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SCOTTISH STATUTORY INSTRUMENTS

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**2001 No. 186**

**ANIMALS**

**ANIMAL HEALTH**

**The Import and Export Restrictions (Foot-and-Mouth Disease) (Scotland) (No. 2) Regulations 2001**

<i>Made</i>	- - - -	<i>18th May 2001</i>
<i>Laid before the Scottish Parliament</i>	- - - -	<i>22nd May 2001</i>
<i>Coming into force at 8 p.m. on</i>		<i>18th May 2001</i>

The Scottish Ministers in exercise of the powers conferred by section 2(2) of the European Communities Act 1972<sup>(1)</sup> and of all other powers enabling them in that behalf, hereby make the following Regulations:

**Citation, commencement, extent and cessation**

1.—(1) These Regulations may be cited as the Import and Export Restrictions (Foot-and-Mouth Disease) (Scotland) (No. 2) Regulations 2001 and shall come into force at 8.00 p.m. on 18th May 2001.

(2) These Regulations extend to Scotland only.

(3) These Regulations shall remain in force until midnight on 19th June 2001.

**Interpretation**

2.—(1) In these Regulations, unless the context otherwise requires—

“the Decision” means Commission Decision [2001/356/EC](#) of 4th May 2001 (concerning certain protection measures with regard to foot-and-mouth disease in the United Kingdom and repealing Commission Decision [2001/172/EC](#) of 1st March 2001)<sup>(2)</sup>, as amended by Commission Decision [2001/372/EC](#)<sup>(3)</sup>;

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(1) [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.

(2) O.J. No. L 125, 5.5.01, p.46. repealing Commission Decision [2001/172/EC](#) of 1st March 2001 (O.J. No. L62, 2.3.01, p.22) which repealed Decision [2001/145/EC](#) (O.J. No. L 53, 23.2.01, p.25), as amended by Commission Decision [2001/190/EC](#) (O.J. No. L 67, 9.3.01, p.88), Commission Decision [2001/209/EC](#) (O.J. No. L 76, 16.3.01, p.35), Commission Decision [2001/239/EC](#) (O.J. No. L 86, 27.3.01, p.33), Commission Decision [2001/268/EC](#) (O.J. No. L 94, 4.4.01, p.27), Commission Decision [2001/316/EC](#) (O.J. No. L 109, 19.4.01, p.72) and Commission Decision [2001/318/EC](#) (O.J. No. L 109, 19.4.01, p.75).

“export” means export outside the British Islands;

“inspector” means a person appointed to be an inspector for the purposes of these Regulations, the Products of Animal Origin (Import and Export) Regulations 1996<sup>(4)</sup> or the Animals and Animal Products (Import and Export) (Scotland) Regulations 2000<sup>(5)</sup> by the Scottish Ministers or a local authority, and when used in relation to a person so appointed by the Scottish Ministers, includes a veterinary inspector;

“HACCP” means Hazard Analysis at Critical Control Points, which is a system in which the critical points of the manufacturing process have been identified, assessments have been made of the potential risks at those points, and necessary steps have been taken to minimise those risks;

“local authority” means a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994<sup>(6)</sup>;

“meat products” means meat products as defined in Article 2 of Council Directive 77/99/EEC (on health problems affecting the production and marketing of meat products and certain other products of animal origin)<sup>(7)</sup>;

“milk” and “milk products” have the meaning given in Article 2 of Council Directive 92/46/EC (laying down the health rules for the production and placing on the market of raw milk, heat-treated milk and milk-based products)<sup>(8)</sup>.

(2) A reference in these Regulations to anything done in writing or produced in written form includes a reference to an electronic communication, as defined in the Electronic Communications Act 2000<sup>(9)</sup>, which has been recorded and is consequently capable of being reproduced.

(3) Any reference in these Regulations—

(a) to a numbered regulation is a reference to the regulation so numbered in these Regulations; and

to a numbered paragraph is a reference to the paragraph so numbered in the regulation in which it occurs.

