
SCOTTISH STATUTORY INSTRUMENTS

2013 No. 307

**The Animal By-Products (Enforcement)
(Scotland) Regulations 2013**

PART 1

Introduction

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Animal By-Products (Enforcement) (Scotland) Regulations 2013 and come into force on 1st December 2013.

(2) Subject to paragraph (3), these Regulations extend to Scotland only.

(3) Insofar as regulation 11(6) extends beyond Scotland, it does so only as a matter of Scots law.

Interpretation

2.—(1) In these Regulations—

“animal by-product requirement” means

(a) any requirement in regulation 4, 5, 10 or 11; or

(b) any requirement in any provision of the EU Control Regulation or the EU Implementing Regulation specified in column 2 of Schedule 1 to these Regulations as read with, where applicable, any provision of the EU Control Regulation, the EU Implementing Regulation or these Regulations specified in column 3 of that Schedule;

“authorised person” has the meaning given in regulation 23;

“competent authority” has the meaning given in regulation 3;

“enforcement authority” has the meaning given in regulation 22(5);

“EU Control Regulation” means Regulation (EC) No 1069/2009 of the European Parliament and of the Council laying down health rules as regards animal by-products and derived products not intended for human consumption and repealing Regulation (EC) No 1774/2002 (Animal by-products Regulation)(1);

“EU Implementing Regulation” means Commission Regulation (EU) No 142/2011 implementing Regulation (EC) No 1069/2009 of the European Parliament and of the Council laying down health rules as regards animal by-products and derived products not intended for human consumption and implementing Council Directive 97/78/EC as regards certain samples and items exempt from veterinary checks at the border under that Directive, as amended from time to time(2);

“premises” includes—

(1) OJ L 300, 14.11.2009, p.1, amended by Directive 2010/63/EU (OJ L 276, 20.10.2010, p.33).

(2) OJ L 54, 26.2.2011, p.1.

- (a) any land, building (including any domestic premises), shed or pen;
- (b) any receptacle or container;
- (c) any ship; or
- (d) a vehicle of any description; and

“ship” includes a hovercraft, submersible craft and any other floating craft but not a vessel which—

- (a) permanently rests on or is permanently attached to the seabed; or
- (b) is an installation within section 16 of the Energy Act 2008⁽³⁾.

(2) Expressions used in these Regulations that are also used in the EU Control Regulation or the EU Implementing Regulation have the same meaning in these Regulations as they have in the EU Control Regulation and in the EU Implementing Regulation, as the context may require.

(3) Any reference in these Regulations to anything done in writing or produced in written form includes a reference to an electronic communication, as defined in section 15(1) of the Electronic Communications Act 2000⁽⁴⁾, which has been recorded and is consequently capable of being reproduced.

⁽³⁾ 2008 c.32.

⁽⁴⁾ 2000 c.7, amended by the Communications Act 2003 (c.21), sections 406 and 411(2) and (3) and Schedule 17, paragraph 158.