

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to *The Trade in Animals and Related Products (Scotland) Regulations 2012*. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULE 1

Regulations 2, 5, 13,18 and 21

European Union legislation

<i>EU legislation</i>	<i>Subject</i>
Council Directive 64/432/EEC	Bovine animals and swine
Council Directive 88/407/EEC laying down the animal health requirements applicable to intra-Community trade in and imports of semen of domestic animals of the bovine species M1	Bovine semen
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 M2	Fresh bovine embryos
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 M3	Porcine semen
Council Directive 91/68/EEC	Sheep and goats
Council Directive 92/65/EEC	Other animals and products specified in the Directive
Council Directive 92/118/EEC laying down animal health and public health requirements governing trade in and imports into the Community of products not subject to the said requirements laid down in specific Community rules referred to in Annex A (I) to Directive 89/662/EEC and, as regards pathogens, to Directive 90/425/EEC M4	Miscellaneous products
F1	F1
...	...
Regulation (EC) No 178/2002 of the European Parliament and of the Council laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety M5	Animal products for human consumption
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	Animal products for human consumption

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M6

Council Directive [2004/68/EC](#) laying down animal health rules for the importation into and transit through the Community of certain live ungulate animals, amending Directives [90/426/EEC](#) and [92/65/EEC](#) and repealing Directive [72/462/EEC](#)

Certain live ungulate animals including bovine, ovine, caprine, porcine

M7

F2

F2

...

...

Regulation (EC) No [852/2004](#) of the European Parliament and of the Council on the hygiene of foodstuffs

Animal products for human consumption

M8

Regulation (EC) No [853/2004](#) of the European Parliament and of the Council laying down specific hygiene rules for food of animal origin

Animal products for human consumption

M9

F3

F3

...

...

F4

F4

...

...

Regulation (EC) No [183/2005](#) of the European Parliament and of the Council laying down requirements for feed hygiene

Animal feed

M10

Commission Decision [2007/275/EC](#)

Composite products

Council Directive [2006/88/EC](#) on animal health requirements for aquaculture animals and products thereof, and on the prevention and control of certain diseases in aquatic animals

Aquatic animals

M11

Council Directive [2009/156/EC](#) on animal health conditions governing the movement and importation from third countries of equidae

Equidae

M12

Council Directive [2009/158/EC](#) on animal health conditions governing intra-Community trade in, and imports from third countries of, poultry and hatching eggs

Poultry and hatching eggs

M13

F5

F5

...

...

Regulation (EC) No [1069/2009](#)

Animal by-products

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[^{F6}Regulation (EU) No 2016/1012 of the European Parliament and of the Council on zootechnical and genealogical conditions for the breeding, trade in and entry into the Union of purebred breeding animals, hybrid breeding pigs and the germinal products thereof.] Purebred breeding animals, hybrid breeding pigs and the germinal products thereof.]

[^{F7}Regulation (EU) 2017/625 of the European Parliament and of the Council on official controls and other official activities performed to ensure the application of feed and food law, rules on animal health and welfare, plant health and plant protection products and the Implementing Regulations and Delegated Regulations made under it] [^{F8}Official controls and other official activities]

Textual Amendments

- F1** Words in sch. 1 omitted (14.12.2019) by virtue of [The Official Controls \(Agriculture etc.\) \(Scotland\) Regulations 2019 \(S.S.I. 2019/412\)](#), regs. 1(1), **24(30)(a)(i)**
- F2** Words in sch. 1 omitted (14.12.2019) by virtue of [The Official Controls \(Agriculture etc.\) \(Scotland\) Regulations 2019 \(S.S.I. 2019/412\)](#), regs. 1(1), **24(30)(a)(ii)**
- F3** Words in sch. 1 omitted (14.12.2019) by virtue of [The Official Controls \(Agriculture etc.\) \(Scotland\) Regulations 2019 \(S.S.I. 2019/412\)](#), regs. 1(1), **24(30)(a)(iii)**
- F4** Words in sch. 1 omitted (14.12.2019) by virtue of [The Official Controls \(Agriculture etc.\) \(Scotland\) Regulations 2019 \(S.S.I. 2019/412\)](#), regs. 1(1), **24(30)(a)(iv)**
- F5** Words in sch. 1 omitted (14.12.2019) by virtue of [The Official Controls \(Agriculture etc.\) \(Scotland\) Regulations 2019 \(S.S.I. 2019/412\)](#), regs. 1(1), **24(30)(a)(v)**
- F6** Words in sch. 1 Table inserted (7.3.2019) by [The Zootechnical Standards \(Scotland\) Regulations 2019 \(S.S.I. 2019/5\)](#), regs. 1(1), **8(4)** (with reg. 1(2))
- F7** Words in sch. 1 inserted (14.12.2019) by [The Official Controls \(Agriculture etc.\) \(Scotland\) Regulations 2019 \(S.S.I. 2019/412\)](#), regs. 1(1), **24(30)(b)(i)**
- F8** Words in sch. 1 inserted (14.12.2019) by [The Official Controls \(Agriculture etc.\) \(Scotland\) Regulations 2019 \(S.S.I. 2019/412\)](#), regs. 1(1), **24(30)(b)(ii)**

