
SCOTTISH STATUTORY INSTRUMENTS

2007 No. 194

**The Animals and Animal Products (Import
and Export) (Scotland) Regulations 2007**

PART I

INTRODUCTORY

Citation, commencement, interpretation and extent

1.—(1) These Regulations may be cited as the Animals and Animal Products (Import and Export) (Scotland) Regulations 2007 and shall come into force on 2nd April 2007.

(2) In these Regulations—

“approved assembly centre” means an assembly centre approved by the Scottish Ministers in accordance with regulation 13;

“assembly centre” means any holding, collection centre or market at which cattle, pigs, sheep or goats originating from different holdings are grouped together to form consignments of animals intended for intra Community trade or which is used in the course of intra Community trade;

“border inspection post” means, in relation to a species of animal, a place specified in relation to that species in Schedule 2;

“captive bird” means a bird whose import is subject to the requirements of Commission Decision [2000/666/EC](#);

“Commission Decision [2000/666/EC](#)” means Commission Decision [2000/666/EC](#) laying down the animal health requirements and the veterinary certification for the import of birds, other than poultry and the conditions for quarantine **(1)**, as amended by and as read with the instruments listed in paragraph 6 of Part II of Schedule 7;

“Commission Decision [2006/115/EC](#)” means Commission Decision [2006/115/EC](#) concerning certain protection measures in relation to highly pathogenic avian influenza in wild birds in the Community and repealing Decisions [2006/86/EC](#), [2006/90/EC](#), [2006/91/EC](#), [2006/94/EC](#), [2006/104/EC](#) and [2006/105/EC](#)**(2)**as amended by Commission Decision [2006/277/EC](#)**(3)**;

“Commission Regulation [\(EC\) No. 282/2004](#)” means Commission Regulation [\(EC\) No. 282/2004](#) introducing a document for the declaration of, and veterinary checks on, animals from third countries entering the Community**(4)**;

“Commission Regulation [\(EC\) No. 1/2005](#)” means Commission Regulation [\(EC\) No. 1/2005](#) on the protection of animals during transport and related operations and amending Directives [64/432/EEC](#) and [93/119/EC](#) and Regulation [\(EC\) No 1255/97](#)**(5)**;

(1) O.J. No. L 278, 31.10.2000, p. 26
(2) O.J. No. L 48, 18.2.2006, p. 48.
(3) O.J. No. L 103, 12.4.2006, p. 29.
(4) O.J. L 49, 19.2.2004, p.11.
(5) O.J. L 3, 5.1.2005, p. 1.

“Council Directive [64/432/EEC](#)” means Council Directive [64/432/EEC](#) on animal health problems affecting intra Community trade in bovine animals and swine⁽⁶⁾ as amended by and as read with the instruments listed in paragraph 1 of Part I of Schedule 3;

“Council Directive [90/425/EEC](#)” means Council Directive [90/425/EEC](#) concerning veterinary and zootechnical checks applicable in intra Community trade in certain live animals and products with a view to the completion of the single market⁽⁷⁾ as amended by and as read with the instruments listed in paragraph 1 of Schedule 1;

“Council Directive [90/427/EEC](#)” means Council Directive [90/427/EEC](#) on the zootechnical and genealogical conditions governing intra Community trade in equidae⁽⁸⁾, as amended by and as read with the instruments listed in paragraph 15 of Part I of Schedule 3;

“Council Directive [90/539/EEC](#)” means Council Directive [90/539/EEC](#) on animal health conditions governing intra Community trade in, and imports from third countries of, poultry and hatching eggs⁽⁹⁾, as amended by and as read with, in relation to intra Community trade the instruments listed in paragraph 6 of Part I of Schedule 3 and in relation to imports from third countries, the instruments listed in paragraph 4 of Part II of Schedule 7;

“Council Directive [91/67/EEC](#)” means Council Directive [91/67/EEC](#) concerning the animal health conditions governing the placing on the market of aquaculture animals and products⁽¹⁰⁾, as amended by and as read with the instruments listed in paragraph 8(1) of Part I of Schedule 3;

“Council Directive 91/68” means Council Directive [91/68/EEC](#) on animal health conditions governing intra Community trade in ovine and caprine animals⁽¹¹⁾ as amended by and as read with the instruments listed in paragraph 9 of Part I of Schedule 3;

“Council Directive [91/496/EEC](#)” means Council Directive [91/496/EEC](#) laying down the principles governing the organisation of veterinary checks on animals entering the Community from third countries⁽¹²⁾, as amended by and as read with the instruments listed in paragraph 2 of Schedule 1;

“Council Directive [92/65/EEC](#)” means Council Directive [92/65/EEC](#) laying down animal health requirements governing trade in and imports into the Community of animals, semen, ova and embryos not subject to animal health requirements laid down in specific Community rules referred to in Annex A(1) to Council Directive [90/425/EEC](#)⁽¹³⁾, as amended by and as read with, in relation to intra Community trade, the instruments listed in paragraph 10 of Part I of Schedule 3, and in relation to imports from third countries, the instruments listed in paragraph 5 of Part II of Schedule 7;

“dealer” means–

- (a) in the case of cattle or pigs, any person who buys and sells animals commercially either directly or indirectly, who has a regular turnover of those animals and who within 30 days of purchasing animals resells or relocates them to other premises not within his ownership; and
- (b) in the case of sheep or goats, any person who buys and sells animals commercially either directly or indirectly, who has a turnover of those animals and who within 29 days of purchasing animals resells or relocates them to other premises or directly to a slaughterhouse not within his ownership;

“European international instruments” means–

(6) O.J. No. P 121, 29.7.64, p.1977.
 (7) O.J. No. L 224, 18.8.90, p.29.
 (8) O.J. No. L 224, 1.8.90, p.55.
 (9) O.J. No. L 303, 30.10.90, p.6.
 (10) O.J. No. L 46, 19.2.91, p.1.
 (11) O.J. No. L 46, 19.2.91, p.19.
 (12) O.J. No. L 268, 24.9.91, p.56.
 (13) O.J. No. L 268, 14.9.92, p.54.