(4) Unless the context otherwise requires any reference in these Regulations (or in a certificate required by virtue of these Regulations) to Commission Decision 2001/172/EC shall be construed as a reference to the Decision.

### **Import and export of live animals**

3.—(1) No person shall export any live animal of the bovine, ovine, caprine or porcine species or any other biungulate.

(2) By way of derogation from the preceding paragraph, the Scottish Ministers may by licence in writing authorise the export of biungulate animals originating outside the United Kingdom if the animals travelled through the United Kingdom in direct and uninterrupted transit on main roads or by rail or sea.

(3) No person shall import any live animal or species susceptible to foot-and-mouth disease into Scotland from another member State.

(3) O.J. No. L 130, 12.5.01, p. 47.

(4) S.I.1996/3124.

(5) S.S.I. 2000/216.

(6) 1994 c. 39.

(7) O.J. No. L 26, 31.1.77, p.85 as last amended by Directive 92/45/EEC (O.J. No. L 268, 14.9.92, p.35).

(8) O.J. No. L 268, 14.9.92, p.1 as last amended by Council Directive 94/71/EC (O.J. No. L 368, 31.12.94, p.33).

(9) 2000 c. 7.

## Export of fresh meat

4.—(1) No person shall export any fresh meat of animals of the bovine, ovine, caprine or porcine species or other biungulate.

(2) The prohibition in paragraph (1) shall not apply in relation to—

(a) fresh meat, minced meat or meat preparations obtained before 1st February 2001, provided that the meat, minced meat or meat preparations is clearly identified and since that date has been transported and stored separately from meat, minced meat or meat preparations which is not destined for dispatch outside the United Kingdom;

(b) fresh meat obtained from cutting plants under the following conditions:—

(i) the only meat processed in the establishment is fresh meat described in subparagraph (a) above or fresh meat from animals reared and slaughtered outside the United Kingdom;

(ii) all the meat must bear the health mark in accordance with Chapter XI of Annex I to Council Directive [64/433/EEC](#) (on health problems affecting the production and marketing of meat products and certain other products of animal origin(**10**)) or, in the case of meat from biungulates to which that Directive does not apply, the health mark provided for in Chapter III of Annex I to Council Directive [91/495/EEC](#) (concerning public health and animal health problems affecting the production and placing on the market of rabbit meat and farmed game meat(**11**));

(iii) the plant is operated under strict veterinary control; and

(iv) the meat is clearly identified and transported and stored separately from meat which is not destined for export;

(c) minced meat and meat productions obtained from establishments approved under the Minced Meat and Meat Preparations (Hygiene) Regulations 1995(**12**) under the following conditions:—

(i) the only meat processed in the establishment is fresh meat described in subparagraph (a) above or fresh meat from animals reared and slaughtered outside the United Kingdom;

(ii) all the minced meat and meat preparations must bear the health mark in accordance with Chapter VI of Annex 1 to Council Directive [94/65/EC](#)(**13**) (laying down the requirements for the production and placing on the market of minced meat and meat preparations);

(iii) the plant is operated under strict veterinary control; and

(iv) the meat, minced meat and meat preparations are clearly identified and transported and stored separately from meat, minced meat and meat preparations which are not destined for export.

(3) Meat, minced meat or meat preparations consigned to another member State shall be accompanied by an official certificate prepared on behalf of the Scottish Ministers which bears the following words:—

“Meat conforming to Commission Decision [2001/172/EC](#) of 1st March 2001 concerning certain protection measures with regard to foot-and-mouth disease in the United Kingdom”.

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(10) O.J. No. 121, 27.9.1964, p.2012/64; Directive updated by Directive [91/497/EEC](#) (O.J. No. L 268, 24.9.1991, p.69) as last amended by Directive [95/23/EC](#) (O.J. No. L 243, 11.10.1995, p.7).

