SCOTTISH STATUTORY INSTRUMENTS

2007 No. 377

ANIMALS

ANIMAL HEALTH

The Import and Export Restrictions (Foot-and-Mouth Disease) (Scotland) (No. 2) Regulations 2007

Made - - - - 10th August 2007

Coming into force in accordance with article 1

Laid before the Scottish Parliament 13th August 2007

CONTENTS

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 2(2) of the European Communities Act 1972(**a**) and all other powers enabling them to do so.

Title, commencement, cessation and extent

1.—(1) These Regulations may be cited as the Import and Export Restrictions (Foot-and-Mouth Disease) (Scotland) (No. 2) Regulations 2007, and come into force at 2200 hours on 10th August 2007.

(2) These Regulations cease to have effect on 25th August 2007.

(3) These Regulations extend to Scotland only.

Interpretation

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

"approved" means approved in accordance with regulation 3;

"the Decision" means Commission Decision 2007/554/EC concerning certain protection against foot-and-mouth disease in the United Kingdom and repealing Decision 2007/552/EC(**b**);

"dispatch" means dispatch from a place within the restricted area to a place outside the restricted area and includes consigning for dispatch;

"Directive 2002/99" means Council Directive 2002/99/EC laying down the animal health rules governing the production, processing, distribution and introduction of products of animal origin for human consumption(**c**);

"export" means export outside the Great Britain and includes consigning for export;

"inspector" means–

(a) a person appointed by the Scottish Ministers or a local authority to be an inspector for the purposes of–

(i) these Regulations;

(ii) the Animal Health Act 1981(**d**);

(iii) the Products of Animal Origin (Import and Export) Regulations 1996(**e**);

(iv) the Products of Animal Origin (Third Country Imports) (Scotland) Regulations 2007(**f**); or

(v) the Animals and Animal Products (Import and Export) (Scotland) Regulations 2007(**g**);

(b) 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;

(**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**) O.J. No. L 210, 10.8.2007, p.36.
(**c**) O.J. No. L 18, 23.1.2003, p.11.
(**d**) 1981 c.22.
(**e**) S.I. 1996/3124, as amended by S.I. 1997/3023, 1998/994, 1999/663, 2000/656 and, as regards Scotland, S.S.I. 2000/62, 171, 288 and 2001/169 and 257.
(**f**) S.S.I. 2007/1, as amended by S.S.I 2007/304.
(**g**) S.S.I. 2007/194.

"local authority" means a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994;

"Regulation 1774/2002" means Regulation (EC) No 1774/2002 of the European Parliament and of the Council laying down health rules concerning animal by-products not intended for human consumption(**a**);

"Regulation 853/2004" means Regulation (EC) No 853/2004 of the European Parliament and of the Council laying down specific hygiene rules for food of animal origin(**b**);

"Regulation 854/2004" means Regulation (EC) No 854/2004/EC of the European Parliament and of the Council laying down specific rules for the organisation of official controls on products of animal origin intended for human consumption(**c**); and

"restricted area" means Great Britain.

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

Approvals

3.—(1) The Scottish Ministers or a local authority may approve establishments or cutting plants for the purposes of these Regulations if satisfied that the occupier of the premises will comply with the conditions of these Regulations.

(2) Any approval shall be in writing, may be made subject to conditions, and may be amended, suspended or revoked by notice in writing at any time.

Importation of live animals

4. No person shall import any live animal of species susceptible to foot-and-mouth disease into Scotland from another member State.

Dispatch of live animals

5.—(1) No person shall dispatch any live animal of a bovine, ovine, caprine or porcine species or any other biungulate.

(2) By way of derogation from paragraph (1) of this regulation, the Scottish Ministers may authorise the direct and uninterrupted transit of a biungulate animal through the restricted area if the animal is to travelled on main roads or railway lines.

(3) The Scottish Ministers may only authorise the dispatch of the biungulate animals originating outside the restricted area to another member State if at least three days before dispatch they have notified the destination member State, and–

(a) in the case of a bovine, porcine, ovine and caprine animal, the health certificate accompanying the animal bears the following words–

"Animals conforming to Commission Decision 2007/554/EC of 9 August 2007 concerning certain protection measures against foot-and-mouth disease in the United Kingdom"; and

(b) in the case of any other biungulate, the health certificate accompanying the animal bears the following words–

"Live biungulates conforming to Commission Decision 2007/554/EC of 9 August 2007 concerning certain protection measures against foot-and-mouth disease in the United Kingdom".

