
SCOTTISH STATUTORY INSTRUMENTS

2022 No. 90

**AGRICULTURE
ANIMALS
EXITING THE EUROPEAN UNION
FOOD
PLANT HEALTH**

**The Official Controls (Transitional Staging Period)
(Miscellaneous Amendments) (Scotland) Regulations 2022**

<i>Made</i>	- - - -	<i>15th March 2022</i>
<i>Laid before the Scottish Parliament</i>	- - - -	<i>17th March 2022</i>
<i>Coming into force</i>	- -	<i>12th May 2022</i>

The Scottish Ministers make the following Regulations in exercise of the powers conferred by paragraph 1(1) and (3) of schedule 2 and paragraph 21(b) of schedule 7 of the European Union (Withdrawal) Act 2018⁽¹⁾ and of all other powers enabling them to do so.

Citation and commencement

1. These Regulations may be cited as the Official Controls (Transitional Staging Period) (Miscellaneous Amendments) (Scotland) Regulations 2022 and come into force on 12 May 2022.

Amendment of the Trade in Animals and Related Products (Scotland) Regulations 2012

2. In schedule 5 (derogations from, and modifications to, Part 3 of these Regulations) of the Trade in Animals and Related Products (Scotland) Regulations 2012⁽²⁾, after paragraph 4(3) (derogation from regulation 12: notification of importation) insert—

“(3A) Sub-paragraph (3) does not apply to relevant goods which are imported into Scotland from the Republic of Ireland when the condition in sub-paragraph (3B) is met.

(1) 2018 c. 16; paragraph 21 of schedule 7 was amended by paragraph 53 of schedule 5 of the European Union (Withdrawal Agreement) Act 2020 (c. 1).
(2) S.S.I. 2012/177. Schedule 5 was inserted by S.S.I. 2020/458 and paragraph 4 was amended by S.I. 2021/429, S.I. 2021/809, S.S.I. 2021/297, S.S.I. 2021/342 and S.S.I. 2021/493.

(3B) The condition is that the goods were produced in Northern Ireland or the Republic of Ireland, and for these purposes goods are taken to be produced in Northern Ireland if they are processed there.”.

Amendment of Regulation (EU) 2017/625

3. In Annex 6 (application of and derogations from this Regulation, and modifications to its application, in relation to territories subject to special transitional import arrangements) of Regulation (EU) 2017/625 of the European Parliament and of the Council on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products⁽³⁾, in paragraph 13, in the text of Article 56A (prior notification of entry to Great Britain: transitional arrangements) as inserted for the purposes mentioned in paragraph 3 of Annex 6, for paragraph 5 substitute—

“5. Paragraph 4 does not apply to relevant goods—

- (a) to which Article 7 or Article 10 of Commission Delegated Regulation (EU) 2019/2122 supplementing Regulation (EU) 2017/625 of the European Parliament and of the Council as regards certain categories of animals and goods exempted from official controls at border control posts, specific controls on passengers’ personal luggage and on small consignments of goods sent to natural persons which are not intended to be placed on the market⁽⁴⁾ apply (as modified by Article 12A of that Regulation), or
- (b) which are imported into Scotland from the Republic of Ireland where the condition in paragraph 6 is met.

6. The condition is that the goods were produced in Northern Ireland or the Republic of Ireland, and for these purposes goods are taken to be produced in Northern Ireland or the Republic of Ireland if they are processed there.”.

St Andrew’s House,
Edinburgh
15th March 2022

MAIRI GOUGEON
A member of the Scottish Government

(3) EUR 2017/625. Annex 6 was inserted by [S.I. 2020/1481](#), and paragraph 13 was relevantly amended by [S.I. 2021/429](#), [S.I. 2021/809](#), [S.S.I. 2021/342](#) and [S.S.I. 2021/493](#).

(4) EUR 2019/2122. Article 12A was inserted by [S.I. 2020/1481](#).

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Trade in Animals and Related Products (Scotland) Regulations 2012 (“the 2012 Regulations”) and Regulation (EU) 2017/625. The amendments relate to the transitional staging period provided for by Annex 6 to Regulation (EU) 2017/625 for official controls on imports of animals, animal products, plants, plant products and other objects which originate from certain third countries.

Regulations 2 and 3 amend provisions in the 2012 Regulations and Regulation (EU) 2017/625 which were made in exercise of powers conferred by the European Union (Withdrawal) Act 2018 in order to address failures of retained EU law to operate effectively and other deficiencies arising from the withdrawal of the UK from the European Union, and which make provision regarding the importation of animals, animal products, plants, plant products and other objects during the transitional staging period.

Regulation 2 amends paragraph 4(3) of schedule 5 of the 2012 Regulations and makes provision that requirements for pre-notification of animal products which apply from 1 January 2022 do not apply to goods produced or processed in Northern Ireland or the Republic of Ireland, and imported into Scotland from the Republic of Ireland.

Regulation 3 amends paragraph 13 of Annex 6 to Regulation (EU) 2017/625 (inserting new Article 56A into Regulation (EU) 2017/625 for the purposes of the transitional staging period) to substitute a new paragraph 5 of Article 56A to provide an exception from the requirements applying from 1 January 2022 for operators to give prior notification of the import of products of animal origin intended for human consumption, certain regulated plants, plant products and other objects, for goods produced or processed in Northern Ireland or the Republic of Ireland, and imported into Scotland from the Republic of Ireland. The new paragraph 5 also re-states an exception from those requirements already in place: that the requirements do not apply to goods which form part of passengers’ personal luggage and are intended for personal consumption or use, and which are exempt, during the transitional staging period, from official controls at border control posts, or to small consignments of such goods sent to natural persons and which are not intended to be placed on the market.

A Business and Regulatory Impact Assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.