

2001 No. 158

ANIMALS

ANIMAL HEALTH

The Import and Export Restrictions (Foot-and-Mouth Disease) (Scotland) Amendment (No. 4) Regulations 2001

Made 19th April 2001

Coming into force at 9.00 p.m. on 19th April 2001

Laid before the Scottish Parliament 23rd April 2001

The Scottish Ministers in exercise of the powers conferred by section 2(2) of the European Communities Act 1972(a) and of all other powers enabling them in that behalf, hereby make the following Regulations:

Citation, commencement and cessation

1.—(1) These Regulations may be cited as the Import and Export Restrictions (Foot-and-Mouth Disease) (Scotland) Amendment (No. 4) Regulations 2001 and shall come into force at 9.00 p.m. on 19th April 2001.

(2) These Regulations shall remain in force until midnight on 18th May 2001.

Amendment to the Import and Export Restrictions (Foot-and-Mouth Disease) (Scotland) Regulations 2001

2.—(1) The Import and Export Restrictions (Foot-and-Mouth Disease) (Scotland) Regulations 2001(b) are amended in accordance with the following paragraphs of this regulation.

(2) In regulation 1(3) for “midnight on 19th April 2001”, there is substituted “midnight on 18th May 2001”.

(3) In regulation 2—

(a) for the definition of “the Decision”(c), there is substituted—

““the Decision” means Commission Decision 2001/172/EC of 1st March 2001 concerning certain protection measures with regard to foot-and-mouth disease in the United Kingdom and repealing Decision 2001/145/EC(d), as amended by Commission Decision 2001/190/EC(e), Commission Decision 2001/209/EC(f), Commission Decision

(a) 1972 c.68. Section 2(2) was amended by the Scotland Act 1998 (c.46), Schedule 8, paragraph 15(3). The functions conferred upon the Minister of the Crown under section 2(2) of the 1972 Act, insofar as within devolved competence, were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998.

(b) S.S.I. 2001/95, as amended by S.S.I. 2001/112, 127 and 141.

(c) The definition of the Decision was substituted by S.S.I. 2001/ 141.

(d) O.J. No. L 62, 2.3.01, p.22.

(e) O.J. No. L 67, 9.3.01, p 88.

(f) O.J. No. L 76, 16.3.01, p.35.

- 2001/239/EC^(a), Commission Decision 2001/268/EC^(b), Commission Decision 2001/316/EC^(c), and Commission Decision 2001/318/EC^(d)”; and
- (b) for the definition of “restricted area of Northern Ireland”^(e), there is substituted—
 ““restricted area of Northern Ireland” means the territory of Northern Ireland.”.
- (4) In regulation 5—
- (a) at the end of paragraph (2) there is inserted—
 “or to meat products heat treated in hermetically sealed containers so as to ensure that they are shelf stable”;
- (b) in paragraph (5) there is omitted—
 “either—
 (a) are consigned in hermetically sealed containers; or
 (b)”;
- (c) after paragraph (4) there is inserted the following paragraph:—
 “(6) Paragraph 4 shall not apply to meat products heat treated in hermetically sealed containers so as to ensure that they are shelf stable, if the meat products are accompanied by a commercial document stating the heat treatment applied.”.
- (5) In regulation 6—
- (a) in paragraph (5) there is omitted—
 “either—
 (b) is consigned in hermetically sealed containers; or
 (b)”;
- (b) after paragraph (4) there is inserted the following paragraph:—
 “(6) Paragraph 4 shall not apply to milk which conforms to the requirements of paragraph (2) above and has been heat treated in hermetically sealed containers so as to ensure that it is shelf stable, if the milk is accompanied by a commercial document stating the heat treatment applied.”.
- (6) In regulation 7—
- (a) in paragraph (5) there is omitted—
 “either—
 (c) are consigned in hermetically sealed containers; or
 (b)”;
- (b) after paragraph (4) there is inserted the following paragraph:—
 “(6) Paragraph 4 shall not apply to milk products which conform to the requirements of [paragraph (2)] above and have been heat treated in hermetically sealed containers so as to ensure that they are shelf stable, if the milk products are accompanied by a commercial document stating the heat treatment applied.”.
- (7) In regulation 10—
- (a) after paragraph (3)(b)(iii) there is inserted—
 “(iv) a treatment provided for in Chapter 4 of Annex I to Directive 92/118/EEC”;
- (b) after paragraph (3)(h) there is inserted the following sub-paragraph:—
 “(i) packed products intended for use as in-vitro diagnostic or laboratory reagents.”;
- (c) after paragraph (7) there is inserted the following paragraph:—
 “(8) Paragraph 4 shall not apply to products which conform to the requirements of paragraph (3)(i) above, if the products are accompanied by a commercial document stating that the products are for use as in-vitro diagnostic or laboratory reagents, provided that the products are clearly labelled “for in-vitro diagnostic use only” or “for laboratory use only.”.

(a) O.J. No. L 86, 27.3.01, p 33.
 (b) O.J. No. L 94, 4.4.01, p 27.
 (c) O.J. No. L 109, 19.4.01, p. 72.
 (d) O.J. No. L 109, 19.4.01, p.75.
 (e) Inserted by S.S.I. 2001/141.

Consequential Amendments

3. In regulations 1(2) of the Import and Export Restrictions (Foot-and-Mouth Disease) (Scotland) Amendment Regulations 2001(**a**), the Import and Export Restrictions (Foot-and-Mouth Disease) (Scotland) Amendment (No. 2) Regulations 2001(**b**) and the Import and Export Restrictions (Foot-and-Mouth Disease) (Scotland) Amendment (No. 3) Regulations 2001(**c**) for “midnight on 19th April 2001” there is substituted “midnight on 18th May 2001”.

4. Regulations 2(2), 2(3) and 3 of the Import and Export Restrictions (Foot-and-Mouth Disease) (Scotland) Amendment (No. 3) Regulations 2001 are revoked.

DAVID R DICKSON

A member of the staff of the Scottish Ministers

Pentland House,
Edinburgh
19th April 2001

(a) S.S.I. 2001/112.
(b) S.S.I. 2001/127.
(c) S.S.I. 2001/141.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations implement in Scotland Commission Decisions 2001/316/EC and 2001/318/EC amending Commission Decision 2001/172/EC (concerning certain protection measures with regard to foot-and-mouth disease in the United Kingdom), for the sixth and seventh times respectively. They amend the restrictions on imports and exports of certain animals and animal products contained in the Import and Export Restrictions (Foot-and-Mouth Disease) (Scotland) Regulations 2001 (“the principal Regulations”) to continue the effect of those restrictions until midnight on 18th May 2001.

They amend the restrictions requiring certain certification to accompany meat products, milk, milk products and animal products.

They also amend the definition of “restricted area of Northern Ireland” (in regulation 2 of the principal Regulations) to cover the entire territory of Northern Ireland.

A Regulatory Impact Assessment has not been prepared for these Regulations.

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