(11) O.J. No. L 268, 24.9.1991, p.41 as last amended by Council Directive [1994/65/EC](#) (O.J. No. L 368, 31.12.1994, p.10).

(12) S.I. [1995/3205](#) amended in respect of Scotland by [S.S.I. 1996/3124](#), and [2000/62](#), [171](#) and [288](#).

(13) O.J. No. L 368, 31.12.94, p.10.

(4) In paragraph (1), the reference to “fresh meat” includes minced meat and meat preparations to which Council Directive [94/65/EC](#) applies.

### **Export of meat products**

5.—(1) No person shall export meat products of animals of the bovine, ovine, caprine, or porcine species or any other biungulate coming from the United Kingdom.

(2) The prohibition in paragraph (1) shall not apply to meat products which have undergone one of the treatments laid down in Article 4(1) of Council Directive [80/215/EEC](#) (on animal health problems affecting intra-Community trade in meat products)(**14**), or to meat products as defined in Council Directive [77/99/EEC](#) which have been subjected during preparation uniformly throughout the substance to a pH value of less than 6 or to meat products heat treated in hermetically sealed containers so as to ensure that they are shelf stable.

(3) The prohibition in paragraph (1) shall not apply to—

(a) meat products prepared before 1st February 2001 provided that the meat products are clearly identified and since that date have been transported and stored separately from meat products which are not destined for export; or

(b) meat products prepared in establishments under the following conditions:—

(i) all fresh meat used in the establishment must conform to the conditions in regulation 4(2);

(ii) all meat products used in the final product must conform to the conditions in sub-paragraph (a) or be made from fresh meat obtained from animals reared and slaughtered outside the United Kingdom;

(iii) all meat products must bear the health mark in accordance with Chapter VI of Annex B to Directive [77/99/EEC](#);

(iv) the establishment must be operated under strict veterinary control; and

(v) the meat products must be clearly identified and transported and stored separately from meat and other meat products which are not destined for export.

(4) Meat products consigned to another member State shall be accompanied by an official certificate prepared on behalf of the Scottish Ministers which bears the following words:—

“Meat products conforming to Commission Decision [2001/172/EC](#) of 1st March 2001 concerning certain protection measures with regard to foot-and-mouth disease in the United Kingdom”.

(5) Paragraph (4) shall not apply to meat products which conform to the requirements of paragraph (2) if such compliance is stated in the commercial document accompanying the consignment, endorsed in accordance with regulation 12, and the products have been processed in an establishment operating HACCP and an auditable standard operating procedure which ensures that standards for treatment are met and recorded.

(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.

### **Export of milk**

6.—(1) No person shall export milk.

(2) The prohibition in paragraph (1) shall not apply to milk which has been subjected to at least—

(14) O.J. No. L 47, 21.2.80, p.4.

