

2001 No. 415

ANIMALS

ANIMAL HEALTH

The Import and Export Restrictions (Foot-and-Mouth Disease) (Scotland) (No. 2) Amendment (No. 5) Regulations 2001

Made *7th November 2001*

Coming into force at 2.00 p.m. on *7th November 2001*

Laid before the Scottish Parliament *9th November 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) (No. 2) Amendment (No. 5) Regulations 2001 and shall come into force at 2.00 p.m. on 7th November 2001.

(2) These Regulations shall remain in force until midnight on 31st December 2001.

Amendment to the Import and Export Restrictions (Foot-and-Mouth Disease) (Scotland) (No. 2) Regulations 2001

2.—(1) The Import and Export Restrictions (Foot-and-Mouth Disease) (Scotland) (No. 2) Regulations 2001(b) are amended in accordance with the following paragraphs of this regulation.

(2) In regulation 2 for the definition of “the Decision”, there is substituted—

““the Decision” means Commission Decision 2001/740/EC of 19th October 2001 (concerning certain protection measures with regard to foot-and-mouth disease in the United Kingdom and repealing Commission Decision 2001/356/EC)(c) as amended by Commission Decision 2001/763/EC(d);”.

(3) In regulation 4(2)—

(a) in sub-paragraphs (b)(i) and (c)(i)(e)—

(i) for “on the day of processing destined for dispatch”, there is substituted “at the time of processing meat destined for dispatch under these Regulations”; and

(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. 2001/186, as amended by S.S.I. 2001/243, 271, 367 and 394.

(c) O.J. No. L 227, 20.10.01, p.30. Commission Decision 2001/356/EC (O.J. No. L 125, 5.5.01, p.46), was amended by Commission Decision 2001/372/EC (O.J. No. L 130, 12.5.01, p.47), Commission Decision 2001/415/EC (O.J. No. L 149, 2.6.01, p.38), Commission Decision 2001/430/EC (O.J. No. L 153, 8.6.01, p.33), Commission Decision 2001/437/EC (O.J. No. L 154, 9.6.01, p.66), Commission Decision 2001/518/EC (O.J. No. L 186, 7.7.01, p.58), Commission Decision 2001/547/EC (O.J. No. L 195, 19.7.01, p.61), and Commission Decision 2001/708/EC (O.J. No. L 261, 29.9.01, p.67).

(d) O.J. No. L 287, 31.10.01, p. 36.

(e) Sub-paragraphs (b)(i) and (c)(i) were substituted by S.S.I. 2001/394

- (ii) for “the Schedule to these Regulations (“the Schedule”)", there is substituted “Schedule 2 to these Regulations (“Schedule 2”);”;
- (b) for sub-paragraph (b)(ii), there is substituted–
 - “(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) as amended(a) or, in the case of meat from farmed game of species susceptible to foot-and-mouth disease, 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) as amended(b) or in the case of wild game of species susceptible to foot-and-mouth disease, in accordance with the provisions of Annex I of Chapter VII of Council Directive 92/45/EC as amended(c);”;
- (c) in sub-paragraph (d)(d) each time “the Schedule” appears, it is substituted by “Schedule 2”;
- (d) in sub-paragraph (d) for “porcine animals reared within one or more of the areas listed in the Schedule”, there is substituted “bovine, ovine, caprine or porcine animals or farmed game of species susceptible to foot-and-mouth disease”;
- (e) in sub-paragraph (d)(i) for “within an area in the same group of areas as those”, there is substituted “in the same area”;
- (f) in sub-paragraph (d)(iii) after “30 days prior to the date of loading,”, there is inserted “or in the case of farmed game prior to on-farm slaughtering,”;
- (g) in sub-paragraph (d)(iv) after the word “animals”, there is inserted “, or in the case of farmed game slaughtered on the farm, the carcasses,”;
- (h) at the end of sub-paragraph (d)(xii), there is inserted “or in the case of farmed game the health mark provided for in Chapter III of Annex I of Council Directive 91/495/EEC”;
- (i) in sub-paragraph (d)(xiv)(C) for “veterinary inspector”, there is substituted “official veterinary surgeon”;
- (j) after sub-paragraph (d)(xvi), there is inserted–
 - “(xvii) the meat must be obtained from animals reared within the areas specified for the respective category of meat in the appropriate column in Schedule 2;
- (e) fresh meat obtained from wild game of species susceptible to foot-and-mouth disease and conforming to the following conditions:–
 - (i) the meat must be obtained from wild game killed within the areas specified for the respective category of meat in the appropriate column in Schedule 2;
 - (ii) there has been no outbreak of foot-and-mouth disease in the same area listed in Schedule 2 during the period of 90 days prior to the date of dispatch;
 - (iii) the meat originates from animals killed at least 20 kilometres from any area not included in Schedule 2;
 - (iv) the carcasses were transported in a means of transport which had been cleansed and disinfected before loading directly to a wild game collection centre or to an approved processing house for chilling;
 - (v) the wild game collection centre or the approved processing house must be located in an area listed in Schedule 2;
 - (vi) during post-mortem inspection by the official veterinary surgeon the carcasses were found free of lesions of foot-and-mouth disease;
 - (vii) the meat derived from the animals remained in the establishment for at least 24 hours after the post-mortem inspection;
 - (viii) at all stages of production the meat must have been handled in accordance with the requirements of Council Directive 92/45/EEC;
 - (ix) the meat must bear the health mark in accordance with Chapter VII of Annex I to Council Directive 92/45/EEC;

