
EXPLANATORY NOTE

(This note is not part of the Regulations)

The Regulations make provision in Scotland for the administration and enforcement of Council Regulation (EC) No 1099/2009 on the protection of animals at the time of killing (“the EU Regulation”) and certain national rules maintained under Article 26(1) and (2) of the EU Regulation.

Part 1 is introductory and includes definitions and designates the competent authority responsible for various functions under the Regulations.

Part 2 requires persons to obtain a certificate of competence or temporary certificate of competence before carrying out the killing of animals and related operations. The Regulations also provide for the refusal, suspension or revocation of certificates of competence or temporary certificates of competence and for the right to appeal against a decision to refuse, suspend or revoke them.

Part 3 and Schedule 1 set out national rules that have been maintained in accordance with Article 26(1) of the EU Regulation to maintain high levels of protection of animals at the time of killing.

Part 4 places an obligation on the competent authority to publish a notice in writing if the competent authority grants a derogation from specified provisions of the EU Regulation for a depopulation operation.

Part 5 contains provisions relating to enforcement. Authorised persons, appointed by the Scottish Ministers or the Food Standards Agency, are given powers to require compliance with these Regulations and the EU Regulation, including powers of entry and seizure and powers to issue enforcement notices. Breaching an enforcement notice and obstructing authorised persons is an offence.

Part 6 sets out the offences for contravening these Regulations or the EU Regulation. Regulation 24 sets out the penalties on summary conviction.

Part 7 sets out rules for appeals.

Part 8 provides for notices, transitional provisions, consequential amendments, repeals and revocations. The Regulations revoke Part II of, and Schedules 2, 3, 4, 5, 6, 7 and 8 to the Welfare of Animals (Slaughter or Killing) Regulations 1995 insofar as they apply to slaughterhouses.

A business and regulatory impact assessment has been prepared and placed in the Scottish Parliament Information Centre. Copies can be obtained from the Scottish Government Directorate for Agriculture, Food and Rural Communities, Animal Health and Welfare Division, Saughton House, Broomhouse Drive, Edinburgh EH11 3XG.