- (a) an initial pasteurisation in accordance with the norms defined in paragraph 3(b) of Chapter 1 in Annex I to Council Directive [92/118/EEC](#) (laying down animal health and public health requirements governing trade in and imports into the Community of products not subject to the said requirements laid down in specific Community rules referred to in Annex A(I) to Directive [1989/662/EEC](#) and, as regards pathogens, to Directive [1990/425/EEC](#))(15) followed by a second heat treatment by high temperature pasteurisation, UHT, sterilization so as to produce a negative reaction to the peroxidase test or by a drying process which includes a heat treatment with an equivalent effect to one of the above; or
  - (b) an initial pasteurisation in accordance with the norms defined in paragraph 3(b) of Chapter 1 in Annex I to Council Directive [92/118/EEC](#), combined with the treatment by which the pH is lowered below 6 and held there for at least one hour.
- (3) The prohibition in paragraph (1) shall not apply in relation to milk prepared in establishments situated in the United Kingdom under the following conditions:–
- (a) all milk used in the establishment must either conform to the conditions of paragraph (2) or be obtained from animals outside the United Kingdom;
  - (b) the establishment must be operated under strict veterinary control;
  - (c) the milk must be clearly identified and transported and stored separately from milk and milk products which are not destined for export; and
  - (d) transport of raw milk from the United Kingdom to the establishment must be carried out in vehicles which were cleansed and disinfected prior to operation and had no subsequent contact with holdings the United Kingdom keeping animals of species susceptible to foot-and-mouth disease.
- (4) Milk consigned to another member State shall be accompanied by an official certificate prepared on behalf of the Scottish Ministers which bears the following words:–
- “Milk conforming to Commission Decision [2001/172/EC](#) of 1st March 2001 concerning certain protection measures with regard to foot-and-mouth disease in the United Kingdom”.
- (5) Paragraph (4) shall not apply to milk which conforms to the requirements of paragraph (2) if such compliance is stated in the commercial document accompanying the consignment, endorsed in accordance with regulation 12, and the milk has been processed in an establishment operating HACCP and an auditable standard operating procedure which ensures that standards for treatment are met and recorded.
- (6) Paragraph (4) shall not apply to milk which conforms to the requirements of paragraph (2) 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.

### **Export of milk products**

- 7.—(1) No person shall export milk products.
- (2) The prohibition in paragraph (1) shall not apply in relation to–
- (a) milk products produced before 1st February 2001;
  - (b) milk products prepared from milk which complies with paragraphs (2) or (3) of regulation 6;
    - milk products subjected to heat treatment at a temperature of at least 72°C for 15 seconds or an equivalent treatment; and
    - milk products destined for export to a third country where import conditions permit such products to be subject to treatment other than laid down in these Regulations.

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(15) O.J. No. L 62, 15.3.93, p.49, as last amended by Commission Decision [1999/724/EC](#) (O.J. No. L 290, 12.11.1999, p. 32)

(3) The prohibitions in paragraph (1) shall not apply to milk products prepared in establishments under the following conditions:–

- (a) all milk used in the establishment will either conform to the conditions of regulation 6(2) or be obtained from animals outside the United Kingdom;
- (b) all milk products used in the final product will either conform to the conditions of paragraph (2)(a), (b) or (c) or be made from milk obtained from animals outside the United Kingdom;
- (c) the establishment shall be under strict veterinary control; and
- (d) the milk products must be clearly identified and transported and stored separately from milk and milk products which are not destined for export.

(4) Milk products consigned to another member State shall be accompanied by an official certificate prepared on behalf of the Scottish Ministers which bears the following words:–

“Milk products conforming to Commission Decision [2001/172/EC](#) of 1st March 2001 concerning certain protection measures with regard to foot-and-mouth disease in the United Kingdom”.

(5) Paragraph (4) shall not apply to milk products which conform to the requirements of paragraph (2)(a), (b) or (c) if such compliance is stated in the commercial document accompanying the consignment, endorsed in accordance with regulation 12, and the milk products have been processed in an establishment operating HACCP and an auditable standard operating procedure which ensures that standards for treatment are met and recorded.

(6) Paragraph (4) shall not apply to milk products which conform to the requirements of paragraph (2) 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.

#### **Export of semen, etc.**

**8.—**(1) No person shall export semen, ova or embryos of animals of the bovine, ovine, caprine and porcine species and other biungulates.

(2) The prohibition in paragraph (1) shall not apply in relation to frozen bovine semen and embryos produced before 1st February 2001.

(3) The health certificate provided for in Council Directive [88/407/EEC](#) (laying down the animal health requirements applicable to intra-Community trade in and imports of deep-frozen semen of domestic animals of the bovine species)(**16**) accompanying frozen bovine semen consigned to another member State shall bear the following words:–

“Frozen bovine semen conforming to Commission Decision [2001/172/EC](#) of 1st March 2001 concerning certain protection measures with regard to foot-and-mouth disease in the United Kingdom”.

