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SCOTTISH STATUTORY INSTRUMENTS

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**2002 No. 35**

**ANIMALS**

**ANIMAL HEALTH**

**The Import and Export Restrictions (Foot-and-Mouth Disease)  
(Scotland) (No. 3) Amendment (No. 2) Regulations 2002**

<i>Made</i>	- - - -	<i>1st February 2002</i>
<i>Laid before the Scottish Parliament</i>	- - - -	<i>1st February 2002</i>
<i>Coming into force at 12 noon on</i>	- - - - -	<i>1st February 2002</i>

The Scottish Ministers, in exercise of the powers conferred by section 2(2) of the European Communities Act 1972(1) 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. 3) Amendment (No. 2) Regulations 2002 and shall come into force at 12 noon on 1st February 2002.

(2) These Regulations shall remain in force until midnight on 31st March 2002.

**Amendment to the Import and Export Restrictions (Foot-and-Mouth Disease) (Scotland) (No. 3) Regulations 2001**

2.—(1) The Import and Export Restrictions (Foot-and-Mouth Disease) (Scotland) (No. 3) Regulations 2001(2) are amended in accordance with the following paragraphs of this regulation.

(2) In regulation 1(3), for “midnight on 28th February 2002”, there is substituted “midnight on 31st March 2002”.

(3) In regulation 2 (interpretation), for the definition of “the Decision” there is substituted—  
““the Decision” means Commission Decision [2001/740/EC](#) concerning certain protection measures with regard to foot-and-mouth disease in the United Kingdom and repealing Decision

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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) [S.S.I. 2001/429](#), as amended by [S.S.I. 2001/455](#) and [483](#) and [2002/21](#).

2001/356/EC(3) as amended by Commission Decision 2001/763/EC(4), Commission Decision 2001/789/EC(5), Commission Decision 2001/848/EC(6), Commission Decision 2001/911/EC(7), Commission Decision 2001/938/EC(8), Commission Decision 2002/37/EC(9) and Commission Decision 2002/48/EC(10);”.

(4) In regulation 4 (importation of live animals)–

(a) for paragraph (2), there is substituted–

“(2) Paragraph (1) shall not apply provided that the conditions specified in paragraph (3) are met.”; and

(b) in sub-paragraph 4(3)(f) the words after ‘single holding’ are omitted.

(5) For regulation 5(3) and (4) (dispatch of live animals), there is substituted–

“(3) Without prejudice to the requirements of Council Directive 64/432/EEC (on health problems affecting intra-community trade in bovine animals and swine) as amended(11), Council Decision 98/256/EC (concerning emergency measures to protect against bovine spongiform encephalopathy(12)) and the restriction on movement imposed under the Foot-and-Mouth Disease Order 1983(13)), the prohibition in paragraph (1) shall not apply to the dispatch of live bovine and porcine animals.”.

(6) In regulation 6 (dispatch of meat, minced meat and meat preparations)–

(a) for paragraph (2) there is substituted–

“(2) The prohibition in paragraph (1) shall not apply in relation to meat–

(a) marked with 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(14)) or, in the case of meat from other biungulates, 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(15));

(b) which is clearly identified;

(c) which has been transported and stored since the date of production separately from meat not eligible for dispatch under these Regulations;

(d) which was–

(3) O.J. No. L 277, 20.10.01, p.30.

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

(5) O.J. No. L 295, 13.11.01, p.25.

(6) O.J. No. L 315, 1.12.01, p.64.

(7) O.J. No. L 337, 20.12.01, p.39.

(8) O.J. No. L 345, 29.12.01, p.100.

(9) O.J. No. L 15, 17.1.02, p.34.

(10) O.J. No. L 21, 24.12.02, p.28.