(**a**) O.J. No. L 273, 10.10.2002, p.1 as last amended by Regulation (EC) No. 829/2007.
(**b**) O.J. No. L 139, 30.4.2004, p.55.
(**c**) O.J. No. L 139. 30.4.2004, p.206 as last amended by Regulation (EC) No. 1791/2006.

Dispatch of fresh meat, minced meat, mechanically separated meat and meat preparations

6.—(1) No person shall dispatch any meat of an animal of the bovine, ovine, caprine or porcine species or other biungulate coming from the restricted area or obtained from animals originating in that area.

(2) The prohibition in paragraph (1) does not apply in relation to–

(a) meat obtained before 15th July 2007; or

(b) meat derived from animals reared outside of the restricted area for at least 90 days prior to slaughter and slaughtered outside the restricted area, or in the case of meat obtained from wild game species susceptible to foot-and-mouth disease killed, outside the restricted area,

provided that the meat–

(i) is clearly identified;

(ii) has since the date of production been transported and stored separately from meat which is not destined for dispatch; and

(iii) bears the health mark in accordance with Chapter III of Annex I to Regulation 854/2004.

(3) The prohibition in paragraph (1) does not apply in relation to fresh meat obtained from an approved cutting plant situated in the restricted area if–

(a) only fresh meat as described in paragraph (2) is processed in the cutting plant in any one day;

(b) cleansing and disinfection is carried out after processing any meat not meeting the requirement in sub-paragraph (a);

(c) all meat bears the health mark in accordance with Chapter III of Section I to Annex I of Regulation (EC) No 854/2004;

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

(e) the fresh meat is clearly identified, transported and stored separately from meat which is not eligible for dispatch.

(4) Meat consigned to another member State must be accompanied by a certificate from an official veterinarian which bears the following words–

"Meat conforming to Commission Decision 2007/554/EC of 9 August 2007 concerning certain protection measures against foot-and-mouth disease in the United Kingdom".

(5) In this regulation, the reference to "meat" includes fresh meat, minced meat, mechanically separated meat and meat preparations as defined in points 1.10, 1.13, 1.14 and 1.15 of Annex 1 to Regulation 853/2004.

Dispatch of meat products

7.—(1) No person shall dispatch meat products, including treated stomachs, bladders and intestines, of an animal of the bovine, ovine, caprine or porcine species and other biungulate coming from the restricted area, or prepared using meat obtained from animals originating in that area.

(2) The prohibition in paragraph (1) does not apply to meat products that have been transported and stored since the date of production separately from other meat products not eligible for dispatch, provided that the meat products–

(a) are clearly identified;

(b) bear the health mark in accordance with Chapter III or Annex I to Regulation 854/2004; and

(c) are either–

(i) made from meats described in regulation (2); or

(ii) have undergone at least one of the relevant treatments laid down for foot-and-mouth disease in Part 1 of Annex III to Directive 2002/99 laying down the animal health rules governing the production, processing, distribution and introduction of products of animal origin for human consumption(**a**).

(3) Meat products consigned to another member State must be accompanied by a certificate from an official veterinarian which bears the following words–

"Meat products (including treated stomachs, bladders and intestines) conforming to Commission Decision 2007/554/EC of 9 August 2007 concerning certain protection measures against foot-and-mouth disease in the United Kingdom".

(4) Paragraph (3) does not apply to meat products which comply with paragraph (2) and which have been processed in an establishment operating HACCP and an auditable standard operating procedure that ensures that standards for treatment are met and recorded, if compliance with paragraph (2)(c)(ii) is stated in the commercial document accompanying the consignment, endorsed in accordance with regulation 14.

(5) Paragraph (3) does not apply to meat products heat treated in accordance with paragraph (2)(c)(ii) and stored in hermetically sealed containers in such manner as to ensure that they are shelf stable, if the heat treatment applied is stated in the commercial document accompanying the consignment.

Dispatch of milk

8.—(1) No person shall dispatch milk.