(4) The health certificate provided for in Council Directive [89/556/EEC](#) (on animal health conditions governing intra-Community trade in and importation from third countries of embryos of domestic animals of the bovine species)(**17**) accompanying bovine embryos consigned to another member State shall bear the following words:–

“Bovine embryos conforming to Commission Decision [2001/172/EC](#) of 1st March 2001 concerning certain protection measures with regard to foot-and-mouth disease in the United Kingdom”.

(16) O.J. No. L 194, 22.7.88, p.10.

(17) O.J. No. L 302, 19.10.89, p.11.

### **Export of hides and skins**

**9.**—(1) No person shall export hides and skins of animals of the bovine, ovine, caprine and porcine species and other biungulates.

(2) The prohibition in paragraph (1) shall not apply in relation to hides and skins which were produced before 1st February 2001 or which conform to the requirements of paragraph 1A indents 2 to 5 or paragraph 1B, indents 3 and 4 of Chapter 3 of Annex I to Directive [92/118/EEC](#) if treated hides and skins are separated effectively from untreated hides and skins.

(3) The hides and skins consigned to another member State must be accompanied by an official certificate prepared on behalf of the Scottish Ministers stating—

“Hides and skins conforming to Commission Decision [2001/172/EC](#) of 1st March 2001 concerning certain protection measures with regard to foot-and-mouth disease in the United Kingdom”.

(4) Paragraph (3) shall not apply to hides and skins which conform to the requirements of either—

(a) paragraph 1A indents 2 to 5 of Chapter 3 of Annex I to Council Directive [92/118/EEC](#); or

(b) paragraph 1B indents 3 and 4 of Chapter 3 to Annex I to Council Directive [92/118/EEC](#),

if compliance with those conditions is stated in the commercial document accompanying the consignment, endorsed (in the case of sub-paragraph (b) above) in accordance with regulation 12.

### **Export of animal products**

**10.**—(1) No person shall export animal products of the bovine, ovine, caprine and porcine species and other biungulates not otherwise mentioned in these Regulations, produced after 1st February 2001.

(2) No person shall export dung or manure.

(3) The prohibition in paragraph (1) shall not apply in relation to—

(a) animal products which have been subject to—

(i) heat treatment in a hermetically sealed container with a Fo value of 3.00 or more; or

(ii) heat treatment in which the centre temperature is raised to at least 70°C;

(b) blood and blood products as defined in Chapter 7 of Annex I to Council Directive [92/118/EEC](#) which have been subjected to—

(i) heat treatment at a temperature of 65°C for at least three hours followed by an effectiveness check;

(ii) irradiation at 2.5 megarads or gamma rays followed by an effectiveness check;

(iii) change of pH to pH5 or lower for at least two hours, followed by an effectiveness check; or

(iv) a treatment provided for in Chapter 4 of Annex I to Directive [92/118/EEC](#);

(c) lard and rendered fats which have been subject to the heat treatment prescribed in paragraph 2(A) of Chapter 9 of Annex I to Council Directive [92/118/EEC](#);

(d) animal casings to which the provisions of paragraph B Chapter 2 of Annex I to Council Directive [92/118/EEC](#) apply adapted as necessary to suit the case;

(e) sheep wool, ruminant hair and pigs' bristles which have undergone factory washing or have been obtained from tanning unprocessed sheep wool, ruminant hair and pigs' bristles which are securely enclosed in packaging and dry;

(f) semi-moist and dried petfood conforming to the requirements of paragraph 2 and 3 respectively of Chapter 4 of Annex I to Council Directive [92/118/EEC](#);

- (g) composite products which are not subject to further treatment containing products of animal origin on the understanding that the treatment was not necessary for finished products the ingredients of which comply with the respective animal health conditions laid down in these Regulations;

game trophies in accordance with paragraph 2(b) of Part B in Chapter 13 to Annex I to Council Directive [92/118/EEC](#);

packed products intended for use as in-vitro diagnostic or laboratory reagents.