Marginal Citations

- M1** OJ L 194, 22.7.1988, p.10, as last amended by Commission Implementing Decision 2011/629/EU (OJ L 247, 24.9.2011, p.22).
- M2** OJ L 302, 19.10.1989, p.1, as last amended by Council Directive 2008/73/EC (OJ L 219, 14.8.2008, p.40).
- M3** OJ L 224, 18.8.1990, p.62, as last amended by Council Directive 2008/73/EC.
- M4** OJ L 62, 15.3.1993, p.49, as last amended by Commission Regulation (EC) No 445/2004 (OJ L 72, 11.3.2004, p.60).
- M5** OJ L 31, 1.2.2002, p.1, as last amended by Regulation (EC) No 596/2009 of the European Parliament and of the Council.
- M6** OJ L 18, 23.1.2003, p.11.
- M7** OJ L 139, 30.4.2004, p.321.
- M8** OJ L 139, 30.4.2004, p.1, as last amended by Regulation (EC) No 219/2009 of the European Parliament and of the Council (OJ L 87, 31.3.2009, p.109).
- M9** OJ L 139, 30.4.2004, p.55, as last amended by Commission Regulation (EU) No 1276/2011 (OJ L 327, 9.12.2011, p.39).

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- M10** OJ L 35, 8.2.2005, p.1, as last amended by Regulation (EC) No 219/2009 of the European Parliament and of the Council.
- M11** OJ L 328, 24.11.2006, p.14, as last amended by Commission Directive 2008/53/EC (OJ L 117, 1.5.2008, p.27).
- M12** OJ L 192, 23.7.2010, p.1.
- M13** OJ L 343, 22.12.2009, p.74, as amended by Commission Implementing Decision 2011/879/EU (OJ L 343, 23.12.2011, p.105).

SCHEDULE 2

Regulations 5, 13, 18 and 33

Additional requirements in specific cases

^{F9}**PART 1**

Additional requirements for trade with member States

.....

Textual Amendments

F9 Sch. 2 Pt. 1 omitted (31.12.2020) by virtue of [The Trade in Animals and Related Products \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2020 \(S.S.I. 2020/458\)](#), regs. 1(3), **2(28)(a)**

PART 2

Additional provisions relating to imports from third countries

Arrival at premises of destination

7.—(1) This paragraph applies to elephants and to cattle, pigs, sheep, goats and all other animals of the taxa *Artiodactyla*, and their crossbreeds.

(2) Animals intended for immediate slaughter must be conveyed without delay from the [^{F10}border control post] to the slaughterhouse of destination and slaughtered within five working days.

(3) In any other case the animals must be taken without delay from the [^{F10}border control post] to the holding of destination and kept there for at least 30 days (unless consigned from the holding direct to a slaughterhouse).

Textual Amendments

F10 Words in [sch. 2 para. 7](#) 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(28)(b)**

Imported birds

8.—(1) The Scottish Ministers are the competent authority for [^{F11}the import of certain birds and quarantine conditions for the purposes of][^{F12}Commission Implementing Regulation (EU) No

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139/2013 laying down animal health conditions for imports of certain birds into the Union and the quarantine conditions thereof.]

(2) An importer must comply with Article 7 (transport of birds) of that Regulation.

(3) No person may release a bird from quarantine except in accordance with Article 16 (release of birds) of that Regulation.