(a) O.J. No. 121, 27.9.64, p.2012/64; Directive updated by Directive 91/497/EEC (O.J. No. L 268, 24.9.91, p.69) as amended by Council Directive 92/5/EEC (O.J. No. L 57, 2.3.92, p.1) and Directive 95/23/EC (O.J. No. L 243, 11.10.95, p.7).

(b) O.J. No. L 268, 24.9.91, p.41 as amended by Council Directive 92/65/EEC (O.J. No. L 268, 14.9.92, p.54), Council Directive 92/116 EEC (O.J. No. L 62, 15.3.93, p.1) and Council Directive 1994/65/EC (O.J. No. L 368, 31.12.94, p.10).

(c) O.J. No. L 268, 14.9.92, p.33, as amended by Council Directive 92/116/EC (O.J. No. L 62, 15.3.93, p.1) and Council Directive 97/79/EC (O.J. No. L 24, 30.1.98, p.31).

(d) Sub-paragraph (d) was inserted by S.S.I 2001/394.

- (x) the establishment must be operated under strict veterinary control;
- (xi) in the case where foot-and-mouth disease has been diagnosed in the slaughterhouse, any further preparation of meat for dispatch shall only be authorized—
 - (A) after the slaughter of all animals present;
 - (B) after removal of all meat and dead animals; and
 - (C) at least 24 hours after the completion of the effective cleansing and disinfection of the establishment under the control of an official veterinary surgeon;
- (xii) the fresh meat must be clearly identified, and transported and stored separately from meat which is not eligible for dispatch.”.

(4) In regulation 5(3)(b) after “establishments”, there is inserted “which at the time of processing of meat eligible for dispatch complies with”.

(5) In regulation 8(2), for sub-paragraph (c)(vii), there is substituted—

“(vii) prior to dispatch the frozen semen was stored for a period of at least 30 days immediately following collection and during the first 30 days of that storage period no animal in the semen collection centre where the donor boar or bull was kept showed any sign of foot-and-mouth disease;”.

(6) For the Schedule inserted by the Import and Export Restrictions (Foot-and-Mouth Disease) (Scotland) (No. 2) Amendment (No. 4) Regulations 2001(a) there is substituted the Schedule set out in the Schedule to these Regulations.

Consequential Amendment

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

DAVID R DICKSON

A member of the staff of the Scottish Ministers

Pentland House,
Edinburgh
7th November 2001

SCHEDULE

SCHEDULE AS INSERTED BY THESE REGULATIONS

“SCHEDULE 2

PERMITTED AREAS

Areas in Scotland

Administrative Unit	<i>B</i>	<i>S/G</i>	<i>P</i>	<i>FG</i>	<i>WG</i>
<i>Council Areas in Scotland</i>					
Orkney Islands consisting of <i>Orkney Islands</i>	+	-	+	-	-
Western Islands consisting of <i>Eilean Siar</i>	+	-	+	-	-
Shetland Islands consisting of <i>Shetland Islands</i>	+	-	+	-	-
Wick consisting of <i>Part of Highland*</i>	+	-	+	-	-
Elgin consisting of <i>Moray</i> <i>Part of Highland*</i>	+	-	+	-	-
Inverness consisting of <i>Part of Highland*</i>	+	-	+	-	-
Aberdeenshire consisting of <i>Aberdeen City</i> <i>Aberdeenshire</i>	+	-	+	-	-
Forfar consisting of <i>Angus</i> <i>Dundee City</i>	+	-	+	-	-
Perth consisting of <i>Clackmannanshire</i> <i>Perth & Kinross</i>	+	-	+	-	-
Cupar consisting of <i>Fife</i>	+	-	+	-	-
Edinburgh consisting of <i>Falkirk</i> <i>Midlothian</i> <i>West Lothian</i> <i>City of Edinburgh</i> <i>East Lothian</i>	+	-	+	-	-
Galashiels consisting of <i>Scottish Borders</i>	-	-	+	-	-
Stirling consisting of <i>Stirling</i>	+	-	+	-	-
Oban consisting of <i>Argyll and Bute</i>	+	-	+	-	-
Hamilton consisting of <i>East Dunbartonshire</i> <i>East Renfrewshire</i> <i>City of Glasgow</i> <i>Inverclyde</i> <i>North Lanarkshire</i> <i>Renfrewshire</i> <i>South Lanarkshire</i> <i>West Dunbartonshire</i>	+	-	+	-	-