- (4) The animal products must be accompanied by an official certificate prepared on behalf of the Scottish Ministers which bears the following words:–

“Animal products conforming to Commission Decision [2001/172/EC](#) of 1st March 2001 concerning certain protection measures with regard to foot-and-mouth disease in the United Kingdom”.

- (5) Paragraph (4) shall not apply to products specified in sub-paragraphs (b), (c) or (d) of paragraph (3) which have a commercial document required under the Products of Animal Origin (Import and Export) Regulations 1996<sup>(18)</sup> endorsed in accordance with regulation 12 of these Regulations.

- (6) Paragraph (4) shall not apply to products specified in sub-paragraph (e) of paragraph (3) which are accompanied by a commercial document stating either–

(a) that the products have undergone factory washing or have been obtained from tanning; or

(b) that the products comply with the conditions laid down in paragraphs (2) and (4) of Chapter 15 of Annex I to Council Directive [92/118/EEC](#)<sup>(19)</sup>.

- (7) Paragraph (4) shall not apply to products specified in sub-paragraph (g) of paragraph (3) which are consigned in hermetically sealed containers or have been processed in an establishment operating HACCP and an auditable standard operating procedure which ensures that standards for treatment are met and recorded if they have a commercial document required under the Products of Animal Origin (Import and Export) Regulations 1996 endorsed in accordance with regulation 12 of these Regulations.

- (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”.

## Exemptions

- 11.** The prohibitions in regulations 5, 6, 7 and 10 shall not apply in relation to–

(a) products produced and packaged outside the United Kingdom if the packaging indicates the country of origin and they remain in their original packaging; or

(b) products which are–

(i) produced in an establishment approved by the Scottish Ministers from pre-processed products originating outside the United Kingdom which, since introduction into the United Kingdom have been transported, stored and processed separately from products not destined for export; and

(ii) accompanied by a commercial document or official certificate as required by these Regulations.

<sup>(18)</sup> [1996/3124](#).

<sup>(19)</sup> O.J. No. L 62, 15.3.93, p.49.

### **Endorsement of commercial documents**

**12.**—(1) Where reference is made to a commercial document being endorsed in accordance with this regulation, the document must have attached to it an official certificate prepared on behalf of the Scottish Ministers stating that the production process has been audited and found to be in accordance with these Regulations and suitable to destroy the foot-and-mouth disease virus or that the products concerned have been produced from pre-processed materials which have been certified accordingly and that provisions are in place to avoid possible re-contamination with the foot-and-mouth disease virus after treatment.

(2) That certificate shall bear a reference to the Decision, shall be valid for 30 days, shall state the expiry date and shall be renewable after inspection of the establishment.

### **Third country certificates**

**13.** No person shall export anything to which these Regulations apply to a third country unless the consignment is accompanied by an official certificate prepared on behalf of the Scottish Ministers and signed by an inspector certifying compliance with these Regulations.

### **Export of Horses**

**14.**—(1) Any person exporting equidae to another member State shall ensure that they are accompanied by an Animal Health Certificate in accordance with the model in Annex C of Directive [90/426/EEC](#) on animal health conditions governing the movement and import from third countries of equidae<sup>(20)</sup>.

(2) An inspector shall only issue a certificate referred to in paragraph (1) if satisfied that the animal has not been in an infected area (other than in transit through an infected area by road without being unloaded) to which Part III of the Foot-and-Mouth Disease Order 1983<sup>(21)</sup> (in Great Britain) or Part II of the Foot-and-Mouth Disease Order (Northern Ireland) 1962<sup>(22)</sup> (in Northern Ireland) applies at any time in the 15 days prior to certification.