- (a) the Act of Accession to the European Communities of the Kingdom of Denmark, Ireland, the Kingdom of Norway and the United Kingdom of Great Britain and Northern Ireland(14);
- (b) the Decision on the conclusion of the Agreement on the European Economic Area between the European Communities, their member States and the Republic of Austria, the Republic of Finland, the Republic of Iceland, the Principality of Liechtenstein, the Kingdom of Norway, the Kingdom of Sweden, and the Swiss Confederation(15);
- (c) the Act concerning the conditions of accession of the Kingdom of Norway, the Republic of Austria, the Republic of Finland and the Kingdom of Sweden and the adjustments to the Treaties on which the European Union is founded(16); and
- (d) the Act concerning the conditions of accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic and the adjustments to the Treaties on which the European Union is founded(17);

“herd” or “flock” means a group of animals kept as an epidemiological unit;

“import” means import into Scotland;

“inspector” means a person appointed to be an inspector for the purposes of these Regulations by the Scottish Ministers or a local authority, and when used in relation to a person so appointed by the Scottish Ministers includes a veterinary inspector;

“local authority” means a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994(18);

“place of destination” means the address or addresses to which the consignment is consigned by the consignor;

“quarantine centre”, “quarantine facility” and “quarantine unit” in relation to captive birds have the meanings given in Commission Decision 2000/666/EC, and references in these Regulations to an “approved” quarantine centre and quarantine facility shall be construed as referring to such a centre or facility approved in accordance with regulation 20 and Schedule 8 so long as that approval is not revoked or suspended;

“quarantine manager” in relation to captive birds has the meaning given in regulation 20(11);

“Regulation (EC) No. 998/2003” means Regulation (EC) No. 998/2003 on the animal health requirements applicable to the non commercial movement of pet animals and amending Council Directive 92/65/EEC(19), as amended by Commission Regulation (EC) No. 2054/2004(20);

“Regulation (EC) No. 854/2004” means Regulation (EC) No. 854/2004 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(21);

“re inspection” in relation to the Poultry Health Scheme means an additional inspection described in paragraph 9 of Part I, Schedule 4, and “re inspection fee” is the fee provided for in that paragraph;

(14) O.J. No. L 73, Special Edition, 27.3.72.

(15) O.J. No. L 1, 3.1.94, p.1.

(16) O.J. No. C241, 29.8.94, p.21, as amended by O.J. No. L 12, 1.1.95, p.1.

(17) O.J. No. L 236, 23.9.03, p.33.

(18) 1994 c. 39.

(19) O.J. No. L 146, 13.6.2003, p.1.

(20) O.J. No. L 355, 01.12.2004, p.14.

(21) O.J. No. L 139, 30.4.2004, p. 206, a corrigendum to which has been published in O.J. No. L 226, 25.06.2004, p. 83.

“required consignment documentation” means any certificates or other documents that are required by these Regulations to accompany the consignment;

“veterinary inspector” means a person appointed as a veterinary inspector by the Scottish Ministers; and

“veterinary inspector rate” has the meaning given to it in regulation 33(2).

(3) Unless the context otherwise requires, any expressions used in these Regulations have the meaning they bear in Council Directive [90/425/EEC](#) and Council Directive [91/496/EEC](#).

(4) A notice, approval or declaration under these Regulations shall be in writing, may be made subject to conditions and may be amended, suspended or revoked in writing at any time.

(5) Any reference in these Regulations to anything done in writing or produced in written form includes a reference to an electronic communication, within the meaning of the Electronic Communications Act 2000(22).

(6) These Regulations extend to Scotland only.

Exception

2.—(1) Subject to paragraph (2), these Regulations shall not apply to veterinary checks on movements of pets (other than equidae) accompanied by and under the responsibility of a natural person, where such movements are not the subject of a commercial transaction.

(2) Where any person is accompanying and has under his responsibility more than five pets travelling together that—

(a) are each of a species listed in Annex I to Regulation [\(EC\) No. 998/2003](#); and

(b) come from a third country other than one listed in section 2 of part B of Annex II to Regulation [\(EC\) No. 998/2003](#),

these Regulations shall apply to the veterinary checks on the movements of those animals, notwithstanding that their movement is not the subject of a commercial transaction.

Enforcement

3.—(1) Except where otherwise expressly provided, these Regulations shall be executed and enforced by the local authority.

(2) The Scottish Ministers may direct, in relation to cases of a particular description, or a particular case, that they, and not the local authority, shall discharge any duty imposed on a local authority under paragraph (1).

(3) The Scottish Ministers may recover from the local authority concerned any expenses reasonably incurred by them under paragraph (2).

PART II

INTRA COMMUNITY TRADE

Application of Part II

4. This Part shall apply to trade between member States in live animals and animal products which are the subject of an instrument in Part I of Schedule 3, except aquaculture products for human consumption controlled by Council Directive [91/67/EEC](#).

(22) [2000 c. 7](#); the definition, in section 15(1), was amended by paragraph 158 of Schedule 17 to the Communications Act [2003 \(c. 21\)](#).

Exports

5.—(1) No person shall export or consign for export to another member State any animal or animal product controlled under one or more of the instruments (“the listed instruments”) in Part I of Schedule 3 unless—

- (a) it complies with the relevant provisions of the listed instruments (including any option which has been exercised by the member State of destination), and any additional requirements specified in that Part;
- (b) when required by the listed instruments, it is accompanied by—
 - (i) an export health certificate signed by a veterinary inspector (or, where specified in an instrument, signed by a veterinary surgeon nominated by the exporter); or
 - (ii) any other document required by the listed instruments;
- (c) when required by the listed instruments, any notification of a disease on the holding from which the animal has been consigned has been made within the time and in the manner (if any) specified in the listed instruments; and
- (d) if the animal is acquired through or transits an assembly centre, that centre is an approved assembly centre.