Administrative Unit	<i>Council Areas in Scotland</i>	<i>B</i>	<i>S/G</i>	<i>P</i>	<i>FG</i>	<i>WG</i>
Ayr consisting of	<i>East Ayrshire North Ayrshire South Ayrshire</i>	+	-	+	-	-
Stranraer consisting of	<i>Part of Dumfries & Galloway#</i>	-	-	+	-	-
Dumfries consisting of	<i>Part of Dumfries & Galloway#</i>	-	-	+	-	-

Areas in England

Administrative Unit	<i>B</i>	<i>S/G</i>	<i>P</i>	<i>FG</i>	<i>WG</i>
Bedfordshire consisting of <i>Bedford</i> <i>Luton District</i>	+	-	+	-	-
Berkshire consisting of <i>Bracknell Forest</i> <i>Reading</i> <i>West Berkshire</i> <i>Windsor & Maidenhead</i> <i>Wokingham</i> <i>Slough</i>	+	-	+	-	-
Buckinghamshire consisting of <i>Buckinghamshire County</i> <i>Milton Keynes</i>	+	-	+	-	-
Cambridgeshire consisting of <i>Cambridgeshire County</i> <i>City of Peterborough</i>	+	-	+	-	-
Cheshire consisting of <i>Halton</i> <i>Cheshire County</i>	-	-	+	-	-
Cornwall County consisting of <i>Cornwall County</i>	-	-	+	-	-
Derbyshire consisting of <i>City of Derby</i> <i>Derbyshire County</i>	-	-	+	-	-
Dorset consisting of <i>Dorset County</i> <i>Bournemouth</i> <i>Poole</i>	+	-	+	-	-
Essex consisting of <i>Southend-on-Sea</i> <i>Essex County</i> <i>Thurrock</i>	-	-	+	-	-
Gloucestershire consisting of <i>South Gloucestershire</i> <i>Gloucestershire County</i>	-	-	+	-	-
Hampshire consisting of <i>Hampshire County</i> <i>City of Portsmouth</i> <i>City of Southampton</i>	+	-	+	-	-
Isle of Wight consisting of <i>Isle of Wight</i>	+	-	+	-	-
Hereford & Worcester consisting of <i>Worcestershire</i>	-	-	+	-	-
Hertfordshire consisting of <i>Hertfordshire</i>	+	-	+	-	-
Kent consisting of <i>Medway</i> <i>Kent County</i>	-	-	+	-	-
Lancashire consisting of <i>Blackpool</i>	-	-	+	-	-
Leicestershire consisting of <i>City of Leicester</i> <i>Rutland</i> <i>Leicester County</i>	-	-	+	-	-
Lincolnshire consisting of <i>Lincolnshire</i>	+	-	+	-	-

