

2003 No. 165

AGRICULTURE

**The Products of Animal Origin (Third Country Imports)
(Scotland) Amendment Regulations 2003**

Made 10th March 2003

Laid before the Scottish Parliament 10th March 2003

Coming into force 1st April 2003

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 and commencement

1. These Regulations may be cited as the Products of Animal Origin (Third Country Imports) (Scotland) Amendment Regulations 2003 and shall come into force on 1st April 2003.

Amendment to the Products of Animal Origin (Third Country Imports) (Scotland) Regulations 2002

2.—(1) The Products of Animal Origin (Third Country Imports) (Scotland) Regulations 2002(b) are amended in accordance with this regulation.

(2) In regulation 2(1) (interpretation)—

- (a) in the definition of “official fish inspector” for “an environmental health officer” substitute “a person”; and
- (b) in the definition of “owner” insert “or part of a consignment” after “product or consignment”.

(3) In regulation 3A (other exemptions)(c)—

- (a) in paragraph (1)(a)—
 - (i) after “traveller (or” omit “that”; and
 - (ii) for “him or her” substitute “that traveller”; and
- (b) in paragraph (1)(b)—
 - (i) after “traveller (or” omit “that”; and
 - (ii) for “him or her” substitute “that traveller”.

(4) In regulation 4(c) (enforcement authorities) insert “at premises” after “paragraph (a), and”.

(5) In regulation 33(6) (products transported under supervision) for “premises” substitute “establishment”.

(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 European Communities Act 1972, 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. 2002/445 as amended by S.S.I. 2002/565.

(c) Regulation 3A was inserted by S.S.I. 2002/565.

- (6) In Schedule 2 (import conditions for products)–
(a) for the entry in section C of Part I (protective measures - all products) substitute–

“China

Commission Decision 2002/994/EC (O.J. No. L 348, 21.12.2002, p.154), as amended by Commission Decision 2003/72/EC (O.J. No. L 26, 31.1.2003, p.84) ”;

- (b) in Part V (fresh poultry-meat) after section D (health certification requirements) insert–

“E. Protective measures - fresh poultrymeat, poultrymeat products and poultrymeat preparations

1. Brazil

Commission Decision 2002/794/EC (O.J. No. L 276, 12.10.2002, p.66).

2. Thailand

Commission Decision 2002/251/EC (O.J. No. L 84, 28.3.2002, p.77).”;

- (c) in section H of Part IX (protective measures - fishery products) omit paragraphs 2 (China and Vietnam), 5 (Pakistan) and 7 (Vietnam).

Revocations

3. The Food and Animal Feedingstuffs (Products of Animal Origin from China) (Emergency Control) (Scotland) Regulations 2002(a) and the Food and Animal Feedingstuffs (Products of Animal Origin from China) (Emergency Control) (Scotland) Amendment Regulations 2002(b) are revoked.

St Andrew’s House,
Edinburgh
10th March 2003

ROSS FINNIE
A member of the Scottish Executive

(a) S.S.I. 2002/300 as amended by 2002/356.
(b) S.S.I. 2002/356.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which extend to Scotland only, amend the Products of Animal Origin (Third Country Imports) (Scotland) Regulations 2002 (S.S.I. 2002/445) (“the principal Regulations”) as follows:

1. They amend the principal Regulations to clarify a number of minor drafting points (regulation 2(2) to (5)).
2. They implement Commission Decision 2002/994/EC, as amended by Commission Decision 2003/72/EC (which repealed Commission Decision 2002/69/EC concerning certain protective measures with regard to products of animal origin imported from China) (regulation 2(6)(a)).
3. They implement Commission Decisions 2002/251/EC and 2002/794/EC concerning certain protective measures with regard to poultrymeat and poultrymeat products from Thailand and Brazil respectively (regulation 2(6)(b)).
4. They implement Commission Decisions 2002/770/EC and 2002/771/EC revoking previous decisions concerning protective measures with regard to fishery and aquaculture products imported from Vietnam and Pakistan respectively (regulation 2(6)(c)).
5. They revoke, consequentially, the Food and Animal Feedingstuffs (Products of Animal Origin from China) (Emergency Control) (Scotland) Regulations 2002 and the Food and Animal Feedingstuffs (Products of Animal Origin from China) (Emergency Control) (Scotland) Amendment Regulations 2002 (regulation 3).

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

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£1.75

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under the authority and superintendence of Carol Tullo, the Queen's Printer for Scotland
300 03/03 19593