(2) If an inspector has reasonable cause to suspect that a person intends to export animals or animal products in contravention of this regulation the inspector may by notice served on the consignor, his representative or the person appearing to him to be in charge of the animals or animal products, prohibit that exportation and require the person on whom the notice is served to take the animals or animal products to such place as may be specified in the notice and to take such further action in relation to them as may be specified in the notice.

(3) In the event of a notice served under paragraph (2) not being complied with, an inspector may seize or cause to be seized any animal or animal product to which it relates and arrange for the requirements of the notice to be complied with.

(4) No person shall export to another member State any animal to which the provisions of Articles 6, 7, 9 or 10 of Council Directive [92/65/EEC](#) apply unless the animal originates from—

- (a) a holding that has been registered with the Scottish Ministers and the owner or person in charge of that holding has given to the Scottish Ministers undertakings in accordance with Article 4 of Council Directive [92/65/EEC](#); or
- (b) a body, institute or centre that has been approved by the Scottish Ministers in accordance with regulation 9(1) and that conforms with the requirements of Annex C to Council Directive [92/65/EEC](#).

(5) No person shall export to another member State any hatching eggs, day old chicks or poultry to which Article 6 of Council Directive [90/539/EEC](#), applies unless they originate from an establishment which—

- (a) is a member of the monitoring scheme, known as the Poultry Health Scheme, operated by the Scottish Ministers in accordance with Schedule 4 to these Regulations; and
- (b) conforms with the requirements of Annex II to Council Directive [90/539/EEC](#).

(6) An establishment to which paragraph (5)(a) applies is to be considered an approved establishment for the purposes of Article 6(1)(a) of Council Directive [90/539/EEC](#).

Imports

6.—(1) No person shall import from another member State either for entry into the UK or by way of transit to another Member State any animal or animal product subject to an instrument listed in Part

I of Schedule 3 and in free circulation in another member State unless it complies with the relevant provisions of that instrument and any additional requirements specified in Part I of Schedule 3.

(2) Where an animal subject to an instrument listed in Part 1 of Schedule 3 is imported from another Member State, either for entry into the UK or by way of transit to another Member State, the importer, and the person in charge of the animal, if different, shall comply with all the relevant provisions of that instrument until it arrives at its place of destination or leaves Scotland, as the case may be.

(3) If an animal is imported for slaughter, other than an animal taken to an assembly centre, the importer shall ensure that it is slaughtered without undue delay; and if it is not slaughtered without undue delay, an inspector may by notice served on the importer, their representative or the person in charge of the animal require the animal to be slaughtered as may be specified in the notice.

(4) Where cattle, pigs, sheep or goats are imported for slaughter and are taken to an assembly centre, the importer shall ensure that they are removed from the assembly centre directly to a slaughterhouse and slaughtered there—

- (a) in the case of sheep and goats within 5 days of their arrival at the assembly centre; and
- (b) in the case of cattle and pigs within 3 days of their arrival at the assembly centre.

(5) Where an animal to which paragraph (4) applies is not slaughtered within the specified period, an inspector may by notice served upon the importer, his representative, or person in charge of the animal require the animal to be slaughtered as may be specified in the notice.

(6) In the event of a notice served under paragraphs (3) or (5) not being complied with an inspector may seize or cause to be seized any animal to which the notice relates and arrange for the requirements of the notice to be complied with.

Transport of animals and animal products

7.—(1) No person shall transport any animal or animal product in intra Community trade unless it is accompanied by the documents required by Article 3(1)(d) of Council Directive [90/425/EEC](#).

(2) No person shall deliver any animal or animal product imported from another member State other than to the address specified in the required consignment documentation unless required to do so by means of a notice served on that person by an inspector; and, if an animal or animal product is delivered to an address other than that specified in the required consignment documentation and not in compliance with a notice served by an inspector, an inspector may serve a notice on the person appearing to the inspector to be in charge of the animal or animal product requiring that person to transport it, at that person's expense, to the address specified in the required consignment documentation.

(3) In the event of a notice served under paragraph (2) not being complied with an inspector may seize any animal or animal product to which it relates and arrange for the requirements of the notice to be complied with.

(4) In the case of the transport of cattle, pigs, sheep or goats, the provisions of Part II of Schedule 3 shall have effect, and any failure to comply with those provisions may lead to a withdrawal of an authorisation under Articles 10, 11 and 13 of Council Regulation [\(EC\) No. 1/2005](#).

Dealers

8.—(1) For the purposes of paragraph (2) below the Scottish Ministers shall keep a register of dealers engaging in intra Community trade who have applied for registration in accordance with that paragraph.

(2) If required to do so by a notice served on them by the Scottish Ministers, a dealer engaging in intra Community trade in animals shall register as such with the Scottish Ministers and shall give to them such undertakings as to compliance with these Regulations as shall be specified in the notice.

(3) Any person who has registered under paragraph (2) above shall keep a record of all deliveries of animals and, where a consignment is divided up or subsequently marketed, of the subsequent destination of the animals, and shall keep such records for 12 months from the arrival of the consignment.

(4) In the case of dealers in cattle, pigs, sheep or goats the provisions of Part III of Schedule 3 shall have effect instead of paragraphs (1) to (3) above.

Approval of centres and teams

9.—(1) For the purposes of Articles 5 and 13 of Council Directive [92/65/EEC](#), the Scottish Ministers shall approve any body, institute or centre which has applied for approval in accordance with Article 13 of that Directive and which conforms with the requirements of Annex C to that Directive.

(2) The Scottish Ministers shall suspend, withdraw or restore the approval referred to in paragraph (1) in accordance with point 6 of Annex C to that Directive.

(3) For the purposes of Article 11 of Council Directive [92/65/EEC](#), the Scottish Ministers shall approve any semen collection centre or embryo collection team which has applied to the Scottish Ministers for approval in accordance with Article 11 of that Directive and which meets the conditions applicable to it in respect of approval and the performance of its duties as required by Article 11 of and Annex D to that Directive.