Textual Amendments

F11 Words in sch. 2 para. 8(1) inserted (14.12.2019) by [The Official Controls \(Agriculture etc.\) \(Scotland\) Regulations 2019 \(S.S.I. 2019/412\)](#), regs. 1(1), **24(31)(e)**

F12 Words in sch. 2 para. 8(1) substituted (28.2.2019) by [The Environment, Food and Rural Affairs \(Miscellaneous Amendments and Revocations\) \(Scotland\) Regulations 2018 \(S.S.I. 2018/391\)](#), regs. 1(1), **35(8)(b)**

Horses

9. When a horse is imported from a third country under [^{F13}Commission Implementing Regulation (EU) 2018/659], the official veterinarian must return the health certificate to the person accompanying the horse, and make a record of the certificate.

Textual Amendments

F13 Words in sch. 2 para. 9 substituted (28.2.2019) by [The Environment, Food and Rural Affairs \(Miscellaneous Amendments and Revocations\) \(Scotland\) Regulations 2018 \(S.S.I. 2018/391\)](#), regs. 1(1), **35(8)(c)**

[^{F14}Ship supply

10.—(1) A product that does not comply with import requirements and is sent from a border control post to a ship must be accompanied by the relevant health certificate relating to that product, and the master of the vessel must confirm delivery of the product by signing a certificate which must accompany the consignment to its place of destination.

(2) Within 15 days upon completion of delivery of products by ship, the operator responsible for the delivery, or the representative of the master of the vessel must return the counter-signed official certificate (or send via electronic means and systems) to the competent authorities of the border control post of —

- (a) entry; or
- (b) the approved Customs warehouse.]

Textual Amendments

F14 Sch. 2 para. 10 substituted (14.12.2019) by [The Official Controls \(Agriculture etc.\) \(Scotland\) Regulations 2019 \(S.S.I. 2019/412\)](#), regs. 1(1), **24(31)(f)**

[^{F15}Special import conditions: products of animal origin

10A.—(1) The Scottish Ministers may by regulations impose special import conditions in respect of imports from third countries of products of animal origin intended for human consumption, having regard to the animal health situation of the third country or countries concerned.

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- (2) Regulations under sub-paragraph (1) may—
 - (a) make different provision for different purposes;
 - (b) include such incidental, supplementary, consequential, transitional, transitory or saving provision as the Scottish Ministers consider appropriate;
 - (c) amend, modify or revoke any retained direct minor EU legislation made under Article 8(4) of Council [Directive 2002/99/EC](#).
- (3) Regulations under sub-paragraph (1) are subject to negative procedure.
- (4) In this paragraph “products of animal origin” means products obtained from animals and products obtained therefrom, for human consumption, including live animals where they are prepared for such use.]

Textual Amendments
F15 [Sch. 2 para. 10A](#) inserted (12.3.2021) by [The Trade in Animals and Related Products \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2021 \(S.S.I. 2021/138\)](#), regs. 1, 2

Charges for veterinary checks from New Zealand

^{F16}**11.**

Textual Amendments
F16 [Sch. 2 para. 11](#) omitted (14.12.2019) by virtue of [The Official Controls \(Agriculture etc.\) \(Scotland\) Regulations 2019 \(S.S.I. 2019/412\)](#), regs. 1(1), **24(31)(g)**

SCHEDULE 3

Regulations 7 and 33

Cases to which Part 3 does not apply

^{F17}**Case 1: Personal imports and small consignments**

1.—(1) Products referred to in Articles 7 and 10 of ^{F18}[Commission Delegated Regulation \(EU\) 2019/2122](#).]]

Textual Amendments
F17 [Sch. 3 para. 1](#) substituted (14.12.2019) by [The Official Controls \(Agriculture etc.\) \(Scotland\) Regulations 2019 \(S.S.I. 2019/412\)](#), regs. 1(1), **24(32)(a)**
F18 Words in [sch. 3 para. 1](#) 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(29)(a)**

Case 2: International means of transport

- 2. Any product that is on board a means of transport operating internationally that is intended for consumption by the crew and passengers and that is—
 - (a) not unloaded;

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- (b) transferred directly from one means of transport operating internationally to another at the same port and under customs supervision; or
- (c) destroyed as soon as it is unloaded.

[^{F19}Case 3: Research and diagnostic samples

3.—(1) ^{F20}... Research and diagnostic samples as defined in point (38) of Annex 1 to [^{F21}Commission Regulation (EU) No 142/2011] are exempt from veterinary checks at the border control post provided that they have been authorised in advance by the Scottish Ministers and the consignment is sent directly from the point of entry to the authorised user.

