

EXECUTIVE NOTE

THE ANIMAL BY-PRODUCTS (SCOTLAND) AMENDMENT REGULATIONS 2009 (S.S.I. 2009/7)

The above instrument was made by Scottish Ministers in exercise of the powers conferred by section 2(2) of the European Communities Act 1972. The instrument is subject to negative resolution procedure.

The above instrument amends the Animal By-Products (Scotland) Regulations 2003 (S.S.I. 2003/411) (“the 2003 Regulations”), which enforces Regulation (EC) No 1774/2002 laying down health rules concerning animal by-products not intended for human consumption (“the Community ABP Regulation”).

The above instrument applies to Scotland only.

Policy Objectives

The above instrument has three main objectives. Firstly, to amend the reference to the Community ABP Regulation so that it covers changes to that instrument made by the Community in the period after the 2003 Regulations came into force, and so that in principle it covers changes that may be made by the Community in the future.

Secondly, to correct an error introduced into the 2003 Regulations by The Transmissible Spongiform Encephalopathies (Scotland) Regulations 2006 (SSI No 530). This had the effect of revoking the enforcement powers in relation to Category 2 animal by-products. This error has been rectified and the intended consequential amendment made.

Thirdly, the instrument clarifies the rules for the introduction of animal by-products onto livestock premises. In particular this now permits the setting up of intermediate plants on farm for the temporary storage of sheep fleeces at shearing time, in accordance with established industry practice.

Consultation

No public consultation was carried out in relation to the correction to the enforcement provision. However, enforcement authorities and the Crown Office were kept informed of developments.

No specific consultation was carried out prior to this amendment. However, industry views were sought in an earlier formal written consultation which included proposals on amending the rules on the introduction of animal by-products onto livestock premises. None of those consulted commented on this specific proposal.

Financial effects

The correction to the provision on enforcement powers will confer no additional costs.

The provision allowing the introduction of animal by-products onto certain livestock premises will confer no additional costs and indeed is intended to permit commercial activity in accordance with industry practice.

Therefore, a Regulatory Impact Assessment (RIA) has not been prepared.

Scottish Government Rural Directorate
January 2009