(2) The prohibition in paragraph (1) does not apply to milk produced in the restricted area which has been subjected to at least a treatment in accordance with–

(a) Part A of Annex IX to Council Directive 2003/85/EC on Community measures for the control of foot-and-mouth disease(**b**) (milk intended for human consumption); or

(b) Part B of Annex IX to Directive 2003/85/EC, if the milk is not intended for human consumption or is intended for feeding to animals of species susceptible to foot-and-mouth disease.

(3) The prohibition in paragraph (1) does not apply to milk prepared in an approved establishment in the restricted area if–

(a) all milk used in the establishment has been treated in accordance with paragraph (2), or has been obtained from animals reared and milked outside the restricted area;

(b) the establishment is operated under strict veterinary control;

(c) the milk is clearly identified and transported and stored separately from milk and dairy products which are not eligible for dispatch; and

(d) raw milk from outside the restricted area is carried to the establishment in vehicles which–

(i) are cleansed and disinfected prior to carriage; and

(ii) have no contact with any holding in the restricted on which animals of species susceptible to foot-and-mouth disease are kept.

(4) Milk consigned to another member State shall be accompanied by an official certificate which bears the following words–

"Milk conforming to Commission Decision 2007/554/EC of 9 August 2007 concerning certain protection measures against foot-and-mouth disease in the United Kingdom".

(5) Paragraph (4) of this regulation shall not apply to milk which complies with the requirements of paragraph 2(a) or (b) if such compliance is stated in the commercial document accompanying the consignment, endorsed in accordance with regulation 14, and has been processed in an

(**a**) OJ No. L 18, 23.1.2003, p.11.
(**b**) O.J. No. L 306, 22.11.2003, p.1 as last amended by Directive 2006/104/EC.

establishment operating HACCP and an auditable standard operating procedure which ensures that standards for treatment are met and recorded.

(6) Paragraph (4) does not apply to milk which conforms with the requirements of paragraph (2)(a) or (b) and which has been heat treated in hermetically sealed containers so as to ensure that it is shelf stable, if the heat treatment applied is stated in the commercial document accompanying the consignment.

Dispatch of dairy products

9.—(1) No person shall dispatch a dairy product.

(2) The prohibition in paragraph (1) does not apply to a dairy product–

(a) produced before 15th July 2007;

(b) prepared from milk complying with the provisions in regulation 8(2) or (3); or

(c) for export to a third country where import conditions permit a product to be subject to treatment other than laid down in Regulation 8(2) which ensures the inactivation of the foot-and-mouth disease virus.

(3) The prohibition in paragraph (1) does not apply to a dairy product intended for human consumption produced from–

(a) milk of a controlled pH less than 7.0 and subject to a heat treatment at a temperature of at least 72°C for at least 15 seconds, on the understanding that such treatment is not necessary for a finished product the ingredients of which comply with the respective animal health conditions laid down in these Regulations;

(b) raw milk–

(i) of a bovine, ovine or caprine animal which has been resident for at least 30 days on a holding within the restricted area and situated in the centre of a circle of at least 10 km radius in which no outbreak of foot-and-mouth disease has occurred during the 30 days prior to the date of production of the raw milk; and

(ii) subjected to a maturation or ripening process of at least 90 days during with the pH is lowered below 6.0 throughout the substance, and the rind of which has been treated with 0.2% citric acid immediately prior to wrapping or packaging.

(4) The prohibition in paragraph (1) does not apply to a dairy product–

(a) prepared in an approved establishment in the restricted area if–

(i) all milk used in the establishment conforms to the conditions of regulation (2) or is obtained from animals outside the restricted area;

(ii) all dairy products used in the final product conform to the conditions of paragraph (2)(a) or (b) or (3)or are made from milk obtained from animals situated outside the restricted area;

(iii) the establishment is under strict veterinary control; and

(iv) the product is clearly identified and transported and stored separately from milk and dairy products which are not eligible for dispatch;

(b) prepared in a part of the United Kingdom outside the restricted area using milk obtained before 15th July 2007 from the restricted area if the product is clearly identified and transported and stored separately from milk products not eligible for dispatch.

(5) A dairy product consigned to another member State must be accompanied by an official certificate which bears the following words–

> "Dairy products conforming to Commission Decision 2007/554/EC of 9 August 2007 concerning certain protection measures against foot-and-mouth disease in the United Kingdom".