^{F22}(2)]

Textual Amendments

- F19** Sch. 3 para. 3 substituted (14.12.2019) by [The Official Controls \(Agriculture etc.\) \(Scotland\) Regulations 2019 \(S.S.I. 2019/412\)](#), regs. 1(1), **24(32)(b)**
- F20** Words in sch. 3 para. 3(1) omitted (31.12.2020) by virtue of [The Trade in Animals and Related Products \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2020 \(S.S.I. 2020/458\)](#), regs. 1(3), **2(29)(b)(i)(aa)**
- F21** Words in sch. 3 para. 3(1) 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(29)(b)(i)(bb)**
- F22** Sch. 3 para. 3(2) omitted (31.12.2020) by virtue of [The Trade in Animals and Related Products \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2020 \(S.S.I. 2020/458\)](#), regs. 1(3), **2(29)(b)(ii)**

[^{F23}Case 4: Consignments cleared in Great Britain

4. Consignments of animals and products that have been presented to a border control post in Great Britain and cleared for free circulation.]

Textual Amendments

- F23** Sch. 3 para. 4 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(29)(c)**

Case 5: Composite products

5.—(1) Composite products and foodstuffs listed in ^{F24}...Commission Decision [2007/275/EC](#).

(2) Composite products not containing meat or meat products, where less than half of the product is processed product of animal origin, provided that such products are—

- (a) shelf-stable at ambient temperature or have clearly undergone, in their manufacture, a complete cooking or heat treatment process throughout their substance, so that any raw product is denatured;
- (b) clearly identified as intended for human consumption;
- (c) securely packaged or sealed in clean containers; and
- (d) accompanied by a commercial document and labelled in [^{F25}English (whether or not it also appears in any other language)], so that that document and labelling together give information on the nature, quality and number of packages of the composite products, the country of origin, the manufacturer and the ingredient.

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Textual Amendments

- F24** Words in sch. 3 para. 5(1) omitted (14.12.2019) by virtue of [The Official Controls \(Agriculture etc.\) \(Scotland\) Regulations 2019 \(S.S.I. 2019/412\)](#), regs. 1(1), **24(32)(d)**
- F25** Words in sch. 3 para. 5(2)(d) 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(29)(d)**

Case 6: Animals subject to rabies control

6. Animals specified in Schedule 1 to the Rabies (Importation of Dogs, Cats and Other Mammals) Order 1974 ^{M14} and imported in accordance with a licence under that Order.

Marginal Citations

- M14** [S.I. 1974/2211](#) to which there are amendments not relevant to these Regulations.

[^{F26}Case 7: [^{F27}Relevant] animals intended for scientific purposes

7.—(1) [^{F28}Relevant] animals intended for scientific purposes such as research, educational activities or research related to product development activities are exempt from official controls at border control posts (other than controls carried out in accordance with Article 15(2) of Regulation (EU) No 1143/2014 provided that—

- (a) they comply with all requisite animal health requirements;
- (b) they have been authorised by the Scottish Ministers; and
- (c) when the activities relating to the scientific purposes have been carried out, they and any products derived from them (with the exception of any portions used for the scientific purposes) are disposed of or re-dispatched to the third country of origin.

[^{F29}(1A) In this paragraph, “relevant animals” means—

- (a) animals listed in Schedule 2 to the Animals (Scientific Procedures) Act 1986; and
- (b) invertebrate animals.]

[^{F30}(2) Paragraph (1) does not apply to zebra fish, aquatic molluscs belonging to the phylum *Mollusca* or aquatic crustaceans belonging to the subphylum *Crustacea*.]

[^{F31}(3) The reference to educational activities in sub-paragraph (1) does not apply in relation to—

- (a) vertebrate animals; or
- (b) honey bees (*Apis mellifera*) or bumble bees (*Bombus* spp).]]