Approval of laboratories

10. The Scottish Ministers shall approve laboratories in accordance with Schedule 5 to these Regulations for the purposes of carrying out the tests for *Mycoplasma* and *Salmonella* infections required under Chapter III of Annex II to Council Directive [90/539/EEC](#).

Inspection and checking at destination

11.—(1) A veterinary inspector shall have power to inspect all animals and animal products imported into Scotland from another member State, at their place of destination, so as to ensure that the requirements (including requirements on documentation) of the relevant provisions of the Directives or other measures listed in Part I of Schedule 3 and any additional requirements specified in Part I of Schedule 3 have been complied with.

(2) An inspector shall have power to inspect anywhere and at any time all animals and animal products imported from another member State, as well as all accompanying documents, if they have information leading them to suspect an infringement of the Directives or other measures in Part I of Schedule 3 or of any additional requirements specified in Part I of Schedule 3.

Duties on consignees

12.—(1) No person shall accept a consignment of animals or animal products (other than registered horses accompanied by an identification document provided for by Council Directive [90/427/EEC](#)) unless the importer or consignee has notified to an authorised inspector in writing, at least 24 hours in advance, the nature of the consignment, its anticipated date of arrival and the place of destination.

(2) A consignee shall retain all certificates sent in accordance with these Regulations for 12 months from the date of arrival.

(3) The authorised inspector referred to in paragraph (1) shall be the inspector authorised by the Scottish Ministers to receive information about the anticipated date of arrival of imported animals or animal products for the area in which the place of destination is situated.

Assembly centres and slaughterhouses

13.—(1) Any person operating an assembly centre for the purpose of intra Community trade in cattle, pigs, sheep or goats shall do so in accordance with this regulation.

(2) The assembly centre shall be approved by the Scottish Ministers and given a number, and approval shall only be given if the Scottish Ministers are satisfied that—

- (a) in the case of an assembly centre used for cattle or pigs, the centre complies with the requirements of paragraphs (a) to (d) of Article 11(1) of Council Directive [64/432/EEC](#);
- (b) in the case of an assembly centre used for sheep or goats, the centre complies with the requirements of paragraphs (a) to (d) of Article 8a(1) of Council Directive [91/68/EEC](#); and
- (c) the operator of the assembly centre has agreed to comply with the requirements for the operation of the centre which an inspector has specified in an operational agreement as being the requirements the inspector believes are necessary to ensure the centre is capable of being operated in accordance with the second indent of Article 3(2) of Council Directive [90/425/EEC](#).

(3) In the case of cattle, pigs, sheep or goats, the operator shall admit only animals that are identified and come from herds or flocks that are eligible for intra Community trade.

(4) Where animals are consigned to an assembly centre, the operator of the assembly centre shall—

- (a) ensure that no animal is admitted unless it complies with Article 3.1 of Council Directive [90/425/EEC](#); and
- (b) record on a register—
 - (i) in the case of cattle, pigs, sheep and goats, the name of the owner, the registration number, the transporter and the licence number of the lorry delivering or collecting animals from the centre;
 - (ii) in the case of cattle, the origin, date of entry and exit, number and identification number and the proposed destination as well as the information in sub paragraph (4) (b)(i) above;
 - (iii) in the case of pigs, the registration number of the holding of origin or of the herd of origin and the proposed destination as well as the information in sub paragraph (4) (b)(i) above; and
 - (iv) in the case of sheep and goats, the identification of the animals, or the registration number of the holding of origin of the animals, and, where applicable, the approval or registration number of any assembly centre through which the animals have passed prior to entering the centre as well as the information in sub paragraph (4)(b)(i) above,

and shall preserve the register for a minimum of 3 years.

(5) Where animals are consigned to a slaughterhouse under the supervision of an official veterinary surgeon qualified in accordance with Regulation [\(EC\) No. 854/2004](#) to act in such a capacity and appointed as such by the Food Standards Agency (in this paragraph and paragraph (6) “the official veterinary surgeon”), the official veterinary surgeon shall ensure that no animal is slaughtered unless it complies with Article 3(1) of Council Directive [90/425/EEC](#).

(6) If, in carrying out inspections under the preceding paragraph, the official veterinary surgeon establishes that animals imported from another member State are accompanied by incorrect certification or cannot readily be identified, the official veterinary surgeon shall forthwith notify

a veterinary inspector authorised by the Scottish Ministers to receive that notification, who shall examine the animals and shall either—

- (a) certify that they are fit to be slaughtered and used for their intended purpose; or
- (b) by notice served on the official veterinary surgeon require the animals to be slaughtered and destroyed or re exported, in each case at the expense of the importer.

(7) Where paragraphs (4) and (5) do not apply, any person who markets any animal consigned to them from another member State, or divides up batches of such animals for distribution or marketing—

- (a) shall check, before any animal is marketed or any batch is divided up, that all the animals comply with the relevant provisions of an instrument in Part I of Schedule 3, with respect to identification marks and required consignment documentation;
- (b) shall immediately notify any irregularity or anomaly to a veterinary inspector authorised by the Scottish Ministers to receive such notification; and
- (c) if there is a breach of Article 3(1)(d) of Council Directive [90/425/EEC](#), shall isolate the animals in question until a veterinary inspector authorised by the Scottish Ministers to do so has authorised their release in writing.

Illegal consignments

14.—(1) If a veterinary inspector knows of or suspects the presence of agents responsible for a disease referred to in Schedule 6 or of a zoonosis or any other disease or cause likely to constitute a serious hazard to animals or humans in animals or animal products imported from another member State, or that those animals or animal products have come from a region contaminated by an epizootic disease, they may by notice served upon the person appearing to them to be in charge of those animals or products, require that person—

- (a) immediately to detain the imported animal product, imported animal or any animal which has been in contact with such imported animal (and, in the case of detained animals, whether imported or animals which have been in contact with imported animals, keep them isolated from other animals), at such place as may be specified in the notice, and to take such further action in relation to them as may be specified in the notice for the purpose of preventing the introduction or spreading of disease into or within Scotland; or
- (b) without delay, to slaughter them, or slaughter and destroy them, or, in the case of products, destroy them, in accordance with such conditions as may be specified in the notice.

