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SCOTTISH STATUTORY INSTRUMENTS

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**2013 No. 307**

**The Animal By-Products (Enforcement)  
(Scotland) Regulations 2013**

**PART 2**

The competent authority and miscellaneous provisions

**The competent authority**

3. The Scottish Ministers are the competent authority for the purposes of—
- (a) the EU Control Regulation; and
  - (b) the EU Implementing Regulation.

**Access**

- 4.—(1) Animal by-products, including catering waste, must not be brought on to any premises where farmed animals are kept.
- (2) But paragraph (1) does not apply—
- (a) where the occupier of the premises and the person having control of the animal by-products ensure that such by-products can be brought on to the premises in such a manner as to prevent farmed animals having access to such by-products; and
  - (b) to derived products, except—
    - (i) products derived from catering waste; and
    - (ii) meat-and-bone meal derived from Category 2 material and processed animal proteins intended to be used as or in organic fertilisers and soil improvers that do not comply with the requirements of Article 32(1)(d) (placing on the market and use) of the EU Control Regulation.

**Restrictions on access to bodies**

5. The body or part of a body of any farmed animal that has not been slaughtered for human consumption must be held by an operator, pending consignment or disposal, in accordance with the EU Control Regulation as read with the EU Implementing Regulation, in such manner as to ensure that any animal or bird will not have access to it.

**Use of organic fertilisers and soil improvers and extended waiting period for pigs in relation to the prohibition in Article 11(1)(c) of the EU Control Regulation**

- 6.—(1) In accordance with Article 32(1) of the EU Control Regulation, the application of organic fertilisers or soil improvers to land is prohibited, where, during the period of 60 days commencing from the date of the application of such products, it is intended that pigs will—
- (a) have access for grazing to such land; or

- (b) be fed cut herbage from such land.
- (2) Where organic fertilisers or soil improvers have been applied to land, pigs are prohibited during the additional waiting period from—
  - (a) having access for grazing to such land; or
  - (b) being fed cut herbage from such land.
- (3) Paragraphs (1) and (2) do not apply to the following organic fertilisers or soil improvers:—
  - (a) manure;
  - (b) milk;
  - (c) milk based products;
  - (d) milk derived products;
  - (e) colostrum;
  - (f) colostrum products; and
  - (g) digestive tract content.
- (4) In this regulation—
  - (a) “the minimum waiting period” is the period of 21 days commencing on the date of application of organic fertilisers or soil improvers to land as provided in Article 11(1)(c) of the EU Control Regulation (restrictions on use), as read with Article 5(2) of, and Chapter II of Annex II to, the EU Implementing Regulation (restrictions on the use of animal by-products and derived products); and
  - (b) “the additional waiting period” is the period of 39 days commencing on the date of expiration of the minimum waiting period.

#### **Collection centres for feeding in relation to Article 18(1) of the EU Control Regulation**

7. In relation to Article 18(1) of the EU Control Regulation (special feeding purposes) and in accordance with Article 13 of the EU Implementing Regulation (special feeding rules), as read with point 3 of Section 1 of Chapter II of Annex VI to that Regulation, the use of a processing plant for Category 2 material which is approved for the purpose of being a collection centre for Category 2 material is authorised as a collection centre.

#### **Remote areas referred to in Article 19(1)(b) of the EU Control Regulation**

8. For the purposes of Article 19(1)(b) of the EU Control Regulation (collection, transport and disposal), the following areas are categorised as remote areas:—
- (a) the area of the Argyll and Bute Council, excluding the Parishes of Arrochar (339), Cardross (347), Dunoon and Kilmun (140), Inverchaolain (141), Kilfinan (142), Kilmodan (143), Kingarth (276), Lochgoilhead and Kilmorich (144), Luss (349), North Bute (other than the island of Inchmarnock) (277), Rhu (340), Rosneath (341), Rothesay (278), Strachur (145) and Strathlachlan (146);
  - (b) the area of Comhairle nan Eilean Siar;
  - (c) the area of the Highland Council, excluding the Parishes of Abernethy and Kincardine (438), Alvie (439), Ardlach (605), Ardersier (445), Auldearn (606), Boleskine and Abertarff (433), Cawdor (607), Cromdale, Inverallan and Advie (586), Croy (446), Croy and Dalcross (608), Daviot and Dunlichity (447), Dores (448), Duthil and Rothiemurchus (440), Inverness and Bona (449), Kingussie and Insh (441), Kirkhill (436), Moy and Dalarossie (450), Nairn (609) and Petty (451);

- (d) in the area of North Ayrshire Council, the parishes of Cumbrae (279), Kilbride (274) and Kilmory (275);
- (e) the area of the Orkney Islands Council;
- (f) in the area of the Perth and Kinross Council, the Parish of Fortingall (679); and
- (g) the area of the Shetland Islands Council.

### **Placing on the market in relation to Article 36 of the EU Control Regulation**

**9.** In relation to Article 36 of the EU Control Regulation (placing on the market of other derived products) and in accordance with Article 24(4) of the EU Implementing Regulation (pet food and other derived products), as read with point B of Chapter VII to Annex XIII to that Regulation, the placing on the market of untreated wool and hair from farms or from establishments or plants is authorised without restrictions except where they present a risk of any disease communicable through those products to humans or animals.

### **Reporting of test results**

**10.** Operators must report to the Scottish Ministers the results of any tests carried out which fail to meet the standards required by the following Articles of the EU Implementing Regulation—

- (a) Article 10(1) (requirements regarding the transformation of animal by-products and derived products into biogas and composting);
- (b) Article 21(1) (processing and placing on the market of animal by-products and derived products for feeding to farmed animals, excluding fur animals);
- (c) Article 22(1) (placing on the market and use of organic fertilisers and soil improvers); or
- (d) Article 24(3) (petfood and other derived products).

**Status:**

Point in time view as at 01/12/2013.

**Changes to legislation:**

There are currently no known outstanding effects for the The Animal By-Products (Enforcement) (Scotland) Regulations 2013, PART 2.