Textual Amendments

- F26** [Sch. 3 para. 7](#) inserted (14.12.2019) by [The Official Controls \(Agriculture etc.\) \(Scotland\) Regulations 2019 \(S.S.I. 2019/412\)](#), regs. 1(1), **24(32)(e)**
- F27** Word in [sch. 3 para. 7](#) heading substituted (30.4.2021) by [The Official Controls \(Exemptions from Controls at Border Control Posts\) \(Amendment\) Regulations 2021 \(S.I. 2021/453\)](#), regs. 1(1)(b), **3(2)(a)**
- F28** Word in [sch. 3 para. 7\(1\)](#) substituted (30.4.2021) by [The Official Controls \(Exemptions from Controls at Border Control Posts\) \(Amendment\) Regulations 2021 \(S.I. 2021/453\)](#), regs. 1(1)(b), **3(2)(a)**

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- F29** Sch. 3 para. 7(1A) inserted (30.4.2021) by The Official Controls (Exemptions from Controls at Border Control Posts) (Amendment) Regulations 2021 (S.I. 2021/453), regs. 1(1)(b), **3(2)(b)**
- F30** Sch. 3 para. 7(2) substituted (30.4.2021) by The Official Controls (Exemptions from Controls at Border Control Posts) (Amendment) Regulations 2021 (S.I. 2021/453), regs. 1(1)(b), **3(2)(c)**
- F31** Sch. 3 para. 7(3) inserted (30.4.2021) by The Official Controls (Exemptions from Controls at Border Control Posts) (Amendment) Regulations 2021 (S.I. 2021/453), regs. 1(1)(b), **3(2)(d)**

SCHEDULE 4

Regulation 37

Consequential amendments

Bluetongue (Scotland) Order 2008

1. In the Bluetongue (Scotland) Order 2008 ^{M15}—

^{F32}(a)

^{F33}(b)

Textual Amendments

F32 Sch. 4 para. 1(a) revoked (24.9.2012) by The Bluetongue (Scotland) Order 2012 (S.S.I. 2012/199), arts. 1(b), **34(2)** (with art. 8)

F33 Sch. 4 para. 1(b) revoked (1.7.2012) by The Trade in Animals and Related Products (Scotland) Amendment Order 2012 (S.S.I. 2012/198), arts. 1(b), **2(5)**

Marginal Citations

M15 S.S.I. 2008/11, to which there are amendments not relevant to these Regulations.

Importation of Animal Products and Poultry Products Order 1980

2. After article 1 of the Importation of Animal Products and Poultry Products Order 1980 ^{M16} insert—

“Scope

1A. This Order does not apply in relation to any importation in relation to which the Trade in Animals and Related Products (Scotland) Regulations 2012 ^{M17} apply.”

Marginal Citations

M16 S.I. 1980/14 to which there are amendments not relevant to these Regulations.

M17 S.S.I. 2012/177.

Official Feed and Food Controls (Scotland) Regulations 2009

3. In Schedule 3 (definition of relevant food law) to the Official Feed and Food Controls (Scotland) Regulations 2009 ^{M18}, for sub-head (vii) of paragraph (a) substitute—

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“(vii) the regulation of the import of and trade in products of animal origin under the Trade in Animals and Related Products (Scotland) Regulations 2012, with the exception of the execution and enforcement under regulation 27 of those Regulations by the Agency;”.

Marginal Citations

M18 [S.S.I. 2009/446](#) to which there are amendments not relevant to these Regulations.

Fishery Products (Official Controls Charges) (Scotland) Regulations 2007

4. In regulation 2 (interpretation) of the Fishery Products (Official Controls Charges) (Scotland) Regulations 2007 ^{M19}, for the definition of “third country import” substitute—

““third country import” means an import in respect of which a charge is payable under Regulation 882/2004.”.

Marginal Citations

M19 [S.S.I. 2007/537](#), as relevantly amended by [S.S.I. 2008/98](#).

The Swine Vesicular Disease (Scotland) Order 2009

5. For article 3(1)(b) (application) of the Swine Vesicular Disease (Scotland) Order 2009 ^{M20} substitute—

“(b) any border inspection post within the meaning of, and for so long as it remains approved for the purposes of, regulation 11 of the Trade in Animals and Related Products (Scotland) Regulations 2012.”.

Marginal Citations

M20 [S.S.I. 2009/173](#).

The Aquatic Animal Health (Scotland) Regulations 2009

6. In regulation 19(5) (disease prevention requirements in respect of transport) of the Aquatic Animal Health (Scotland) Regulations 2009 ^{M21}, for paragraph (a) substitute—

“(a) “border inspection post” means a border inspection post within the meaning of, and for so long as it remains approved for the purposes of, regulation 11 of the Trade in Animals and Related Products (Scotland) Regulations 2012;”.

Marginal Citations

M21 [S.S.I. 2009/85](#), to which there are amendments not relevant to these Regulations.