(11) O.J. No. L 121, 29.7.64, p.1977/64; Directive updated by Council Directive 97/12/EC (O.J. No. L 109, 25.4.97, p. 1), as amended by Council Directive 98/46/EC (O.J. No. L 198, 15.7.98, p. 22), Council Directive 98/99/EC (O.J. L 358, 31.12.98, p.107), Commission Decision 98/362/EC (O.J. No. L 163, 6.6.98, p.107), Commission Decision 98/548/EC (O.J. No. L 1263, 26.9.98, p.35), Commission Decision 98/621/EC (O.J. No. L 296, 5.11.98, p.15), Commission Decision 99/384/EC (O.J. No. L 146, 11.6.99, p.52), Commission Decision 99/399/EC (O.J. No. L 150, 17.6.99, p.32), Commission Decision 99/579/EC (O.J. No. L 219, 19.8.99, p.32), Commission Decision 99/579/EC (O.J. No. L 219, 19.8.99, p.53), Commission Decision 2000/504/EC (O.J. No. L 201, 9.8.00, p.6), Directive 2000/15/EC (O.J. No. L 105, 3.5.00, p.34), Directive 2000/20/EC (O.J. No. L 163, 4.7.00, p.35) and Commission Decision 2001/298/EC (O.J. No. L 102, 12.4.01, p.63).

(12) O.J. No. L 113, 15.4.1998, p.38.

(13) S.I.1983/1950, as amended by S.I. 1993/3119, S.I. 1995/2922 and further amended, as regards Scotland, by S.S.I. 2001/52/55, 101 and 390.

(14) O.J. No. L 121, 27.9.1964, p.2012/64; Directive updated by Directive 91/497/EEC (O.J. No. L268, 24.9.91, p.69) as last amended by Directive 95/23/EC (O.J. No. L243, 11.10.95, p.7).

(15) O.J. No. L 268, 24.09.1991 p. 41 as last amended by Council Directive 1994/65/EC (O.J. No. L 368, 31.12.94 p.10).

- (i) obtained before 1st February 2001;
    - (ii) derived from animals slaughtered or, in the case of meat obtained from wild game of species susceptible to foot-and-mouth disease, killed in Great Britain after 19th October 2001; or
    - (iii) derived from animals reared and slaughtered or, in the case of meat obtained from wild game of species susceptible to foot-and-mouth disease, killed outside Great Britain.”; and
  - (b) in paragraph (3), the words “, minced meat or meat preparations” are omitted.
- (7) In regulation 7 (dispatch of meat products)–
- (a) for paragraph (2) there is substituted–
    - “(2) The prohibition in paragraph (1) shall not apply to meat products meeting the public health requirements of Council Directive [77/99/EEC](#) and which–
      - (a) are made from meat specified in regulation 6(2); or
      - (b) 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(16)), or have been subjected during preparation uniformly throughout the substance to a pH value of less than 6.”;
    - (b) paragraph (3) is omitted; and
    - (c) there is inserted after paragraph (6), as follows:–
      - “(7) The prohibition in this regulation 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 in the restricted area approved by the Scottish Ministers for pre-processed products originating outside that area which, since introduction into the United Kingdom, have been transported, stored and processed separately from products not destined for dispatch; and
          - (ii) accompanied by a commercial document or official certificate as required by these Regulations.”.
- (8) Regulations 8 (dispatch of milk) and 9 (dispatch of milk products) are omitted.
- (9) In regulation 10 (dispatch of semen, etc.)–
- (a) at the end of paragraph (2)(b), “or” is omitted;
  - (b) paragraph (2)(c)(ii) and (vi) are omitted; and
  - (c) after paragraph (2)(c) there is inserted–
    - “; or
    - (d) fresh and frozen bovine semen and porcine semen produced in accordance with Directives [88/407/EEC](#) and [90/429/EEC](#) respectively after 15th January 2002 in Great Britain”.
- (10) Regulations 11 (dispatch of hides and skins), 12 (dispatch of animal products), 13 (exemptions), 16 (export of equidae), 27, 28 and 29 (consequential amendments) and Schedule 1 (permitted areas) are omitted.

(11) In column 3 of Schedule 3 (revocations), for “4(1) and (3), 5, 6(1), (2) and (4),” there is substituted “6(1) and (2)”.

#### **Amendment to Meat Products (Hygiene) Regulations 1994**

**3.—**(1) The Meat Products (Hygiene) Regulations 1994<sup>(17)</sup> are amended in accordance with this regulation.

(2) For regulation 10(3) there is substituted—

“**3)** Any person who sells for human consumption any meat product manufactured or re-wrapped in Great Britain shall ensure that it carries—

- (a) the British EC health mark;
- (b) the circular mark referred to in paragraph 3A of Part VI of Schedule 2 to these Regulations; or
- (c) the British national health mark,

in each case applied in accordance with Part VI of Schedule 2.”.

