
EXPLANATORY NOTE

(This note is not part of the Order)

This Order transposes in Scotland Articles 3 and 4 of 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 (O.J. No. L 18, 23.1.2003, p.11) (“the Council Directive”).

These Articles are also transposed by the Diseases of Poultry (Scotland) Order 2003, the Foot and Mouth Disease (Scotland) Order 2006 ([S.S.I. 2006/44](#)) and the Avian Influenza and Influenza of Avian Origin in Mammals (Scotland) Order 2006 ([S.S.I. 2006/336](#)).

Other Articles of the Council Directive and other EC measures supplementing them are transposed by—

- (a) the Official Feed and Food Controls (Scotland) Regulations 2007 ([S.S.I. 2007/522](#));
- (b) the Official Controls (Animals, Feed and Food) (Scotland) Regulations 2007 ([S.S.I. 2007/91](#));
- (c) the Animals and Animal Products (Import and Export) (Scotland) Regulations 2007 ([S.S.I. 2007/194](#));
- (d) the Products of Animal Origin (Import and Export) Regulations 1996 ([S.I. 1996/3124](#));
- (e) the Products of Animal Origin (Third Country Imports) (Scotland) Regulations 2007 ([S.S.I. 2007/1](#)); and
- (f) the Food Hygiene (Scotland) Regulations 2006 ([S.S.I. 2006/3](#)).

This Order also transposes, insofar as it applies to Newcastle disease, Commission Decision [2007/118/EC](#) establishing an alternative health mark pursuant to Directive [2002/99/EC](#) (O.J. No. L 51, 20.2.2007, p.19).

This Order creates obligations in respect of animals or poultry from premises where classical swine fever, African swine fever, swine vesicular disease, rinderpest, sheep and goat plague or Newcastle disease is suspected or confirmed, and the infected area and/or protection zone and surveillance zone put in place on confirmation of one of these diseases. They also create obligations and prohibitions in respect of the meat from these animals and this poultry.

Article 8 requires the detention of meat from suspect premises and the destruction of meat from infected premises. Article 9 requires tracing of meat from infected premises. Article 10 prohibits the supply or export of “restricted meat”, being untreated meat from susceptible animals from restricted areas, unless the meat is from poultry from a Newcastle disease restricted area. In that case, the meat can be traded on the domestic market provided certain requirements are satisfied.

Article 11 requires slaughterhouses dealing with restricted animals or poultry and meat from those animals or that poultry to be designated and requires separation of those animals or that poultry. Detention of meat is required if disease is suspected or confirmed at the slaughterhouse. Article 12 requires game handling establishments dealing with restricted meat to be designated.

Article 13 requires premises and establishments to be designated before receipt of restricted meat and requires restricted meat at those places to be kept separate from other meat.

Article 14 relates to the marking of meat subject to restrictions. The health mark referred to in paragraph 1(a) of Schedule 3 is an oval mark when applied under EC Regulation 854/2004 laying down specific rules for the organisation of official controls on products of animal origin intended for human consumption (O.J. No. L 155, 30.4.2004, p.206) and a square mark (poultry)

Status: This is the original version (as it was originally made).

or pentagonal mark (wild game) when applied under Commission Regulation (EC) No. 2076/2005 laying down transitional arrangements for the implementation of Regulation (EC) No. 853/2004, (EC) No. 854/2004 and (EC) No. 882/2004 of the European Parliament and of the Council and amending Regulations (EC) No. 853/2004 and (EC) No. 854/2004. The application of the health mark is supervised by the official veterinarian. The identification marks referred to in paragraph 3 of Schedule 3 are the national mark, which is square for poultry and pentagonal for wild game, and the alternative identification mark (known as “the beer mat”), which is the shape of a rounded square and depicted in the Annex to Commission Decision 2007/118/EC.

Article 15 applies to the movement of restricted meat and article 16 to record keeping in respect of such meat.

Articles 17 to 23 relate to enforcement.

Schedule 1 sets out the legislation under which zones and areas are declared in respect of the diseases to which this Order relates. Schedule 2 sets out the treatments which must be applied to restricted meat. Schedule 3 sets out the meat marking requirements for restricted meat.

Failure to comply with this Order is an offence under section 73 of the Animal Health Act 1981.

A full regulatory impact assessment of the effect that this Order will have on the costs of business has been prepared. Copies can be obtained from the Scottish Government Rural Directorate, Pentland House, 47 Robb’s Loan, Edinburgh, EH14 1TY. Copies have been placed in the Scottish Parliament Information Centre.