The Rabies (Importation of Dogs, Cats and Other Mammals) Order 1974

7. In article 4(11)(a)(ii) (prohibition on landing of animals in Great Britain) of the Rabies (Importation of Dogs, Cats and Other Mammals) Order 1974 ^{M22} for “Animals and Animal Products (Import and Export) (Scotland) Regulations 2007” substitute “ Trade in Animals and Related Products (Scotland) Regulations 2012 ”.

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Marginal Citations

M22 S.I. 1974/2211, **article 4(11)** was inserted by paragraph 3(h) of the Schedule 2 to the Non-Commercial Movement of Pet Animals Order 2011 (S.I. 2011/2883).

[^{F34}SCHEDULE 5

Regulation 7

Application of, derogations from, and modifications to, Part 3 in relation to certain territories subject to transitional import arrangements

Textual Amendments

F34 Sch. 5 inserted (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(30)**

PART 1

Introductory

Application

1.—(1) This schedule applies during the transitional staging period to animals and products falling within Article 47(1)(a) and (b) of the Official Controls Regulation which originate from a relevant third country.

(2) In sub-paragraph (1) “the transitional staging period” and “relevant third country” have the same meaning as in paragraph 2 of Annex 6 to the Official Controls Regulation.

(3) Animals and products falling within sub-paragraph (1) are referred to in this schedule as “relevant goods”.

Application of, derogations from, and modifications to, Part 3 of these Regulations

2. The provisions of Part 3 of these Regulations apply to relevant goods with the derogations and modifications specified in Part 2 of this schedule.

PART 2

Derogations from, and modifications to, Part 3 of these Regulations

Derogation from regulation 11: place of importation

3.—(1) Regulation 11 does not apply to relevant goods.

(2) Relevant goods are not required to enter Scotland through a border control post and may enter Scotland through any point of entry.

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Derogation from regulation 12: notification of importation

4.—(1) Regulation 12 does not apply to relevant goods.

(2) From 1st January 2021, relevant goods of the following descriptions must be pre-notified at least one working day before the expected time of arrival at a point of entry into Scotland—

- (a) relevant goods which originate from a relevant third country other than a territory subject to special transitional import arrangements;
- (b) animal by-products comprising—
 - (i) Category 1 material;
 - (ii) Category 2 material;
 - (iii) processed animal protein derived from Category 3 material.

(3) From ^{F35}1st January 2022] relevant goods consisting of products of animal origin ^{F36}or animal by-products not covered by sub-paragraph (2)(b)] must be pre-notified at least one working day before the expected time of arrival at a point of entry into Scotland.

[
^{F37}(3A) Sub-paragraph (3) does not apply to relevant goods which are imported into Scotland from the Republic of Ireland when the condition in sub-paragraph (3B) is met.

(3B) The condition is that the goods were produced in Northern Ireland or the Republic of Ireland, and for these purposes goods are taken to be produced in Northern Ireland if they are processed there.]

(4) Where the importer can provide evidence of a logistical constraint preventing the notification under sub-paragraphs (2) or (3), that requirement may be satisfied by notification of the consignment’s expected time of arrival at least 4 hours in advance.

(5) This paragraph applies in addition to other requirements for prior notification of the entry into Scotland of relevant goods from a third country during the transitional staging period (see Article 56A of the Official Controls Regulation as inserted by paragraph 13 of Annex 6 to that Regulation).

(6) In this paragraph—

- (a) “pre-notified” means notification that has been given through the appropriate computerised information management system to the authority responsible for performing official controls on the particular category of relevant goods at the ^{F38}place where the controls are to be carried out];
- (b) “working day” means a day other than Saturday or Sunday which is not Christmas Day, Good Friday or a bank holiday under section 1 of the Banking and Financial Dealings Act 1971;
- (c) “a territory subject to special transitional import arrangements” has the same meaning as in paragraph 2 of Annex 6 to the Official Controls Regulation;
- (d) “Category 1 material”, “Category 2 material” and “Category 3 material” have the meanings given in Articles 8 to 10 of Regulation (EC) No 1069/2009;
- (e) “processed animal protein” has the meaning given in point 5 of Annex I to [Commission Regulation \(EU\) No 142/2011](#).

