
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations transpose in Scotland, in relation to animal feed, Article 21 of Council Directive 2013/59/Euratom laying down basic safety standards for protection against the dangers arising from exposure to ionising radiation, and repealing Directives 89/618/Euratom, 90/641/Euratom, 96/29/Euratom, 97/42 Euratom and 2003/122 Euratom (OJ L 13, 17.1.14, p.1).

Regulation 3 sets out that a person must not deliberately add a radioactive substance in the production of feed.

Regulation 4 sets out that a person must not import or export any animal feed to which a radioactive substance has been intentionally added during production.

Regulation 5 provides that it is an offence to fail to comply with Regulation 3, punishable on conviction by a fine or imprisonment not exceeding 3 months.

Regulation 6 sets out defences to offences set out in regulation 5 and under section 74A(3) of the Agriculture Act 1970.

Regulation 7 sets out that it is the duty of each feed authority to enforce these Regulations in its area.

Regulation 8 amends schedule 2 of the Official Feed and Food Controls (Scotland) Regulations 2009 (the “2009 Regulations”) (S.S.I. 2009/446). The amendment designates these Regulations as “relevant feed law” for the purposes of the 2009 Regulations.

Regulation 9 amends the Feed (Hygiene and Enforcement) (Scotland) Regulations 2005 (the “2005 Regulations”) (S.S.I. 2005/608). The amendment designates the 2005 Regulations as “specified feed law” for the purposes of the 2005 regulations so that, among other things, authorised officers may serve improvement notices for failure to comply with regulations 3 and 4 of these Regulations and a person aggrieved by a decision to serve an improvement notice may appeal to the sheriff court. The amendment also allows, if particular requirements are complied with, a court to impose a prohibition order/emergency prohibition order on a feed business operator for failure to comply with regulations 3 or 4, and allows authorised officers to enter non-dwellings to investigate non-compliance with regulation 3 or 4 and to inspect, take samples, and to detain or seize products.

Changes to legislation:

There are currently no known outstanding effects for the The Animal Feed (Basic Safety Standards) (Scotland) Regulations 2018.