(3) Regulation 10(4) is omitted.

(4) For paragraph 3A of Part VI of Schedule 2 there is substituted—

“**3A.—**(1) Notwithstanding paragraphs 1 to 3 above, meat products made from fresh meat originating from animals of the bovine, ovine, caprine and porcine species and other biungulates slaughtered in Great Britain in the period from (and including) 1st February 2001 to the coming into force of the Import and Export Restrictions (Foot-and-Mouth Disease) (Scotland) (No. 3) Amendment (No. 2) Regulations 2002 or containing meat from those species of animals and processed in Great Britain during that period shall be marked with a stamp consisting of a circular mark containing—

- (a) in the upper part the letters “GB”; and
- (b) in the lower part the meat product premises code.

(2) Meat products referred to in sub-paragraph (1) which have undergone one of the treatments laid down in Article 4(1) of Council Directive [80/215/EEC](#) or which have been subjected during preparation uniformly throughout the substance to a pH value of less than 6 may be marked either in accordance with this paragraph or in accordance with paragraphs 1 to 3 above.

(3) Sub-paragraph (1) does not apply in relation to meat products made from fresh meat eligible for dispatch in accordance with Commission Decision [2001/172/EC](#), [2001/356/EC](#) or [2001/740/EC](#).”.

#### **Amendment to the Fresh Meat (Hygiene and Inspection) Regulations 1995**

**4.—**(1) The Fresh Meat (Hygiene and Inspection) Regulations 1995<sup>(18)</sup> are amended in accordance with this regulation.

(2) For paragraph 9 of Schedule 12 there is substituted—

“**9.—**(1) Notwithstanding the provisions of paragraphs 1 and 8 of this Schedule, fresh meat originating from animals of the bovine, ovine, caprine and porcine species and other biungulates slaughtered in Great Britain in the period from (and including) 1st February 2001 to the coming into force of the Import and Export Restrictions (Foot-and-Mouth

<sup>(17)</sup> S. I. 1994/3082 as relevantly amended by S.S.I. 2001/160, 358, 394 and 429.

<sup>(18)</sup> S. I. 1995/539 as relevantly amended by S.S.I. 2001/160, 358, 394 and 429.

Disease) (Scotland) (No. 3) Amendment (No. 2) Regulations 2002 and meat processed in Great Britain during that period which would otherwise have been marked in accordance with those paragraphs shall instead be marked with a stamp consisting of a circular mark with an outer diameter of 50 mm, with a line thickness of circle of 3 mm and containing—

- (a) in the upper part the letters “GB” 7 mm high; and
- (b) in the lower part the approval number of the premises 10 mm high.

(2) Notwithstanding paragraph 6 of this Schedule, E129 Allura Red AC may not be used in a stamp applied under this paragraph.

(3) Sub-paragraph (1) does not apply to fresh meat eligible for dispatch in accordance with Commission Decision [2001/172/EC](#), [2001/356/EC](#) or [2001/740/EC](#).”.

### **Amendment to the Minced Meat and Meat Preparations (Hygiene) Regulations 1995**

5.—(1) The Minced Meat and Meat Preparations (Hygiene) Regulations 1995<sup>(19)</sup> are amended in accordance with this regulation.

(2) For paragraphs (5), (6) and (7) of regulation 7, there is substituted—

“(5) No person shall affix the health mark to minced meat produced from fresh meat originating from animals of the bovine, ovine, caprine and porcine species and other biungulates slaughtered in Great Britain in the period from (and including) 1st February 2001 to the coming into force of the Import and Export Restrictions (Foot-and-Mouth Disease) (Scotland) (No. 3) Amendment (No. 2) Regulations 2002 or meat processed during that period unless it was fresh meat eligible for dispatch in accordance with Commission Decision [2001/172/EC](#), [2001/356/EC](#) or [2001/740/EC](#).”.