Textual Amendments

F35 Words in [sch. 5 para. 4\(3\)](#) substituted (1.10.2021) by [The Official Controls \(Transitional Staging Period\) \(Miscellaneous Amendments\) \(Scotland\) \(No. 2\) Regulations 2021 \(S.S.I. 2021/342\)](#), regs. 1, **3(2)(a)**

F36 Words in [sch. 5 para. 4\(3\)](#) inserted (1.1.2022) by [The Official Controls \(Transitional Staging Period\) \(Miscellaneous Amendments\) \(Scotland\) \(No. 3\) Regulations 2021 \(S.S.I. 2021/493\)](#), regs. 1, **3(2)**

Status: Point in time view as at 12/05/2022.

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- F37** Sch. 5 para. 4(3A)(3B) inserted (12.5.2022) by [The Official Controls \(Transitional Staging Period\) \(Miscellaneous Amendments\) \(Scotland\) Regulations 2022 \(S.S.I. 2022/90\)](#), regs. 1, 2
- F38** Words in sch. 5 para. 4(6)(a) substituted (1.10.2021) by [The Official Controls \(Transitional Staging Period\) \(Miscellaneous Amendments\) \(Scotland\) Regulations 2021 \(S.S.I. 2021/297\)](#), regs. 1, **3(2)(a)**

Derogation from regulation 13: procedure on importation

- 5.—(1) Regulation 13 does not apply to relevant goods.
- (2) From 1st January 2021, relevant goods consisting of—
- (a) live animals or germinal products may not be imported into Scotland unless they are accompanied by the appropriate health certificate for third country imports, in the form published by the Scottish Ministers or the Secretary of State from time to time;
 - (b) products of animal origin and animal by-products must be accompanied by relevant commercial documents which at least identify the premises of origin and destination, and contain a description of the product and the quantity of the product.
- ^{F39}(3)
- (4) The documents described in [^{F40}sub-paragraph (2)] must accompany the consignment of the relevant goods concerned to its place of destination.
- (5) Official controls must take place at the [^{F41}place where the controls are to be carried out] on a random or risk basis, and in accordance with regulation 25 and 30.

Textual Amendments

- F39** Sch. 5 para. 5(3) omitted (1.1.2022) by virtue of [The Animal Products \(Transitional Import Conditions\) \(Miscellaneous Amendment\) \(Scotland\) Regulations 2021 \(S.S.I. 2021/432\)](#), regs. 1, **3(2)(a)**
- F40** Words in sch. 5 para. 5(4) substituted (1.1.2022) by [The Animal Products \(Transitional Import Conditions\) \(Miscellaneous Amendment\) \(Scotland\) Regulations 2021 \(S.S.I. 2021/432\)](#), regs. 1, **3(2)(b)**
- F41** Words in sch. 5 para. 5(5) substituted (1.10.2021) by [The Official Controls \(Transitional Staging Period\) \(Miscellaneous Amendments\) \(Scotland\) Regulations 2021 \(S.S.I. 2021/297\)](#), regs. 1, **3(2)(b)**

Derogation from regulation 17(a): unchecked consignments

6. Regulation 17(a) does not apply to relevant goods which have entered Scotland through a point of entry other than a border control post in accordance with this schedule, or in accordance with Annex 6 to the Official Controls Regulation.

Modification of regulation 18: action following non-compliance: products

7. Regulation 18 applies as if—
- (a) for paragraph (1) there were substituted—
 - “(1) This regulation applies in relation to any consignment of relevant goods if the consignment does not comply with the provisions of schedule 5 of these Regulations or Article 56A of the Official Controls Regulation as inserted by paragraph 13 of Annex 6 to that Regulation.”;
 - (b) in paragraph (3)(b)—
 - (i) “from the same border control post” were omitted;
 - (ii) for “at the border control post” there were substituted “into Scotland”.

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Modification of regulation 21: action following non-compliance: animals

8. Regulation 21 applies as if in paragraph (1) for “If the checks” to “that animal” there were substituted “If checks show that an animal does not comply with the provisions of schedule 5 of these Regulations or Article 56A of the Official Controls Regulation as inserted by paragraph 13 of Annex 6 to that Regulation”.

PART 3

Additional rules in relation to relevant goods consisting of live animals

Live animals

9.—(1) This paragraph applies in relation to relevant goods consisting of live animals.

(2) The live animals must not be moved from the place of destination indicated in the accompanying health certificate before the completed and signed health certificate has been uploaded to the appropriate computerised information management system.

(3) The person responsible for the transportation of the live animals to the place of destination must be in possession of the appropriate authorisation in accordance with Council Regulation (EC) [No 1/2005](#).]

Status:

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Changes to legislation:

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