(6) Paragraph (5) of this regulation does not apply to a dairy product which complies with the requirements of paragraphs (2)(a) or (b), (3) or (4) if such compliance is stated in the commercial document accompanying the consignment, endorsed in accordance with regulation 14, and the

dairy product has been processed in an establishment operating HACCP and an auditable standard operating procedure which ensures that standards for treatment are met and recorded.

(7) Paragraph (5) does not apply to a dairy product which complies with the requirements of paragraphs (2)(a) or (b), (3) or (4), which has been treated in hermetically sealed containers so as to ensure that they are shelf stable if the heat treatment applied is stated in the commercial document accompanying the consignment.

Dispatch of semen, ova and embryos

10.—(1) No person shall dispatch semen, ova or embryos of an animal of the bovine, ovine, caprine and porcine species and other biungulate.

(2) The prohibition in paragraph (1) does not apply to–

(a) Semen, ova and embryos produced before 15th July 2007; and

(b) frozen bovine and porcine semen and bovine embryos imported into the United Kingdom in accordance with the conditions in–

(i) 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(**a**);

(ii) 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(**b**); and

(iii) Council Directive 90/429/EEC laying down the animal health requirements applicable to intra-Community trade in and imports of semen of domestic animals of the porcine species(**c**),

and which since introduction into the United Kingdom have been stored and transported separately from semen and embryos not eligible for dispatch.

(3) Frozen bovine semen consigned to another member State must be accompanied by a health certificate bearing the following words:–

"Frozen bovine semen conforming to Commission Decision 2007/554/EC of 9 August 2007 concerning certain protection measures against foot-and-mouth disease in the United Kingdom".

(4) Bovine embryos consigned to another member State must be accompanied by a health certificate bearing the following words:–

"Bovine embryos conforming to Commission Decision 2007/554/EC of 9 August 2007 concerning certain protection measures against foot-and-mouth disease in the United Kingdom".

(5) Frozen porcine semen consigned to another member State must be accompanied by a health certificate bearing the following words:–

"Frozen porcine semen conforming to Commission Decision 2007/554/EC of 9 August 2007 concerning certain protection measures against foot-and-mouth disease in the United Kingdom".

Dispatch of hides and skins

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

(2) The prohibition in paragraph (1) does not apply to hides and skins which–

(a) were produced before 15th July 2007; or

(**a**) O.J. No. L 194, 22.7.1988, p.10 as last amended by the Act of Accession of Austria, Finland and Sweden.
(**b**) O.J. No. L 302, 19.10.1989, p.11 as last amended by Act of Accession of Austria, Finland and Sweden.
(**c**) O.J. No. L 224, 18.8.1990, p.62 as last amended by Council Decision 2001/36/EC (O.J. No. L 13, 19.1.2000, p.21.

(b) conform to the requirements of point (c) or (d) of paragraph 2 of Part A of Chapter VI of Annex VIII to Regulation 1774/2002; or

(c) were produced outside the restricted area in accordance with the conditions laid down in Regulation (EC) No 1774/2002, and since introduction into the United Kingdom have been transported separately from hides and skins not eligible for dispatch,

provided that treated hides and skins are separated from untreated hides and skins.

(3) Hides and skins consigned to another member State must be accompanied by an official certificate which bears the following words:–

"Hides and skins conforming to Commission Decision 2007/554/EC of 9 August 2007 concerning certain protection measures against foot-and-mouth disease in the United Kingdom".

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

(a) Points (b) to (e) or paragraph 1 of Part A of Chapter VI of Annex VIII to Regulation 1774/2002; or

(b) Points(c) or (d) of paragraph 2 of Part A of Chapter VI of Annex VIII to Regulation 1774/2002,

if compliance with those conditions is stated in the commercial document accompanying the consignment, endorsed in the case of sub-paragraph (b) in accordance with regulation 14.

Dispatch of animal products

12.—(1) No person shall dispatch an animal product of a bovine, ovine, caprine and porcine species or other biungulate not otherwise mentioned in these Regulations–

(a) produced after 15th July 2007 in the restricted area; or

(b) obtained from animals originating in the restricted area.

(2) No person shall dispatch from the restricted area any dung or manure from an animal of a bovine, ovine, caprine and porcine species or other biungulate.