(2) Subject to the provisions of paragraph (3), if an inspector knows or suspects that animals or animal products do not comply with the provisions of Article 3 of Council Directive [90/425/EEC](#), they may, if animal health and welfare considerations so permit, give the consignor or the consignor's representative or the person appearing to the inspector to be in charge of those animals or products by way of notice the choice of—

- (a) where the cause of non compliance is the presence in animals of residues in excess of that permitted under regulation 9 of the Animals and Animal Products (Examination for Residues and Maximum Residue Limits) Regulations 1997(**23**), maintaining the animals under supervision until the residue levels fall to the levels permitted by the legislation and, in the event of the residue levels not falling to the permitted levels, requiring them to take whatever action is specified in that legislation;
- (b) slaughtering the animals or destroying the products in accordance with such conditions as may be specified in the notice; or

- (c) returning the animals or products to the member State of despatch, with the authorisation of the competent authority of the member State of despatch and with prior notification to any member State of transit.
- (3) If the consignment fails to comply only by reason of an irregularity in respect of the required consignment documentation, the inspector shall not serve a notice under paragraph (2) unless—
- (a) they have given the consignor, the consignor's representative or the person appearing to the inspector to be in charge of those animals or products a notice requiring them to produce the required consignment documentation within 7 days and to detain the animal or animal product in accordance with such conditions as may be specified in the notice; and
 - (b) the required consignment documentation has not been produced within that time.
- (4) In the event of any notice served under this regulation not being complied with an inspector may seize any animal or animal product to which it relates, and arrange for the requirements of the notice to be complied with.

PART III

THIRD COUNTRIES

Application of Part III

- 15.** This Part shall apply in respect of animals imported into Scotland—
- (a) from anywhere except from another part of the United Kingdom or from another member State, and
 - (b) from another member State if the animal originated in a country which is not a member State and all the checks provided for in Council Directive [91/496/EEC](#) have not been carried out.

Official veterinarians

16. The Scottish Ministers shall from time to time designate such veterinary inspectors to act as official veterinarians as shall be necessary for the purposes of this Part and may revoke such designation at any time.

Importation

- 17.—(1)** No person shall import any animal—
- (a) either for entry into the United Kingdom or for export to another member State unless the conditions in Article 4 of Council Directive [91/496/EEC](#) are complied with; or
 - (b) for immediate re export, either directly or indirectly, outside the European Community unless such transit has been previously authorised in writing by the Scottish Ministers and the conditions in Article 9 of Council Directive [91/496/EEC](#) have been complied with.
- (2) No person shall import any animal except from a country or territory specified under the Instruments in Part I of Schedule 7.
- (3) No person shall import any animal to which an instrument in Part II of Schedule 7 applies unless it complies with the relevant provisions of that instrument and any additional requirements specified in that Part.
- (4) In relation to the import of captive birds, this regulation as read with paragraph 3 of Part I and paragraph 6 of Part II Schedule 7 shall not apply to permit the import of captive birds.

(5) Where an animal is imported for slaughter, it must be taken directly and without undue delay to a slaughterhouse, and if it is not taken directly and without undue delay to a slaughterhouse, an inspector may by notice served on the person appearing to him to be in charge of the animal, require the animal to be taken to such slaughterhouse as may be specified in the notice.

(6) In the event of a notice served under paragraph (4) not being complied with an inspector may seize any animal to which it relates and arrange for the requirements of the notice to be complied with.

(7) The person in charge of an animal that has been imported for immediate re export, either directly or indirectly, outside the European Community shall comply with Article 4, second indent, of Commission Regulation [\(EC\) No. 282/2004](#).

Places of import

18.—(1) No person shall import any animal except at a border inspection post specified in Schedule 2 for that species of animal, except that animals specified in Schedule 1 to the Rabies (Importation of Dogs, Cats and Other Mammals) Order 1974⁽²⁴⁾ may also be imported at places permitted under that Order.

(2) If animals are imported at any place other than a place permitted under paragraph (1), an inspector may by notice require the person appearing to the inspector to be in charge of the consignment to detain and isolate the animals in accordance with the notice and the following provisions of this regulation shall have effect.

(3) Following examination of the animals by a veterinary inspector, the veterinary inspector may serve a further notice on the person appearing to the veterinary inspector to be in charge of the consignment either releasing the animals from restriction or requiring the animals to be slaughtered or slaughtered and destroyed or re exported outside the European Community.

(4) In the event of a notice served under paragraph (2) or (3) not being complied with, an inspector may seize the animal and arrange for the requirements of the notice to be complied with.

Import procedure

19.—(1) No person shall import any animal unless he has given notice of his intention to do so in accordance with Article 1 of Commission Regulation [\(EC\) No. 282/2004](#).

(2) On importation, the importer or his agent shall convey the animal, under the supervision of the enforcement authority, directly to the examination area of the border inspection post or, where the instruments in Schedule 7 or the animal health conditions applicable to imports so require, to a quarantine centre as provided for in the second indent of the first sub paragraph of Article 10(1) of Council Directive [91/496/EEC](#).

(3) In relation to a captive bird, the importer or their agent shall at the expense of the importer ensure that—

- (a) the bird is conveyed from the border inspection post referred to in paragraph (2) to an approved quarantine centre or approved quarantine facility as provided for in Articles 2(4) and 3(1) and (2) of Commission Decision [2000/666/EC](#); and
- (b) the bird is placed and remains in quarantine at that approved quarantine centre or approved quarantine facility in accordance with Articles 3(3) and (5), 4, 5 and 6 of Commission Decision [2000/666/EC](#) and regulation 20.