### **Powers of inspectors**

**15.**—(1) An inspector shall, on producing, if required to do so, some duly authenticated document showing the authority of that inspector, have the right at all reasonable hours to enter any land or premises for the purposes of ascertaining whether there is or has been on the premises any contravention of these Regulations and in this regulation “premises” includes any place, installation, vehicle (including any container, trailer, semi-trailer, caravan or other thing which is designed or adapted to be towed by another vehicle), train, ship, vessel, boat, craft, hovercraft or aircraft.

(2) An inspector shall have powers to carry out all checks and examinations necessary for the enforcement of the Decision, and in particular may—

- (a) carry out inspections of any processes used for the marking and identification of animals, any premises and any installation;
- (b) examine documentary or data processing material relevant to the checks carried out under these Regulations; and
- (c) be accompanied by a representative of the European Commission acting for the purposes of the Decision.

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<sup>(20)</sup> O.J. No. L 224, 18.8.90, p. 42.

<sup>(21)</sup> S. I. 1983/1950 as amended by S.I. 1993/3119, S.I. 1995/2922, and, as regards Scotland, by [S.S.I. 2001/52](#), [55](#) and [101](#).

<sup>(22)</sup> [S.R. & O. \(N.I.\) 1962 No. 209](#), as amended by [S.R. \(N.I.\) 2001 No. 82](#).

### **Power of detention**

16. The Scottish Ministers may detain any vehicle, vessel, container or anything which they reasonably suspect to contain animals or products regulated by these Regulations, but only for as long as is reasonably necessary to enable an inspector to exercise a power under these Regulations.

### **Illegal consignments**

17.—(1) Where an inspector knows or suspects that animals or animal products are intended for export and do not comply with the requirements of these Regulations, that inspector may serve a notice on the person in charge of the consignment prohibiting the export of the animals or products in the consignment until the inspector is satisfied that the animals or products comply with the Regulations.

(2) No person shall export anything subject to a notice served under this regulation unless it has been revoked.

(3) A notice under this section shall be in writing, may be subject to conditions and may be amended or revoked by further notice in writing at any time.

(4) Animals imported in contravention of these Regulations shall be dealt with as provided for in regulation 13 of the Animals and Animal Products (Import and Export) (Scotland) Regulations 2000(23).

### **Obstruction**

18.—(1) No person shall—

- (a) intentionally obstruct any person acting in the execution of these Regulations;
- (b) without reasonable cause, fail to give to any person acting in the execution of these Regulations any assistance or information which that person may reasonably require for the purposes of the functions of that person under these Regulations; or
- (c) furnish to any person acting in the execution of these Regulations any information which is known to be false or misleading in a material particular.

(2) Nothing in paragraph (1)(b) shall be construed as requiring any person to answer any question or give any information if to do so might incriminate that person.

### **Penalties**

19.—(1) A person contravening any provision of these Regulations shall be guilty of an offence.

(2) A person guilty of an offence under regulation 18(1)(a) or (b) shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale or to imprisonment for a term not exceeding three months or to both.

(3) A person guilty of any other offence under these Regulations shall be liable—

- (a) on summary conviction, to a fine not exceeding the statutory maximum or to imprisonment not exceeding three months or to both;
- (b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years or to both.

### **Offences by bodies corporate**

**20.**—(1) Where an offence under these Regulations committed by a body corporate or a partnership is proved to have been committed with the consent or connivance of, or to have been attributable to any neglect on the part of, any director, manager, secretary or similar officer of the body corporate, or any person who was purporting to act in any such capacity (or in the case of a partnership, a partner or a person who was purporting to act as such), that person as well as the body corporate or the partnership, as the case may be, shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

(2) Where the affairs of a body corporate are managed by its members, the provisions of paragraph (1) shall apply in relation to the acts and defaults of a member in connection with the members' functions of management as if the member were a director of the body corporate.

### **Effect of certificates, etc. issued in England and Wales**

**21.** For the purposes of these Regulations, any certificate, licence or approval issued or granted by the Minister of Agriculture, Fisheries and Food or the National Assembly of Wales or the Department of Agriculture and Rural Development (in Northern Ireland) of an equivalent nature to a certificate, licence or approval issued by the Scottish Ministers under these Regulations shall have effect in or as regards Scotland as if issued or granted by the Scottish Ministers.

