23(2) of the Community Regulation, no person shall operate a collection centre, as defined in Annex I to the Community Regulation, for the purposes of feeding animal by-products to—

- (a) dogs from recognised kennels or recognised packs of hounds; or
- (b) maggots for fishing bait,

unless the premises and the operator of the premises are authorised.

(2) The operator of the approved premises shall ensure that—

- (a) the premises are maintained and operated in accordance with—
  - (i) the conditions of the authorisation; and
  - (ii) the requirements of the Community Regulation and these Regulations; and
- (b) any person employed by the operator, and any person invited to the premises, complies with those conditions and requirements.

(3) Any person who fails to comply with any provision of this regulation shall be guilty of an offence.

### Burial of pet animals

**28.** In accordance with Article 24(1)(a) of the Community Regulation, dead pet animals may be buried.

### Remote areas

**29.**—(1) For the purposes of Article 24(1)(b) of the Community Regulation it shall not be an offence under these Regulations for animal by-products to be disposed of as waste by burning or burial on site (as defined in Part A of Annex II to Regulation (EC) 811/2003) where they originate in the remote areas specified in Schedule 3, provided that this is done in accordance with Part C of Annex II to Regulation (EC) 811/2003(1).

(2) The Scottish Ministers shall be the competent authority for the purposes of Article 7 of, and Part C of Annex II to, Regulation (EC) 811/2003.

### Burning or burial in the event of a disease outbreak

**30.**—(1) For the purposes of Article 24(1)(c) of the Community Regulation, if there is an outbreak of a disease mentioned in List A of the International Office of Epizootic Diseases, it shall not be an offence under these Regulations for animal by-products to be disposed of as waste by burning or burial on site (as defined in Part A of Annex II to Regulation (EC) 811/2003) if the animal by-product is transported, and buried or burnt, in accordance with—

- (a) a notice given by the Scottish Ministers under Article 24(1)(c) authorising disposal in accordance with that provision; and
- (b) the provisions of Article 6 of, and Part B of Annex II to, Regulation (EC) 811/2003.

(2) The Scottish Ministers shall be the competent authority for the purposes of Article 6 of, and Part B of Annex II to, Regulation (EC) 811/2003.

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(1) O.J. No. L 117, 13.5.2003, p.14.

### **Burning and burial of bees and apiculture products**

**31.** In accordance with Article 8 of Regulation [\(EC\) 811/2003](#), bees and Category 2 apiculture products may be disposed of by burial or burning on site if this is done in accordance with that Article.