(3) The prohibition in paragraph (1) does not apply in to–

(a) an animal products which has been subjected to heat treatment in–

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

(ii) which the centre temperature of the product is raised to at least 70^{o}C; or

(iii) were produced outside the restricted area in accordance with the conditions laid down in Regulation 1774/2002, and which since introduction into the United Kingdom have been stored and transported separately from animal products not eligible for dispatch;

(b) blood and blood products as defined in paragraphs 4 and 5 of Annex I to Regulation 1774/2002 which have been subjected to–

(i) one of the treatments provided for in paragraph 3(a)(ii) of Part A of Chapter IV of Annex VIII to that Regulation, followed by an effectiveness check; and

(ii) that have been imported in accordance with Part A of Chapter IV of Annex VIII to Regulation 1774/2002;

(c) lard and rendered fats which have been subjected to the heat treatment prescribed in point 2(d)(iv) of Part B of Chapter IV of Annex VII to Regulation 1774/2002;

(d) animal casings that comply with the conditions in Part A of Chapter 2 of Annex I to Directive 92/118/EC laying down animal health and public requirements governing trade in and imports into the Community of certain products (**a**), and which are cleaned and scraped and then–

(i) salted, bleached or dried; and

(**a**) O.J. No. L 62, 15.3.1993, p.49.

(ii) effective steps taken to prevent recontamination of the casings;

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

(f) pet food conforming to the requirements of paragraphs 2 to 4 of Part B of Chapter II of Annex VIII to Regulation 1774/2002;

(g) composite products containing products of animal origin not subjected to further treatment provided 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;

(h) game trophies in accordance with paragraphs 1, 3 or 4 of Part A of Chapter VII of Annex VIII to Regulation 1774/2002;

(i) any packed product intended for use as an in-vitro diagnostic or laboratory reagent; or

(j) medicinal products as defined in Directive 2001/83/EC of the European Parliament and of the Council of 6 November 2001 on the Community Code relating to medicinal products for human use(**a**), veterinary medicinal products as defined in Directive 2001/82/EC of the European Parliament and of the Council of 6 November 2001 on the Community Code relating to veterinary medicinal products (**b**) and investigational medicinal products as defined in Directive 2001/20/EC of the European Parliament and of the Council of 4 April 2001 on the approximation of the laws, regulations and administrative provisions of the Member States relating to the conduct of clinical trials on medicinal products for human use (**c**).

(4) A product specified in paragraph (3) consigned to another member State must be accompanied by an official certificate which bears the following words:–

"Animal products conforming to Commission Decision 2007/554/EC of 9 August 2007 concerning certain protection measures against foot-and-mouth disease in the United Kingdom".

(5) Paragraph (4) does not apply to a product specified in sub-paragraphs (b), (c) or (d) of paragraph (3) accompanied by a commercial document endorsed in accordance with regulation 14 of these Regulations.

(6) Paragraph (4) does not apply to a product specified in sub-paragraph (e) of paragraph (3) accompanied by a commercial document stating that the product–

(a) has undergone factory washing or have been obtained from tanning; or

(b) complies with the conditions laid down in paragraphs 1 and 4 of Chapter VIII of Annex VIII to Regulation 1774/2002.

(7) Paragraph (4) does not apply to a product specified in sub-paragraph (f) and (g) of paragraph (3) produced in an establishment operating HACCP and an auditable standard operating procedure which ensures that pre-processed ingredients comply with the requirements of these Regulations accompanied by a commercial document endorsed in accordance with regulation 14.

(8) Paragraph (4) does not apply to a product specified in sub-paragraph (i) and (j) of paragraph (3) accompanied by a commercial document stating that the product is for use as in-vitro diagnostic or laboratory reagent or is a medicinal product, provided that the product is clearly labelled "for in-vitro diagnostic use only" or "for laboratory use only" or "medicinal product".

(9) Paragraph (4) does not apply to composite products that fulfil the conditions set out in Article 6(1) of Commission Decision 2007/275/EC concerning lists of animals and products to be subject to controls at border inspection posts(**d**), if they are accompanied by a commercial document which bears the following words:

(**a**) O.J. No. L 311, 28.11.2001, p.67.
(**b**) O.J. No. L 311, 28.11.2001, p.1.
(**c**) O.J. No. L 121, 1.5.2001, p.34.
(**d**) O.J. No. L 116, 4.5.2007, p.9.

