

**2013 No. 3157**

**CONSTITUTIONAL LAW  
DEVOLUTION, SCOTLAND**

**AGRICULTURE**

**LIVESTOCK INDUSTRIES**

**ANIMALS**

**ANIMAL HEALTH**

**DISEASES OF ANIMALS**

**POULTRY**

**The Scotland Act 1998 (Agency Arrangements) (Specification)  
Order 2013**

<i>Made</i> - - - -	<i>11th December 2013</i>
<i>Laid before Parliament</i>	<i>18th December 2013</i>
<i>Laid before the Scottish Parliament</i>	<i>18th December 2013</i>
<i>Coming into force</i> - -	<i>6th April 2014</i>

At the Court at Buckingham Palace, the 11th day of December 2013

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred on Her by section 93(3) of the Scotland Act 1998(a) is pleased, by and with the advice of Her Privy Council, to order as follows:

### **Citation, commencement, extent and interpretation**

1.—(1) This Order may be cited as the Scotland Act 1998 (Agency Arrangements) (Specification) Order 2013 and comes into force on 6th April 2014.

(2) This Order does not extend to Northern Ireland.

(3) In this Order—

“animal feed” means any substance or product, including additives, whether processed, partially processed or unprocessed, intended to be used for oral feeding to animals; and

“official controls” means any form of control performed for the purpose of ensuring compliance with food, animal feed, animal health and animal welfare rules established under EU instruments.

### **Specification of functions**

2. The functions of the Scottish Ministers listed in the Schedule are specified for the purposes of section 93(1) of the Scotland Act 1998.

### **Revocation**

3. The Scotland Act 1998 (Agency Arrangements) (Specification) Order 2008(a) is revoked.

*Richard Tilbrook*  
Clerk of the Privy Council

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(a) S.I. 2008/1035.

## SCHEDULE

Article 2

### FUNCTIONS OF THE SCOTTISH MINISTERS

**1.** The functions of securing the welfare of animals and protecting them from unnecessary suffering, including at the time of killing, through the carrying out of official controls and the imposition of prohibitions, restrictions or requirements (including the granting of licences) in relation to—

- (a) premises where animals are kept or used;
- (b) vehicles used for the transportation of animals;
- (c) persons carrying out activities involving animals.

**2.** The functions of preventing, controlling and eradicating animal and zoonotic diseases and protecting public health through—

- (a) carrying out official controls in relation to premises, vehicles, animals, animal feed, animal by-products and products of animal origin;
- (b) approving, authorising, registering or designating persons, premises or disinfectants;
- (c) imposing prohibitions, restrictions or requirements (including the granting of licences) in relation to premises, vehicles, persons, animals, animal feed, animal by-products, products of animal origin or other things liable to spread disease;
- (d) making arrangements for—
  - (i) the slaughter of animals;
  - (ii) the destruction or disposal of animal carcasses, products of animal origin or other things liable to spread disease,  
including the valuation, transportation and removal of, and the payment of compensation in relation to, such animals, carcasses, products or things;
- (e) imposing prohibitions, restrictions or requirements (including the granting of licences) in relation to the import or export of live animals, genetic material and products of animal origin;
- (f) authorising the collection, transfer or storage of animal semen, ova or embryos;
- (g) making arrangements, including entering into contractual arrangements, to secure the provision of—
  - (i) veterinary medicinal products;
  - (ii) diagnostic agents and equipment for testing animals or products of animal origin;
  - (iii) vaccines, sera or other preparations for vaccinating or immunising animals against disease;
  - (iv) veterinary services.

**3.** The functions of taking action to deal with any failure to comply with any of the matters mentioned in paragraph 1 or paragraph 2 (apart from paragraph (g)).

**4.** The functions of collecting and recovering fees or expenses for any activities carried out in relation to any of the matters mentioned in paragraphs 1 to 3.

**5.** The functions of carrying out official controls in relation to animals, premises and vehicles, for the purpose of ensuring compliance with the rules established under EU instruments in relation to animal health and welfare, which must be complied with by persons receiving payments under the common agricultural policy of the European Union as regulated under Title III of the Treaty on the Functioning of the European Union.

## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order specifies certain functions of the Scottish Ministers for the purposes of section 93(1) of the Scotland Act 1998. Section 93(1) allows the Scottish Ministers to make arrangements for any of their specified functions to be exercised on their behalf by a Minister of the Crown.

The functions of the Scottish Ministers which may be exercised by a Minister of the Crown on their behalf are those of the Scottish Ministers in relation to the matters listed in the Schedule to this Order.

The Schedule lists functions in relation to animal welfare (paragraph 1) and animal health (paragraph 2), including the taking of enforcement action (paragraph 3) and the collection and recovery of fees and expenses (paragraph 4), as well as the enforcement of cross-compliance rules, under the common agricultural policy of the European Union, so far as relating to animal health and welfare measures (paragraph 5).

The functions, which will be the subject of agency arrangements from time to time under this Order, will be published on the following websites:

<http://www.scotland.gov.uk/Topics/farmingrural/Agriculture/animal-welfare>

<http://www.defra.gov.uk/ahvla-en/about-us/>

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