

## SCHEDULE 2

### Consequential amendments

#### *The Avian Influenza (H5N1 in Wild Birds) (Scotland) Order 2007*

11. The Avian Influenza (H5N1 in Wild Birds) (Scotland) Order 2007 <sup>M1</sup> is amended as follows.

#### **Marginal Citations**

**M1** S.S.I. 2007/61 relevantly amended by S.S.I. 2011/171.

12. In article 2 (interpretation), in the definition of “Regulation (EU) No 142/2011” after “that Directive” insert “, as last amended by Commission Regulation (EU) No 717/2013; and references to that Regulation of 2011 are references to that Regulation as amended from time to time”.

13. In article 13(1) (designation of premises to which things may be moved), for sub-paragraph (c) substitute—

- “(c) the following plants, if approved under Article 24 of Regulation (EC) No 1069/2009—
- (i) incineration plants;
  - (ii) co-incineration plants;
  - (iii) processing plants;
  - (iv) biogas plants;
  - (v) composting plants;
  - (vi) petfood plants.”.

14. In Schedule 1 (measures applicable in respect of a wild bird control area), in paragraph 13 (restriction on the movement of bird by products or products derived from bird by products from premises in a wild bird control area)—

(a) for sub-paragraph (2), substitute—

“(2) A veterinary inspector may not grant or direct the grant of a licence under sub-paragraph (1) unless it is for a movement of—

- (a) processed animal protein within the meaning of paragraph 5 of Annex I to Regulation (EU) No 142/2011 and which complies with the requirements of paragraph B of Section 1 of Chapter II of Annex X to that Regulation;
- (b) blood products within the meaning of paragraph 4 of Annex I to Regulation (EU) No 142/2011 and which comply with the requirements of paragraph B of Section 2 of Chapter II of Annex X to that Regulation;
- (c) rendered fats within the meaning of paragraph 8 of Annex I to Regulation (EU) No 142/2011 and which comply with the requirements of paragraph B of Section 3 of Chapter II of Annex X to that Regulation;
- (d) gelatine within the meaning of paragraph 12 of Annex I to Regulation (EU) No 142/2011 and which complies with the requirements of paragraph B of Section 5 of Chapter II of Annex X to that Regulation;
- (e) hydrolysed protein within the meaning of paragraph 14 of Annex I to Regulation (EU) No 142/2011 and which complies with the requirements of paragraph D of Section 5 of Chapter II of Annex X to that Regulation;

**Changes to legislation:** *There are currently no known outstanding effects for the The Animal By-Products (Enforcement) (Scotland) Regulations 2013, The Avian Influenza (H5N1 in Wild Birds) (Scotland) Order 2007. (See end of Document for details)*

- (f) dicalcium phosphate which complies with the requirements of paragraph B of Section 6 of Chapter II of Annex X to Regulation (EU) No 142/2011;
  - (g) tricalcium phosphate which complies with the requirements of paragraph B of Section 7 of Chapter II of Annex X to Regulation (EU) No 142/2011;
  - (h) collagen within the meaning of paragraph 11 of Annex I to Regulation (EU) No 142/2011 and which complies with the requirements of paragraph B of Section 8 of Chapter II of Annex X to that Regulation;
  - (i) egg products which comply with the requirements of paragraph B of Section 9 of Chapter II of Annex X to Regulation (EU) No 142/2011;
  - (j) processed petfood within the meaning of paragraph 20 of Annex I to Regulation (EU) No 142/2011 and which complies with the requirements of Chapter II of Annex XIII to that Regulation;
  - (k) raw petfood within the meaning of paragraph 21 of Annex I to Regulation (EU) No 142/2011 and which complies with the requirements of Chapter II of Annex XIII to that Regulation;
  - (l) dogchews within the meaning of paragraph 17 of Annex I to Regulation (EU) No 142/2011 and which comply with the requirements of Chapter II of Annex XIII to that Regulation;
  - (m) processed manure and processed manure products which comply with the requirements of Section 2 of Chapter I of Annex XI to Regulation (EU) No 142/2011;
  - (n) game trophies of birds having undergone a complete taxidermy treatment ensuring their preservation at ambient temperatures within the meaning of Chapter VI of Annex XIII to Regulation (EU) No 142/2011;
  - (o) those by-products which are transported to designated plants listed in article 13(1)(c) for disposal, treatment, transformation or use which ensures inactivation of the avian influenza virus;
  - (p) those by-products which are transported to users or collection centres authorised and registered in accordance with Article 23 of Regulation (EC) No 1069/2009 for the feeding of animals after they have been treated by a method approved by the competent authority which ensures inactivation of the avian influenza virus;
  - (q) untreated feathers or parts of untreated feathers produced from poultry within the meaning of paragraph 30 of Annex I to Regulation (EU) No 142/2011 and which comply with the requirements of paragraph A of Chapter VII of Annex XIII to that Regulation; or
  - (r) poultry feathers, feathers from wild game bird or parts of such feathers which have been treated with a steam current or by another method which ensures inactivation of the avian influenza virus.”; and
- (b) in sub-paragraph (3), for “Annex V to that Regulation” substitute “ Regulation (EC) No 1069/2009 and Annex IV to Regulation (EU) No 142/2011 ”;
  - (c) in sub-paragraph (5) for “(2)(p) and (q)” substitute “ (2)(q) and (r) ”; and
  - (d) in sub-paragraph (6), for “(2)(q)” substitute “ (2)(r) ”.

**Changes to legislation:**

There are currently no known outstanding effects for the The Animal By-Products (Enforcement) (Scotland) Regulations 2013, The Avian Influenza (H5N1 in Wild Birds) (Scotland) Order 2007.