(4) Without prejudice to regulation 20, and paragraph 6 of Part I of Schedule 8, no person shall remove any animal from a border inspection post or a quarantine centre unless the common veterinary entry document has been completed in accordance with Article 3(1) of Commission

⁽²⁴⁾ S.I. 1974/2211, as amended by S.I. 1977/361, 1984/1182, 1986/2062, 1994/17916 and 2003/229.

Regulation (EC) No. 282/2004 indicating that all necessary veterinary checks have been carried out to the satisfaction of the official veterinarian.

- (5) No person shall remove any animal from Customs temporary storage arrangements—
 - (a) unless the common veterinary entry document has been produced in accordance with Article 3(3) of Commission Regulation (EC) No. 282/2004 to an officer of Revenue and Customs and the removal has been authorised by that officer;
 - (b) to any place other than the place of destination specified in the common veterinary entry document, unless they have been required to remove it to another place by means of a notice served on them by an inspector.
- (6) Subject to paragraphs (2) to (5), the person in charge of an animal imported from a third country shall ensure that it is conveyed to its place of destination without delay and that the original of the common veterinary entry document accompanies it to its place of destination in accordance with Article 3(4) of Commission Regulation (EC) No. 282/2004.
- (7) Where a check at a border inspection post involves the taking of a sample for testing and the test result is not immediately available, the official veterinarian may, by notice served on the owner or the person appearing to the official veterinarian to be in charge of an animal, permit the owner or person so served to move the animal from the border inspection post, and require that owner or person to keep the animal in accordance with such conditions as may be specified in the notice until the test results are available; and if the test reveals that the animal does not comply with the provisions of Article 5 of Council Directive 91/496/EEC then the provisions of regulation 23 shall apply as they apply at a border inspection post.
- (8) In the event of a notice served under paragraph (5)(b) or (7) not being complied with a veterinary inspector may seize any animal to which it relates, and arrange for the requirements of the notice to be complied with.

Quarantine for captive birds

20.—(1) The provisions of Part I of Schedule 8 have effect in relation to approvals for quarantine centres and quarantine facilities pursuant to Commission Decision 2000/666/EC and to fees which may be charged to a quarantine manager in respect of those approvals, including whether an approval should be granted.

(2) The quarantine manager shall ensure that the specific requirements for the quarantine of captive birds described in Part II of Schedule 8 are met.

(3) Part III of Schedule 8 has effect in relation to charges to be paid by an importer of captive birds in respect of any consignment of captive birds.

(4) Using such criteria as they consider appropriate in all the circumstances to avoid an over recovery of costs, the Scottish Ministers may make a reduced charge under paragraph (3) in relation to any consignment of captive birds, if during a veterinary inspector's attendance at a quarantine centre or quarantine facility they undertake sampling or official veterinary supervision in relation to any other consignment of captive birds, or carry out inspections for which a charge may be made under Part I of Schedule 8.

- (5) For the purposes of this regulation and Schedule 8—
 - (a) the Veterinary Laboratories Agency is designated the official laboratory for the purposes of testing and analysis of samples pursuant to Commission Decision 2000/666/EC; and
 - (b) the charges of the Scottish Ministers under paragraphs (1) and (3) shall be payable upon written demand, which demand may be addressed to the quarantine manager or importer (as the case may be) concerned, at their last known address, whether or not it is their address for business.
- (6) No person may enter a quarantine centre or a quarantine facility unless—

- (a) they wear protective clothing and footwear; and
 - (b) they meet at least one of the following criteria—
 - (i) they are a member of staff at that quarantine centre or quarantine facility;
 - (ii) they have been authorised to enter by the Scottish Ministers or by a veterinary inspector; or
 - (iii) they otherwise do so in fulfilment of a statutory function relating to animal health, animal welfare or species conservation which they are appointed by the Scottish Ministers or by the local authority to perform.
- (7) No person shall remove a live captive bird from a quarantine centre or quarantine facility without the approval of a veterinary inspector.
- (8) No person shall dispose of a carcase of a captive bird which dies in quarantine unless a veterinary inspector has authorised the removal or disposal.
- (9) An inspector shall have powers in relation to the quarantine of captive birds to—
- (a) enter a quarantine centre or quarantine facility to check compliance with these Regulations or with an approval granted or sought under this regulation and Schedule 8;
 - (b) inspect and arrange for copies of any documents or records (in whatever form they are held) which the inspector reasonably considers relevant for checking compliance with the requirements of this Part and Schedule 8;
 - (c) take such samples and carry out such inspections of a quarantine centre or quarantine facility and its equipment, and such clinical veterinary examinations, as are required under Commission Decision [2000/666/EC](#).
- (10) An inspector exercising powers under paragraph (9) shall produce, if required to do so, some duly authenticated document showing his authority to exercise those powers.
- (11) In this regulation, “quarantine manager” means the person in charge of a quarantine centre or quarantine facility for which approval is required under Commission Decision [2000/666/EC](#).

Payment of fees

21. The official veterinarian shall not authorise the release of animals from a quarantine centre or border inspection post unless they are satisfied that all veterinary checks for which a charge is made have been paid for, and that, where relevant, a deposit covering any cost provided for in Article 9(1) (a), 9(2), the second and third indents of Article 10(1), Article 10(6) and Article 12(2) of Council Directive [91/496/EEC](#) has been lodged.

Consignments constituting a danger to health

22.—(1) Subject to paragraph (2), where checks at a quarantine centre, quarantine facility or border inspection post or the test results referred to in regulation 19(7) reveal that an animal or a consignment of animals is likely to constitute a danger to animal or human health, the official veterinarian shall immediately seize and destroy the animal or consignment (as the case may be) and the costs of such action shall be payable by the importer or their representative.

