
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make amendments to the legislation referred to below. The amendments update references to a number of EU instruments referred to therein, and make consequential repeals and revocations of primary and secondary legislation due to updates in EU law.

Part 2 amends legislation concerning environmental protection. Regulation 2 updates a reference to an EU instrument which has been recast with a reference to the appropriate domestic legislation. Regulation 3 replaces references in the Pollution Prevention and Control (Scotland) Regulations 2012 to out of date EU instruments with either equivalent text or references to current EU instruments.

Part 3 amends legislation concerning flood risk management; Part 4 amends legislation concerning the water environment and Part 5 amends legislation concerning the water industry. In addition, Part 5 amends water industry legislation to replace references to “local authority” with “Scottish Water”.

Part 6 makes amendments to various secondary legislation concerning waste. The amendments update references to EU instruments and remove references to EU instruments which are no longer in force. Where appropriate, references to repealed EU instruments are replaced with references to domestic or EU equivalents.

Part 7 amends agriculture legislation to update references to domestic and EU instruments. It also amends the Crofting Counties Agricultural Grants (Scotland) Scheme 2006, the Marketing of Horticultural Produce (Scotland) Regulations 2009 and the Seed Potatoes (Scotland) Regulations 2015 to correct errors in drafting.

Part 8 amends animal health legislation to update references to domestic and EU instruments. It also amends the Foot-and-Mouth Disease (Scotland) Order 2006 and the Avian Influenza (Slaughter and Vaccination) (Scotland) Regulations 2006 to correct errors in drafting.

Part 9 updates references in the Welfare of Farmed Animals (Scotland) Regulations 2010 to two EU Regulations, in order to take account of subsequent relevant amendments to those EU Regulations.

Part 10 updates references to a number of EU instruments in secondary legislation concerning food. Regulations 37, 40, 41, 42 and 43 amend secondary legislation to update references to EU instruments, to take account of subsequent relevant amendments made to those EU instruments, or to refer to the most recent EU instrument. Regulation 38 updates the definition of “milk” in the Milk and Dairies (Scotland) Regulations 1990, to restate more completely the reference to an EU instrument. Regulation 39 updates the schedule of the Common Agricultural Policy Non-IACS Support Schemes (Appeals) (Scotland) Regulations 2004 to insert a reference to an EU instrument, which has the effect of applying the 2004 Regulations to decisions made under the EU instrument.

Regulation 44 gives effect to the schedule. Part 1 of the schedule repeals certain provisions of primary legislation only as far as they relate to milk quotas. Part 2 of the schedule revokes statutory instruments or provisions of statutory instruments. The revocations relate to: the former Scottish Milk Marketing Board; the selective cull of cattle; disposal of the hides of older cattle; distribution of market support funds to the dairy sector; organic aid; and the milk quota regime. The legislation revoked by these Regulations is now spent.

No Business and Regulatory Impact Assessment has been prepared in relation to these Regulations, as no impact upon business, charities or the voluntary bodies is foreseen.