
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations give effect in Scotland to Council Decision [2000/766/EC](#) (O.J. No. L 306, 7.12.00, p.32) concerning certain protection measures with regard to transmissible spongiform encephalopathies and the feeding of animal protein as amended by Commission Regulation (EC) No. [1326/2001](#) (O.J. No. L 177, 30.6.01, p.60), and Commission Decision [2001/9/EC](#) (O.J. No. L 2, 5.1.01, p.32) concerning control measures required for the implementation of Council Decision [2000/766/EC](#) as amended by Commission Decision [2001/165/EC](#) (O.J. No. L 58, 28.2.01, p.43).

Regulation 2 contains definitions. These include a definition of farmed animal as an animal which is kept, fattened or bred for the production of food. Regulation 3 provides that the Regulations apply in relation to processed animal protein intended for the feeding of farmed animals, and that the Regulations do not apply in relation to catering waste or eggs and egg products.

Subject to exceptions, regulation 4 prohibits the feeding of processed animal protein to farmed animals.

Regulation 5 and Schedule 1 make provision in relation to the production of fishmeal for feeding to farmed animals other than ruminants. This includes provision for the approval of premises, use of premises and transport, including intermediate storage of fishmeal from approved premises. Regulations 6 and 7 and Schedules 2 and 3 respectively make similar provision in relation to the production, and approval of premises for the production, of dicalcium phosphate and hydrolysed protein for feeding to farmed animals.

Regulation 8 makes provision for approval of premises, suspension and withdrawal of approval.

Regulation 9 makes provision for the sale or supply of processed animal protein intended for the feeding of farmed animals. Regulation 10 makes provision for the trade with other member States and regulation 11 makes provision for trade with third countries.

Regulation 12 makes provision for the manufacture of feedingstuffs. Regulation 13 makes provision for the production of feedingstuffs containing fishmeal for feeding to farmed animals. Regulation 14 makes provision for the production of feedingstuffs containing dicalcium phosphate for feeding to farmed animals. Regulation 15 makes provision for the production of feedingstuffs containing hydrolysed protein for feeding to farmed animals. Regulation 16 makes provision for the use and storage of feedingstuffs containing fishmeal, dicalcium phosphate or hydrolysed protein.

Regulation 17 imposes requirements in respect of records relating to processed animal protein and regulation 18 makes provision in respect of powers of entry. Regulation 19 provides for sampling and other checks and examinations. Regulation 20 provides offences of obstruction and regulation 21 makes provision for offences by bodies corporate. Regulation 22 makes provision for offences and penalties. Regulation 23 makes provision for offences due to the fault of another person and the defence of due diligence. Regulation 24 makes provision for enforcement of the Regulations and regulation 25 makes provision for the service of notices and other documents and regulation 26 amends the Bovine Spongiform Encephalopathy (Feeding Stuffs and Surveillance) Regulations 1999.

A Regulatory Impact Assessment has been prepared and placed in the Scottish Parliament Information Centre. Copies can be obtained from the Scottish Executive Rural Affairs Department, Pentland House, 47 Robb's Loan, Edinburgh EH14 1TY.