(2) Where the presence of Avian Influenza or Newcastle disease is found at a quarantine centre or quarantine facility in accordance with Article 4(4) of Commission Decision [2000/666/EC](#), a veterinary inspector shall either—

- (a) (i) slaughter and destroy all birds within the quarantine facility or at the unit at the quarantine centre where disease has been found, as required under Article 4(4)(a) of Commission Decision [2000/666/EC](#); and
- (ii) by notice impose the other measures provided for in Article 4(4) of that Decision; or

- (b) serve notice specifying the terms on which the derogation in Article 4(5) of Commission Decision [2000/666/EC](#) is to be exercised.
- (3) Where during quarantine required under Commission Decision [2000/666/EC](#) psittaciformes are suspected or found to be suffering *Chlamydia psittaci*, the veterinary inspector shall by notice—
 - (a) require the treatment of all birds in the consignment by means specified in that notice; and
 - (b) extend the period of quarantine as required under Article 5 of Commission Decision [2000/666/EC](#).
- (4) A notice served under paragraphs (2) and (3) shall be served upon the quarantine manager or other person appearing to the veterinary inspector to be in charge of the centre or facility at the time of service.
- (5) A copy of that notice shall be sent to the importer of the birds concerned.

Illegal consignments

- 23.**—(1) Where checks at the quarantine centre, quarantine facility or border inspection post reveal that the animals do not comply with the provisions of Article 5 of Council Directive [91/496/EEC](#) or Commission Regulation (EC) No. [1/2005](#), in particular the requirements listed in Article 21.1 of that Regulation, a veterinary inspector shall, by notice served on the person appearing to the veterinary inspector to be in charge of those animals, require that person to—
- (a) shelter, feed and water and, if necessary, treat the animals;
 - (b) place them in quarantine or isolate the consignment at such place as may be specified in the notice, and to take such other action in relation to the animals as may be necessary for the purpose of preventing the introduction or spreading of disease into or within Scotland; or
 - (c) re despatch them outside the territory of the European Community, where animal health or welfare considerations so permit, within such period as may be specified in the notice.
- (2) Before exercising any of the powers in paragraph (1) the veterinary inspector shall consult the importer or their representative.
- (3) If the animals are re despatched in accordance with sub paragraph (1)(c), the official veterinarian shall cancel the veterinary certificate accompanying the rejected consignment and complete the box “details of re consignment” in part 3 of the common veterinary entry document in accordance with the second indent of Article 3(1) of Commission Regulation (EC) No. [282/2004](#) as soon as the relevant information is known.
- (4) If in the opinion of the veterinary inspector re despatch is not possible, in particular for reasons of the welfare of animals, they shall serve a notice on the person appearing to them to be in charge of the animals in accordance with the following paragraph.
- (5) A notice served under the preceding paragraph may authorise slaughter of the animals for human consumption if the animals comply with all legislative requirements which must be complied with before slaughter for human consumption is permitted but, if this is not possible, shall either—
- (a) order the slaughter of the animals for purposes other than human consumption, or
 - (b) order the slaughter of the animals and destruction of the carcasses, specifying in each case the conditions regarding control of the use of the products obtained.
- (6) In the event of a notice served under paragraph (1) or (4) not being complied with a veterinary inspector may seize any animal to which it relates, and arrange for the requirements of the notice to be complied with.
- (7) The importer or their representative shall be liable for the costs incurred in measures under this regulation, but shall be entitled, after deduction of costs, to the proceeds of any sale.

Arrival at the place of destination

24.—(1) On arrival at their place of destination, elephants and animals of the order Artiodactyla (and their crossbreeds) that are for breeding, production or fattening, or that are intended for zoos, amusement parks or hunting or wildlife reserves, shall be detained at the premises by the person having control of those premises for at least 30 days and that person shall not release them until authorised in writing by an authorised officer of the Scottish Ministers.

(2) Paragraph (1) does not apply in the case of animals being dispatched directly to a slaughterhouse.

(3) Animals of species to which paragraph (1) does not apply that are for breeding or production shall be detained at the place of destination by the person having control of those premises, and that person shall not release them unless authorised in writing by an authorised officer of the Scottish Ministers.

Post-import controls

25.—(1) Where a veterinary inspector knows or suspects that import conditions (including requirements for the quarantine of imported animals) have not been complied with or there is doubt as to the identity of an animal, they may carry out any veterinary checks on that animal that they deem appropriate.

(2) If the checks confirm that import conditions were not complied with, then the provisions of regulation 22 shall apply as they apply at a border inspection post and, in the case of the exercise of a power to place the animals in quarantine or to isolate them, a veterinary inspector may additionally require the placing in quarantine or isolation of other animals which have been in contact with the imported animals.

PART IV

PRE-CHECKED THIRD COUNTRY IMPORTS

Application of Part IV

26. This Part shall apply in respect of animals imported into Scotland and which originate outside the European Community but in respect of which all the checks required under Council Directive [91/496/EEC](#) have been carried out in another part of the United Kingdom or another member State.

Imports

27. No person shall import any animal to which this Part applies unless it is accompanied by the common veterinary entry document and the authenticated copy of the original health certificate issued at the point of importation into the European Community under Article 7(1) of Council Directive [91/496/EEC](#) and Article 3 of Commission Regulation ([EC](#)) No. [282/2004](#).

Import procedure

28. The provisions of regulations 7 to 9, 11 to 13, 17(2) and (3), 19(3) and (6), 20(3) to (8), 22(2) and (3), 24 and 25 of these Regulations shall apply in relation to animals to which this Part applies.

PART V

GENERAL

Outbreaks of disease in other states

29.—(1) This regulation shall apply where the Scottish Ministers learn of or have reasonable grounds to suspect, either under the procedures set out in Article 10 of Council Directive [90/425/EEC](#) or Article 18 of Council Directive [91/496/EEC](#), or through any other means, the presence in any other state of a disease referred to in Schedule 6 (list of diseases), a zoonosis or any other disease or phenomenon liable to present a serious threat to public or animal health.

(2) In the circumstances described in paragraph (1) above, the Scottish Ministers may, for the purpose of preventing the introduction or spreading of disease into or within Scotland, by a declaration to be published in such manner as they think fit, give notice of the existence in another state of any disease or zoonosis or other cause likely to constitute a serious hazard, the area subject to the outbreak, and the types of animal or animal product affected.