"These composite products are shelf stable at ambient temperatures or have clearly undergone in their manufacture a complete cooking or heat treatment process throughout their substance so that any raw material is de-natured".

Exemptions

13. The prohibitions in regulations 7, 8, 9 and 12 do not apply to a product–

(a) not produced in the United Kingdom and which remains in the original packaging indicating country of origin; or

(b) which is–

(i) produced in the restricted area in an approved establishment from pre-processed products originating outside that area which, since introduction into the United Kingdom, were transported, stored and processed separately from products not intended for dispatch; and

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

Endorsement of commercial documents

14.—(1) Where reference is made to a commercial document being endorsed in accordance with this regulation, the document must have attached to it a copy of the official certificate which–

(a) states that the production process has been audited and found to be–

(i) in compliance with the appropriate requirements in Community animal health legislation; and

(ii) suitable to destroy the foot-and-mouth disease virus; or

(b) states that the product or products concerned have been produced from pre-processed materials which have been certified in accordance with paragraph (a), and that provisions are in place to avoid possible re-contamination with the foot-and-mouth disease virus.

(2) The 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.

(3) In case of products for retail sale to the final consumer, a consolidated consignment other than fresh meat, minced meat, mechanically separated meat and meat preparations, each of which is eligible for dispatch in accordance with these Regulations, may be dispatched from an approved establishment accompanied by a commercial document endorsed by the attachment of a copy of an official veterinary certificate which–

(a) confirms that the establishment of dispatch has in place a system to ensure that goods can only be dispatched if they are traceable to documentary evidence of compliance with these Regulations;

(b) confirms that this system has been audited and found satisfactory;

(c) refers to the Decision;

(d) is valid for 30 days;

(e) states the expiry date; and

(f) is renewable only after the establishment had been audited with satisfactory results.

Dispatch of equidae

15.—(1) Any person dispatching an animal of an equidae species shall ensure that the animal is accompanied by a 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(**a**).

(**a**) O.J. No. L 224, 18.8.90, p.42.

(2) The certificate shall only be issued for equidae coming from a holding that is not subject to official prohibition under the Foot-and-Mouth Disease (Scotland) Order 2006(**a**).

(3) The certificate accompanying equidae dispatched to another member State in accordance with paragraph (1) of this regulation, must bear the following words:–

> "Equidae conforming to Commission Decision 2007/554/EC of 9 August 2007 concerning certain protection measures against foot-and-mouth disease in the United Kingdom".

Personal exports

16. No person travelling out of Scotland shall take with them in any personal luggage or on any other non-commercial basis any animal or product to which these Regulations apply.

Offers to dispatch or export

17. No person shall offer to dispatch or export, or accept orders for the dispatch or export of, anything prohibited from being dispatched or exported by these Regulations, whether on the internet or otherwise.

Cleansing and disinfection

18.—(1) Any person in charge of a vehicle used to transport any live animal of a bovine, ovine, caprine or porcine species or any other biungulate shall cleanse and disinfect that vehicle after the transport of the animal is completed.

(2) That person shall ensure that a record is kept of the date and place of the cleansing and disinfection, in accordance with Article 12(2)(d) of Council Directive 64/432/EEC on animal health problems affecting intra-Community trade in bovine animals and swine.

Powers of an inspector

19.—(1) An inspector shall, on producing, if required to do so, some duly authenticated document showing his authority, have the right to enter any land or premises at all reasonable hours for the purpose of ascertaining whether there is or has been on the land or premises any contravention of these Regulations.

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

(a) detain any vehicle, vessel, container or anything which the inspector reasonably suspects to contain animals or products controlled by these Regulations and intended for export for as long as is reasonably necessary to determine whether the consignment complies with the conditions for export;

(b) search any premises;

(c) carry out inspections of any processes used for the marking and identification of animals, any premises and any installation;

(d) examine documentary or data processing material relevant to the checks carried out under these Regulations, including any import or export manifesto; and

(e) take with him a representative of the European Commission acting for the purposes of the Decision.

(3) 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.

(**a**) S.S.I. 2006/44.

Illegal consignments of products

20.—(1) An inspector who has reasonable grounds to suspect that any product other than an animal is intended to be dispatched in contravention of these Regulations may seize and remove the product.

