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SCOTTISH STATUTORY INSTRUMENTS

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**2012 No. 177**

**The Trade in Animals and Related  
Products (Scotland) Regulations 2012**

**PART 5**

Administration

**[<sup>F1</sup>Importation of animals and products constituting a risk to animal or public health**

**30.**—(1) If imported animals or products are suspected by the Scottish Ministers of constituting a serious risk to human or animal health or animal welfare, or, in the case of suspected non-compliance, the animals or products come from a region contaminated by an epizootic disease, an authorised officer of the Scottish Ministers may require—

- (a) an investigation in order to confirm or eliminate that suspicion;
- (b) an investigation into the extent of any suspected non-compliance and to establish the import operator's responsibilities;
- (c) intensified official controls on consignments of animals or products from a particular region until such imports are no longer regarded by the officer of constituting such health risk;
- (d) the official detention of animals or products;
- (e) appropriate measures to ensure that the person responsible for the animals or products remedies the non-compliance and prevents further occurrences of such non-compliance.

(2) In a case within paragraph 1(a), the importer must assist the officer in establishing the region of origin.

(3) Where the Scottish Ministers are satisfied that imported animals or products constitute a risk to animal or public health, an authorised officer of the Scottish Ministers may, following written notice, take any reasonable action to ensure compliance with any rules laid down in accordance with Article 1(2) of the [<sup>F2</sup>Official Controls Regulation], including—

- (a) taking samples for testing and order or performed veterinary treatments on animals;
- (b) ordering the unloading of animals and their transfer via another means of transport to a specified holding for a specified quarantine period (whether or not involving the postponement of the slaughter of animals);
- (c) the slaughter or killing of animals provided that this is the most appropriate measure to safeguard human health as well as animal health and welfare;
- (d) restricting or prohibiting the placing on the market, the movement or the export of the animal or product, or requiring its return to the country of dispatch;
- (e) ordering the importer to increase the frequency and thoroughness of systematic checks and controls before importing further animals or products from the region;

- (f) ordering the isolation or closure, for an appropriate period of time, of all or part of a business operation (including any related internet and on-line sales of products that may constitute a risk to animal or human health) affected by the importation of an animal or product that constitutes a risk to animal or human health;
  - (g) the recall, withdrawal, removal or destruction of products;
  - (h) the treatment of products for human consumption;
  - (i) the alteration of labels or corrective information to be provided to consumers;
  - (j) the temporary suspension or withdrawal of the registration or approval of an affected establishment, plant, holding or means of transport concerned or of an authorisation of a transporter;
  - (k) the use of products for purposes other than those for which they were originally intended.
- (4) An authorised officer of the Scottish Ministers must provide an affected business operator, or its representative, with—
- (a) written notification of the decision concerning the action or measure to be taken in accordance with this regulation, together with the reasons for that decision; and
  - (b) information on any right of review against such decision in accordance with regulation 30A.
- (5) All expenditure incurred as a result of actions taken by or on behalf of the Scottish Ministers under this regulation is to be borne by the responsible operators.
- (6) In the case of the issue of false or misleading official certificates in Scotland, or where there is evidence of abuse of official certificates, an authorised officer of the Scottish Ministers may take appropriate measures, including—
- (a) the temporary suspension of the certifying officer from certifying any certificates related to any relevant trade;
  - (b) the withdrawal of the authorisation of a person to sign official certificates; and
  - (c) any other measure believe by the officer to be necessary to prevent a reoccurrence of any non-compliance or abuse.]

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**Textual Amendments**

- F1** Reg. 30 substituted (14.12.2019) by [The Official Controls \(Agriculture etc.\) \(Scotland\) Regulations 2019 \(S.S.I. 2019/412\)](#), regs. 1(1), **24(26)**
- F2** Words in reg. 30(3) substituted (31.12.2020) by [The Trade in Animals and Related Products \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2020 \(S.S.I. 2020/458\)](#), regs. 1(3), **2(24)**

**Changes to legislation:**

There are currently no known outstanding effects for the The Trade in Animals and Related Products (Scotland) Regulations 2012, Section 30.