### **Enforcement**

These Regulations shall be enforced by the Scottish Ministers or the local authority.

### **Revocations**

**23.** The Regulations listed in the Schedule to these Regulations are revoked.

Pentland House,  
Edinburgh  
18th May 2001

*DAVID R DICKSON*  
A member of the staff of the Scottish Ministers

## SCHEDULE

Regulation 23

## REVOCATIONS

<i>(1)</i> <i>Regulations revoked</i>	<i>(2)</i> <i>References</i>
The Import and Export Restrictions (Foot-and-Mouth Disease) (Scotland) Regulations 2001	<a href="#">S.S.I. 2001/95</a>
The Import and Export Restrictions (Foot-and-Mouth Disease) (Scotland) Amendment Regulations 2001	<a href="#">S.S.I. 2001/112</a>
The Import and Export Restrictions (Foot-and-Mouth Disease) (Scotland) Amendment (No. 2) Regulations 2001	<a href="#">S.S.I. 2001/127</a>
The Import and Export Restrictions (Foot-and-Mouth Disease) (Scotland) Amendment (No. 3) Regulations 2001	<a href="#">S.S.I. 2001/141</a>
The Import and Export Restrictions (Foot-and-Mouth Disease) (Scotland) Amendment (No. 4) Regulations 2001	<a href="#">S.S.I. 2001/158</a>
The Import and Export Restrictions (Foot-and-Mouth Disease) (Scotland) Amendment (No. 5) Regulations 2001	<a href="#">S.S.I. 2001/178</a>

**EXPLANATORY NOTE***(This note is not part of the Regulations)*

These Regulations implement in Scotland the continuation of restrictions on imports and exports of certain animals and animal products in accordance with Commission Decision [2001/372/EC](#) amending Decision [2001/356/EC](#) concerning certain protection measures with regard to foot-and-mouth disease in the United Kingdom (O.J. No. L 125, 5.5.2001, p.46).

They consolidate, with a minor amendment the Import and Export Restrictions (Foot-and-Mouth Disease) (Scotland) Regulations 2001 ([S.S.I 2001/95](#)) and the subsequent Regulations amending those Regulations to date, as set out in the Schedule.

They prohibit the import and export of specified live animals (regulation 3) and restrict the export of fresh meat, meat products, milk, milk products, semen and embryos from biungulate animals, hides and skins, and animal products. The restrictions differ from the previous Regulations in that they specify an alternative health mark that must be used in respect of certain biungulates (regulations 4 to 10).

The veterinary certificate required for the export of these products can in some circumstances be replaced by a commercial certificate, suitably endorsed in accordance with regulation 12.

The Regulations also permit the import and export of certain products in transit, and products made from pre-processed products originating outside the United Kingdom (regulation 11).

The Regulations require a certification for exports to third countries as well as to other member States (regulation 13). They also place restrictions on the export of horses (regulation 14).

They give inspectors appointed by the Scottish Ministers powers to enter premises and carry out examinations (regulation 15) and empower the Scottish Ministers to stop and detain vehicles and vessels pending examination by an inspector (regulation 16). They provide for a notice procedure whereby an inspector can prohibit export of a consignment if the inspector is not satisfied that products comply with these Regulations (regulation 17).

Obstruction of a person carrying out duties under the Regulations is prohibited (regulation 18).

Breach of the Regulations is, under regulation 19, punishable—

- (a) on summary conviction, to a fine not exceeding level 5 on the standard scale or the statutory maximum or to imprisonment not exceeding three months or to both;
- (b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years or to both.

Provision is made for offences by bodies corporate (regulation 20), reciprocal recognition of certificates etc (regulation 21), and enforcement (regulation 22).