(3) For paragraphs (6), (7) and (8) of regulation 8 there is substituted—

“(6) No person shall affix the health mark to any meat preparation produced from fresh meat originating from animals of the bovine, ovine, caprine and porcine species and other biungulates slaughtered in Great Britain in the period from (and including) 1 February 2001 to the coming into force of the Import and Export Restrictions (Foot-and-Mouth Disease) (Scotland) (No. 3) Amendment (No. 2) Regulations 2002, unless it was fresh meat eligible for dispatch in accordance with Commission Decision [2001/172/EC](#), [2001/356/EC](#) or [2001/740/EC](#).”.

### **Consequential amendments**

6.—(1) Regulation 2(2) of the Foot-and-Mouth Disease (Marking of Meat and Meat Products) (Scotland) Regulations 2001<sup>(20)</sup> is omitted.

(2) The Foot-and-Mouth Disease (Marking of Meat, Meat Products, Minced Meat and Meat Preparations) (Scotland) Regulations 2001<sup>(21)</sup> are revoked.

(3) Regulations 4, 5, 6(4) and 7 of the Import and Export Restrictions (Foot-and-Mouth Disease) (Scotland) (No. 2) Amendment (No. 4) Regulations 2001<sup>(22)</sup> are omitted.

(4) The Import and Export Restrictions (Foot-and-Mouth Disease) (Scotland) (No. 3) Amendment Regulations 2001<sup>(23)</sup> are amended as follows:—

- (a) in regulation 1(2) for “midnight on 28th February 2002”, there is substituted “midnight on 31st March 2002”; and

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<sup>(19)</sup> S. I. 1995/3205 as relevantly amended by S.S.I. 2001/ 358, 394 and 429.

<sup>(20)</sup> S.S.I. 2001/160.

<sup>(21)</sup> S.S.I. 2001/358, amended by S.S.I. 2001/394.

<sup>(22)</sup> S.S.I. 2001/394, amended by S.S.I. 2001/415 and revoked in part by S.S.I. 2001/429.

<sup>(23)</sup> S.S.I. 2001/455, amended by S.S.I. 2001/483.

(b) regulation 2(5) and (6) is omitted.

(5) The Import and Export Restrictions (Foot-and-Mouth Disease) (Scotland) (No. 3) Amendment (No.2) Regulations 2001(**24**) are amended as follows:–

(a) in regulation 1(2) for “midnight on 28th February 2002”, there is substituted “midnight on 31st March 2002”;

(b) regulation 2(2), (3)(a), (6), (7), (8) and (9) is omitted; and

(c) regulation 3(2) is omitted.

(6) The Import and Export Restrictions (Foot-and-Mouth Disease) (Scotland) (No. 3) Amendment Regulations 2002(**25**) are revoked.

Pentland House,  
Edinburgh  
1st February 2002

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

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(24) S.S.I. 2001/483.

(25) S.S.I. 2002/21.

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## EXPLANATORY NOTE

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

These Regulations implement in Scotland Commission Decisions [2001/938/EC](#), [2002/37/EC](#) and [2002/48/EC](#) amending Commission Decision [2001/740/EC](#) (concerning certain protection measures with regard to foot-and-mouth disease in the United Kingdom) for the fifth, sixth and seventh times.

They further 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. 3) Regulations 2001 (“the principal Regulations”) to continue the effect of those restrictions, with amendments, until midnight on 31st March 2002.

They implement in Scotland Commission Decision [2002/49/EC](#) amending Commission Decision [2001/304/EC](#) (concerning the marking and use of certain animal products).

They further amend the Meat Products (Hygiene) Regulations 1994; the Fresh Meat (Hygiene and Inspection) Regulations 1995; and the Minced Meat and Meat Preparations (Hygiene) Regulations 1995.

The effect of these Regulations is to—

- remove all restrictions on the export of pigs;
- remove all export restrictions on cattle;
- remove the need to provide additional health assurances for horse exports;
- allow the export to other member States of fresh and frozen bovine and porcine semen produced after 15th January 2002;
- allow meat to be exported from Foot-and-Mouth Disease susceptible animals sourced from anywhere in Great Britain;
- lift export restrictions on fresh meat and meat products;
- lift Foot-and-Mouth Disease based export restrictions on milk and milk products, hides and skins and all other animal products; and
- lift restrictions on Foot-and-Mouth Disease susceptible live animals.

They also make amendments consequential to these provisions.

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