(3) Upon such declaration being made, the entry into Scotland of any animal or animal product which is the subject of the declaration shall be in breach of the conditions of import in these Regulations unless it satisfies such conditions as may be specified in the declaration.

(4) A declaration made under this regulation may specify conditions under which the animal or animal product which is the subject of the declaration may be imported.

Notification of decisions

30. If the consignor or their representative, or the importer or their representative, so requests, any decision taken refusing entry or varying the conditions of entry shall be forwarded to them in writing by the person taking the decision, giving the reasons for the decision and the details of the right of appeal against the decision, including the relevant time limits.

Appointment of inspectors

31. The Scottish Ministers or, as the case may be, the local authority shall appoint inspectors for the purposes of the enforcement of these Regulations.

Powers of inspectors

32.—(1) Subject to regulation 11, an inspector shall, on producing, if required to do so, some duly authenticated document showing the inspector's authority, have the right at all reasonable hours to enter any land or premises for the purposes of ascertaining whether there is or has been on the premises any contravention of these Regulations.

(2) An inspector shall have powers to carry out all checks and examinations necessary for the enforcement of Council Directives [90/425/EEC](#) and [91/496/EEC](#), and in particular may—

- (a) carry out inspections of any processes used for the marking and identification of animals, any premises and any installation;
- (b) carry out checks on whether staff are complying with the requirements of the Directives or other measures listed in Part I of Schedule 3 relating to animal products;
- (c) take samples (and, if necessary, send the samples for laboratory testing) from—
 - (i) animals held with a view to being sold, put on the market or transported;
 - (ii) products held with a view to being stored or sold, put on the market or transported;
 - (iii) animals or animal products being transported in the course of intra Community trade;

- (iv) animals at a border inspection post in the case of third country imports; or
 - (v) animals or animal products at the place of destination in the case of an import from another member State;
 - (d) examine documentary or data processing material relevant to the checks carried out under these Regulations; and
 - (e) take with them a representative of the European Commission acting for the purposes of Council Directive [90/425/EEC](#) or [91/496/EEC](#).
- (3) In this regulation, “premises” includes any place, installation, vehicle, ship, vessel, boat, craft, hovercraft or aircraft.

Recovery of expenses

33.—(1) The consignor, their representative and the person in charge of any animal or animal product shall be jointly and severally liable for any reasonable expenses arising out of or in connection with the exercise of any power conferred on an inspector under these Regulations relating to those animals or animal products.

(2) In relation to any activity undertaken by a veterinary inspector for which a charge may be made under these Regulations at the veterinary inspector rate (“a chargeable activity”)—

- (a) the Scottish Ministers shall determine the veterinary inspector rate for that activity as representing the reasonable costs and expenses incurred in employing a veterinary inspector to undertake that chargeable activity during any given unit of time;
- (b) the Scottish Ministers shall publish the current veterinary inspector rate on the website of the Scottish Executive⁽²⁵⁾; and
- (c) time charged at the veterinary inspector rate shall be charged in units of half an hour or part thereof.

Obstruction

34.—(1) 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 and for the purposes of functions under these Regulations any assistance or information which the person acting in the execution of these Regulations may reasonably require of them; or
- (c) furnish to any person acting in the execution of these Regulations any information which they know to be false or misleading.

(2) Nothing in paragraph (1)(b) above shall be construed as requiring any person to answer any question or give any information if to do so might incriminate them.

Offences by bodies corporate

35.—(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,

(25) www.scotland.gov.uk.

that 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 paragraph (1) above, “director” in relation to a body corporate whose affairs are managed by its members, means a member of the body corporate.

(3) Where an offence under these Regulations is committed by a Scottish partnership and is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, a partner, that partner as well as the partnership shall be deemed to be guilty of that offence and be liable to be proceeded against and punished accordingly.

Offences and penalties

36.—(1) A person contravening any provision of these Regulations, except those listed in paragraph (2), or any notice served under any such provision shall be guilty of an offence.

(2) The provisions referred to in paragraph (1) are those contained in—

- (a) regulation 20(3);
- (b) paragraph 6 of Part I of Schedule 4; and
- (c) paragraph 2 of Part I of Schedule 5.

(3) A person guilty of an offence under regulation 34(1)(a) or (b) above shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale or to imprisonment for a term not exceeding three months or to both.

(4) A person guilty of any other offence under these Regulations shall be liable—

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

(5) No contravention of, or failure to comply with, a provision of these Regulations by the Scottish Ministers, a local authority, a veterinary inspector or an inspector shall constitute an offence.

Transitional arrangements and disapplication of provisions

37.—(1) These Regulations shall apply to a captive bird which has been lawfully imported pursuant to the Importation of Birds, Poultry and Hatching Eggs Order 1979(26) on or before 17th July 2006 as if the bird had been imported and, if it is in quarantine, placed in quarantine, in accordance with Part IV of Schedule 8 to these Regulations.

(2) Where, on 17th July 2006, a quarantine centre or quarantine facility held an approval for the purposes of Commission Decision 2000/666/EC that quarantine centre or quarantine facility shall be treated as approved in accordance with regulation 20 and Schedule 8 to these Regulations.

(3) Subject to paragraph (1), the provisions of the legislation listed in Schedule 9 shall not apply to imports from another member State of animals and animal products to which an instrument referred to in Part I of Schedule 3 applies, or to imports of an animal to which an instrument referred to in Schedule 7 applies from the country subject to that instrument, to the extent specified in column 3 of Schedule 9.

Revocations

38. The Regulations set out in column 1 of Schedule 10 are revoked to the extent specified in column 3 of that Schedule.

(26) S.I. 1979/1702, as amended by S.I. 1990/2371.

St Andrew's House,
Edinburgh
6th March 2007

ROSS FINNIE
A member of the Scottish Executive