Administrative Unit	<i>B</i>	<i>S/G</i>	<i>P</i>	<i>FG</i>	<i>WG</i>
Merseyside consisting of <i>Knowsley District</i> <i>Liverpool District</i> <i>Sefton District</i> <i>St Helens District</i>	+	-	+	-	-
East London consisting of <i>East London</i>	-	-	+	-	-
South East London consisting of <i>South East London</i>	-	-	+	-	-
Norfolk consisting of <i>Norfolk</i>	+	-	+	-	-
Northamptonshire consisting of <i>Northamptonshire</i>	-	-	+	-	-
Nottinghamshire consisting of <i>City of Nottingham</i> <i>Nottinghamshire County</i>	+	-	+	-	-
Oxfordshire consisting of <i>Oxfordshire</i>	-	-	+	-	-
Avon consisting of <i>Bath & North East Somerset</i> <i>City of Bristol</i> <i>South Gloucestershire</i> <i>North Somerset</i>	-	-	+	-	-
Somerset consisting of <i>Somerset</i>	-	-	+	-	-
Staffordshire consisting of <i>City of Stoke-on-Trent</i> <i>Staffordshire County</i>	-	-	+	-	-
Suffolk consisting of <i>Suffolk</i>	+	-	+	-	-
Isles of Scilly consisting of <i>Isles of Scilly</i>	+	-	+	-	-
Surrey consisting of <i>Surrey</i>	+	-	+	-	-
East Sussex consisting of <i>Brighton & Hove</i> <i>East Sussex County</i>	+	-	+	-	-
West Sussex consisting of <i>West Sussex</i>	+	-	+	-	-
Warwickshire consisting of <i>Warwickshire</i>	-	-	+	-	-
Greater Manchester consisting of <i>Tameside District</i> <i>Oldham District</i> <i>Rochdale District</i> <i>Bury District</i> <i>Bolton District</i> <i>Salford District</i> <i>Trafford District</i> <i>Manchester District</i> <i>Stockport District</i> <i>Wigan District</i>	+	-	+	-	-
Wiltshire consisting of <i>Swindon</i> <i>Wiltshire County</i>	-	-	+	-	-

Administrative Unit	<i>B</i>	<i>S/G</i>	<i>P</i>	<i>FG</i>	<i>WG</i>
West Midlands consisting of <i>Birmingham District</i> <i>Dudley District</i> <i>Sandwell District</i> <i>Solihull District</i> <i>Walshall District</i> <i>Wolverhampton District</i> <i>Coventry District</i>	+	-	+	-	-
South Yorkshire consisting of <i>Barnsley District</i> <i>Doncaster District</i> <i>Rotherham District</i> <i>Sheffield District</i>	+	-	+	-	-
West Yorkshire consisting of <i>Wakefield District</i> <i>Kirklees District</i> <i>Calderdale District</i>	+	-	+	-	-
Beverley-North Yorkshire consisting of <i>York</i> <i>Selby District</i>	+	-	+	-	-
Humberside consisting of <i>East Riding of Yorkshire</i> <i>City of Kingston upon Hull</i> <i>North East Lincolnshire</i> <i>North Lincolnshire</i>	+	-	+	-	-

Areas in Wales

Administrative Unit	B	S/G	P	FG	WG
Gwynedd consisting of <i>Conwy</i> <i>Gwynedd</i> <i>Isle of Anglesey</i>	+	-	+	-	-
Dyfed consisting of <i>Sir Gaerfyrddin-Carmarthen</i> <i>Sir Ceredigion-Ceredigion</i> <i>Sir Benfro-Pembrokeshire</i>	+	-	+	-	-
Clwyd consisting of <i>Sir Ddinbych-Denbigshir</i> <i>Sir Y Fflint-Flintshire</i> <i>Wrecsam-Wrexham</i>	+	-	+	-	-
South Glamorgan consisting of <i>Bro Morgannwg-The Vale of Glamorgan</i>	-	-	+	-	-
Mid Glamorgan consisting of <i>Pen-y-Bont Ar Ogwr-Bridgend</i>	-	-	+	-	-
West Glamorgan consisting of <i>Abertawe-Swansea</i> <i>Castell-Nedd Port Talbot-Neath Port Talbot</i>	+	-	+	-	-

In this Schedule–

B = bovine meat;

S/G = sheep and goat meat;

P = pig meat;

FG = farmed game of species susceptible to food-and-mouth disease;

WG = wild game of species susceptible to food-and-mouth disease;

+ means that the area is one where the animals in the column may be produced and the meat in question may be produced and dispatched;

* the three areas listed which consist of Parts of the Highland Council area together comprise the whole of the Highland Council area;

the two areas listed which consist of Parts of the Dumfries and Galloway Council area together comprise the whole of the Dumfries and Galloway Council area.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations implement in Scotland the Commission Decision 2001/763/EC amending Commission Decision 2001/740/EC (concerning certain protection measures with regard to foot-and-mouth disease in the United Kingdom) for the first time. 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) (No. 2) Regulations 2001 (“the principal Regulations”) to permit the dispatch from Scotland of pig meat from those areas of Scotland from which such exports were prohibited, and to permit the dispatch of beef from certain areas of Scotland.

The areas referred to in regulation 4 of the principal Regulations are the Council areas listed in Schedule 2 to the principal Regulations as inserted hereby. The Administrative Unit is used by the European Commission to designate areas of the United Kingdom for the purpose of allowing exports.

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

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