
SCOTTISH STATUTORY INSTRUMENTS

2007 No. 518

**The Foot-and-Mouth Disease (Export and Movement
Restrictions) (Scotland) Regulations 2007**

PART 1

General

Citation, commencement, cessation and extent

1.—(1) These Regulations may be cited as the Foot-and-Mouth Disease (Export and Movement Restrictions) (Scotland) Regulations 2007, and come into force at 1200 hours on 21st November 2007.

(2) These Regulations, subject to paragraph (3), cease to have effect on 31st December 2007.

(3) Regulations 7, 10 to 14, 16 to 18, and 20 to 22 cease to have effect on 15th December 2007.

(4) These Regulations extend to Scotland and, in so far as they extend beyond Scotland, do so only as a matter of Scots law.

Interpretation

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

“ADNS” means the Animal Disease Notification System under Commission Decision [2005/176/EC](#) of 1st March 2005 laying down the codified form and the codes for the notification of animal diseases pursuant to Council Directive [82/894/EEC](#)(1);

“animal” means a live animal of the bovine, ovine, caprine or porcine species or other biungulate;

“approved” means approved in accordance with regulation 3;

“Decision 2001/304” means Commission Decision [2001/304/EC](#) on the marking and use of certain animal products(2);

“the Decision” means Commission Decision [2007/554/EC](#) concerning certain protection measures against foot-and-mouth disease in the United Kingdom and repealing Decision [2007/552/EC](#)(3), as amended from time to time;

“disease” means foot-and-mouth disease;

“dispatch” means dispatch from Scotland, and includes consigning for dispatch, and export from Scotland;

(1) O.J. No. L 59, 5.3.2005, p.40.

(2) O.J. No. L 104, 13.4.2001, p.6.

(3) O.J. No. L 210, 10.8.2007, p.36, as amended by Commission Decisions [2007/588/EC](#), [2007/608/EC](#), [2007/663/EC](#), [2007/664/EC](#), [2007/709/EC](#) and [2007/746/EC](#).

“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⁽⁴⁾;

“export” includes consigning for export;

“farmed game” and “wild game” mean respectively a domestic or wild animal of a game species susceptible to disease;

“inspector” means a person appointed by the Scottish Ministers or a local authority to be an inspector for the purposes of–

- (a) these Regulations;
- (b) the Animal Health Act 1981⁽⁵⁾;
- (c) the Products of Animal Origin (Import and Export) Regulations 1996⁽⁶⁾;
- (d) the Products of Animal Origin (Third Country Imports) (Scotland) Regulations 2007⁽⁷⁾;
or
- (e) the Animals and Animal Products (Import and Export) (Scotland) Regulations 2007⁽⁸⁾;

“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;

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

“official veterinarian” means a veterinarian who is qualified in accordance with Part A of Chapter IV of Section III of Annex I to Regulation 854/2004 to carry out the controls required of an official veterinarian under that Regulation;

“meat” means fresh meat, minced meat, mechanically separated meat and meat preparations as defined in points 1.10, 1.13, 1.14 or 1.15 of Annex 1 to Regulation 853/2004;

“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⁽⁹⁾;

“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⁽¹⁰⁾;

“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⁽¹¹⁾;

“restricted area” means the areas specified in Schedule 1;

“susceptible animal” means an animal of a species susceptible to the disease; and

“veterinary inspector” means a veterinary inspector appointed by the Scottish Ministers for the purposes of the Animal Health Act 1981.

(4) O.J. No. L 18, 23.1.2003, p.11.

(5) 1981 c. 22.

(6) 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.

(7) S.S.I. 2007/1, as amended by S.S.I. 2007/304.

(8) S.S.I. 2007/194.

(9) O.J. No. L 273, 10.10.2002, p.1 as last amended by Regulation (EC) No. 829/2007.

(10) O.J. No. L 139, 30.4.2004, p.55.

(11) O.J. No. L 139, 30.4.2004, p.206 as last amended by Regulation (EC) No. 1791/2006.

Approvals

3.—(1) The Scottish Ministers or a local authority may approve cutting plants, establishments, slaughterhouses, or holdings for the purposes of these Regulations.

(2) An approval under these Regulations must be in writing, may be made subject to conditions, and may be amended or suspended or revoked by notice in writing at any time.

(3) The Scottish Ministers or a local authority must, on granting or amending an approval, be satisfied that the occupier of the cutting plant or other premises will comply with these Regulations and with any condition of the approval.

Licences

4.—(1) A veterinary inspector may grant a licence for the purposes specified in regulations 8 and 10.

(2) A licence must be in writing, may be general or specific, and may be subject to such conditions as the veterinary inspector considers necessary to prevent the spread of disease.

(3) A licence may be amended, suspended or revoked in writing at any time.

(4) Any person carrying out an activity authorised by a licence must carry the licence (or a copy, in the case of a general licence) and produce the licence (or copy) to an inspector, veterinary inspector or official veterinarian on demand.

Approvals, licenses and activities in other parts of Great Britain

5.—(1) Where these Regulations require any approval to be issued or granted by the Scottish Ministers, an equivalent document issued in another part of Great Britain by a competent authority in that part is valid in Scotland.

(2) A licence granted in another part of Great Britain for the same purpose as a licence granted under these Regulations shall, unless the Scottish Ministers direct otherwise, be valid for that purpose in Scotland, and any condition of that licence shall apply in Scotland as if it were in a licence granted under these Regulations.

(3) Where these Regulations require that any declaration is made, an equivalent document made in another part of Great Britain is valid in Scotland.

(4) Where these Regulations require anything to be done in an approved establishment, holding, slaughterhouse or cutting plant in Scotland, anything done in premises approved for the same purpose in another part of Great Britain shall be treated as if it had been approved in Scotland.

(5) Where these Regulations require that a thing is authorised by or done under the supervision or control of the Scottish Ministers, a thing authorised by or done under the supervision or control of the equivalent authority for the same purpose in another part of Great Britain shall be treated as if it had been authorised or done by the Scottish Ministers.

(6) A direction under paragraph (2) shall be in writing, and may be suspended or revoked in writing at any time.

Sharing of information

6.—(1) 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.

(2) Paragraph (1) is without prejudice to any other power of the Scottish Ministers or any local authority to disclose information.

Endorsement of commercial documents

7.—(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 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 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 the case of products for retail sale to the final consumer, a consolidated consignment of animal products, each of which is eligible for export in accordance with these Regulations, may be exported if sent 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 export has in place a system to ensure that goods can only be exported 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.