(2) An inspector who has seized and removed a product shall forthwith–

(a) apply to the sheriff for an order under paragraph (3); and

(b) intimate that application to any person appearing to the inspector to be in charge of the product.

(3) The sheriff, if satisfied that it was intended to dispatch the product in contravention of these Regulations, shall–

(a) if satisfied that the product can be returned to the owner without a significant risk of a further attempt to dispatch it in contravention of these Regulations, order that it is so returned; or

(b) if not satisfied that the product can be returned in accordance with sub-paragraph (a), order that is to be put into storage (if practicable) or destroyed.

(4) The owner and any person in charge of a product destroyed or disposed in accordance with an order under paragraph (3) the owner shall be jointly and severally liable for the costs incurred in the return to the owner, removal to storage, storage or destruction or disposal.

(5) An inspector may apply to the sheriff for the destruction of a product stored in accordance with an order under paragraph (3), and the sheriff shall order that it is to be destroyed if satisfied that the owner cannot–

(a) be found; or

(b) pay the costs associated with storage of the product.

Obstruction

21. 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 their functions under these Regulations.

Furnishing false information

22. No person shall furnish to any person acting in the execution of these Regulations any information which is known to be false or misleading.

Offences by bodies corporate

23.—(1) Where a body corporate is guilty of an offence under these Regulations, and that offence is proved to have been committed with the consent or connivance of, or to have been attributable to any neglect on the part of–

(a) any director, manager, secretary or other similar officer of the body corporate, or

(b) any person who was purporting to act in any such capacity,

that officer or person as well as the body corporate, shall be guilty of the offence and be liable to be proceeded against and punished accordingly.

(2) For the purposes of this regulation, "director" in relation to a body corporate whose affairs are managed by its members, means a member of the body corporate.

Penalties

24. A person contravening any provision of these Regulations is guilty of an offence and 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.

Authorisations, certificates or approvals issued in another part of the British Islands

25.—(1) Where these Regulations require any authorisation, certificate or approval to be issued or granted by the Scottish Ministers, an equivalent document issued in another part of the British Islands by the relevant competent authority is valid.

(2) Where these Regulations require anything to be done in an approved establishment or cutting plant in Scotland, anything processed in premises approved for those purposes in another part of the British Islands shall be treated as if it had been approved in Scotland.

Sharing of information

26. The Scottish Ministers and any local authority may exchange information for the purposes of these Regulations, and may disclose information to an enforcement authority in another part of the British Islands.

Enforcement

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

Revocation

28. The Import and Export Restrictions (Foot-and-Mouth Disease) (Scotland) Regulations 2007(**a**) are revoked.

PETER RUSSELL
A member of the staff of the Scottish Ministers

Pentland House,
Edinburgh
10th August 2007

(**a**) S.S.I. 2007/376.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations revoke and re-make with amendments the Import and Export Restrictions (Foot-and-Mouth Disease) (Scotland) Regulations 2007. They implement in Scotland Commission Decision 2007/554/EC concerning certain protection measures against foot-and-mouth disease in the United Kingdom.

They regulate–

- the importation and dispatch of live animals (regulations 4 and 5),
- the export of meat from bovine, ovine caprine and porcine animals (regulation 6),
- the export of meat products, milk and dairy products (regulations 7, 8 and 9),
- the export of semen, ova or embryos of animals of the bovine, ovine, caprine and porcine species and other biungulates (regulation 10), hides and skins (regulation 11) and various animal products (regulation 12),
- the export of equidae (regulation 15).

They create offences relating to personal export and of offering to export anything which it is prohibited to export under the Regulations (regulations 16 and 17).

They provide for the cleansing and disinfection of vehicles used to transport live animals susceptible to foot-and-mouth disease (regulation 18)

They provide powers in respect of enforcement (regulation 19) and create offences of obstruction and furnishing false information (regulations 21 and 22).

Breach of the Regulations is an offence, punishable–

(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.

They provide for sharing of information relating to these Regulations (regulation 26).

The Regulations are enforced by the Scottish Ministers or the local authority (regulation 27).

A regulatory impact assessment has not been prepared for these Regulations.

SCOTTISH STATUTORY INSTRUMENTS

2007 No. 377

ANIMALS

ANIMAL HEALTH

The Import and Export Restrictions (Foot-and-Mouth Disease) (Scotland) (No. 2) Regulations 2007

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