
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations apply in relation to England and Scotland and revoke the statutory instruments listed in the Schedule, consolidating their provisions. The Regulations implement Council [Directive 96/22/EC](#) concerning the prohibition on the use in stockfarming of certain substances having a hormonal or thyrostatic action and of beta-agonists⁽¹⁾ and Council [Directive 96/23/EC](#) on measures to monitor certain substances and residues thereof in live animals and animal products⁽²⁾ and provide for the execution and enforcement of Regulation [\(EC\) No 470/2009](#) of the European Parliament and of the Council laying down Community procedures for the establishment of residue limits of pharmacologically active substances in foodstuffs of animal origin⁽³⁾ and Commission Regulation (EU) No 37/2010 on pharmacologically active substances and their classification regarding maximum residue limits in foodstuffs of animal origin⁽⁴⁾.

The Regulations—

- (a) prohibit the sale, possession or administration to animals of specified unauthorised substances (*regulations 3, 4, 5, 6, and 7*);
- (b) prohibit the possession or slaughter of, or the processing of the meat of, animals intended for human consumption to which there has been administered, which contains, or in which the presence has been established, specified unauthorised substances (*regulation 8*);
- (c) prohibit the sale or supply, for slaughter for human consumption, of animals to which substances have been administered in certain circumstances including, subject to an exception, where the withdrawal period for the product administered has not expired (*regulation 9*);
- (d) prohibit the sale for human consumption of any animal product derived from an animal the sale or supply for slaughter of which is prohibited under regulation 9 or any animal product which contains an unauthorised substance or an excess of an unauthorised substance (*regulation 10*);
- (e) prohibit, subject to an exception, the disposal for human or animal consumption of the carcase or offal of an animal or an animal from a batch of animals where that animal or an animal of that batch has been slaughtered further to a notice referred to in regulation 22⁽³⁾ (examination shows specified unauthorised substance) (*regulations 11 and 12*);
- (f) give authorised officers the power to take samples and provide for the analysis of official samples (*regulations 13, 14, 15, 16, 17, 18, and 19*);
- (g) give authorised officers the power to inspect and examine animals and provide for the subsequent service of notices (*regulations 20, 21 and 22*);
- (h) provide for offences, penalties and enforcement (*regulation 23*);
- (i) provide specific defences and exceptions (*regulations 24, 25, 26, 27 and 28*);
- (j) deny to processors a due diligence defence in specified circumstances (*regulations 29 and 30*);

(1) OJNo. L125, 23.5.1996, p.3, as last amended by [Directive 2008/97/EC](#) (OJ No. L318, 28.11.2008, p.9).

(2) OJ No. L125, 23.5.1996, p.10, as last amended by [Directive 2013/20/EU](#) (OJ No. L158, 10.6.2013, p.234).

(3) OJ No. L152, 16.6.2009, p.11.

(4) OJ No. L15, 20.1.2010, p.1, as last amended by [Commission Implementing Regulation \(EU\) No. 967/2014](#) (OJ No. L272, 13.9.2014, p.3).

Changes to legislation: *There are currently no known outstanding effects for the The Animals and Animal Products (Examination for Residues and Maximum Residue Limits)(England and Scotland) Regulations 2015. (See end of Document for details)*

- (k) specify requirements relating to the keeping of records (*regulation 31*);
- (l) apply, with some modifications, provisions of the Food Safety Act 1990 (c.16) including the defence of due diligence (*regulation 32*);
- (m) revoke the instruments specified in the Schedule in so far as they apply in relation to England and Scotland (*regulation 33*); and
- (n) require the Secretary of State to carry out a periodic review of these Regulations in England (*regulation 34*).

A full impact assessment has not been produced for this instrument, as no, or no significant, impact on the private voluntary or public sectors is foreseen. The Explanatory Memorandum is available at www.legislation.gov.uk.

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