

**2019 No. 71**

**EXITING THE EUROPEAN UNION**

**ANIMALS**

**The Animal Health (EU Exit) (Scotland) (Amendment)  
Regulations 2019**

*Made* - - - - - *21st February 2019*

*Laid before the Scottish Parliament* *25th February 2019*

*Coming into force in accordance with regulation 1*

The Scottish Ministers make these Regulations in exercise of the powers conferred by section 2(2) of the European Communities Act 1972(a), paragraph 1(1) and (3) of schedule 2 and paragraph 21(b) of schedule 7 of the European Union (Withdrawal) Act 2018(b) and all other powers enabling them to do so.

**PART 1**

**INTRODUCTION**

**Citation, commencement and extent**

**1.**—(1) These Regulations may be cited as the Animal Health (EU Exit) (Scotland) (Amendment) Regulations 2019 and come into force—

- (a) as regards this Part and Part 2, on 28 March 2019,
- (b) as regards Part 3, on exit day.

(2) These Regulations extend to Scotland only.

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(a) 1972 c.68. Section 2(2) was amended by paragraph 15(3) of schedule 8 of the Scotland Act 1998 (c.46) (“the 1998 Act”) (which was amended by section 27(4) of the Legislative and Regulatory Reform Act 2006 (c.51) (“the 2006 Act”). Section 2(2) was also amended by section 27(1)(a) of the 2006 Act and by Part 1 of the schedule of the European Union (Amendment) Act 2008 (c.7) (“the 2008 Act”). The functions conferred upon the Minister of the Crown under section 2(2), insofar as exercisable within devolved competence, were transferred to the Scottish Ministers by virtue of section 53 of the 1998 Act. It is prospectively repealed by the European Union (Withdrawal) Act 2018 (c.16), section 1 from exit day (see section 20 of that Act).

(b) 2018 c.16.

## PART 2

### AMENDMENT OF REFERENCES IN SECONDARY LEGISLATION

#### **The Foot-and-Mouth Disease (Scotland) Order 2006**

- 2.** In article 2(1) (interpretation) of the Foot-and-Mouth Disease (Scotland) Order 2006(**a**)—
- (a) in the definition of “the Directive”, insert at the end “, as last amended by Commission Implementing Decision (EU) 2018/1099(**b**)”,
  - (b) in the definition of “health marked”, after “consumption” insert “, as last amended by Commission Implementing Regulation (EU) 2018/981(**c**)”,
  - (c) in the definition of “identification marked”, after “origin” insert “, as last amended by Commission Regulation (EU) 2017/1981(**d**)”,
  - (d) in the definition of “Regulation (EC) (No.) 1069/2009” insert at the end “, as last amended by Council Regulation (EU) No 1385/2013(**e**)”,
  - (e) in the definition of “slaughterhouse”—
    - (i) in paragraph (a), insert at the end “, as last amended by Commission Implementing Regulation (EU) 2018/1587(**f**)”,
    - (ii) in paragraph (b), for “) was” substitute “, as last amended by Commission Regulation (EU) 2017/1981 was”.

#### **The Foot-and-Mouth Disease (Slaughter and Vaccination) (Scotland) Regulations 2006**

- 3.** In regulation 2(1) (interpretation) of the Foot-and-Mouth Disease (Slaughter and Vaccination) (Scotland) Regulations 2006(**g**)—
- (a) in the definition of “the Directive”, insert at the end “, as last amended by Commission Implementing Decision (EU) 2018/1099”,
  - (b) in the definition of “health marked”, after “consumption” insert “, as last amended by Commission Implementing Regulation (EU) 2018/981”,
  - (c) in the definition of “identification marked”, after “origin” insert “, as last amended by Commission Regulation (EU) 2017/1981”,
  - (d) in the definition of “slaughterhouse”—
    - (i) in paragraph (a), insert at the end “, as last amended by Commission Implementing Regulation (EU) 2018/1587”,
    - (ii) in paragraph (b), for “) was” substitute “, as last amended by Commission Regulation (EU) 2017/1981 was”.

#### **The Avian Influenza and Influenza of Avian Origin in Mammals (Scotland) Order 2006**

**4.—(1)** The Avian Influenza and Influenza of Avian Origin in Mammals (Scotland) Order 2006(**h**) is amended as follows.

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- (a) S.S.I. 2006/44, relevant amending instruments are S.S.I. 2007/455, S.S.I. 2011/171, S.S.I. 2012/321, S.S.I. 2013/173, S.S.I. 2013/307 and S.S.I. 2018/391. The amendments made by S.S.I. 2018/391 come into force on 28 February 2019.
  - (b) OJ L 197, 3.8.2018, p.11.
  - (c) OJ L 176, 12.7.2018, p.11.
  - (d) OJ L 285, 1.11.2017, p.10.
  - (e) OJ L 354, 28.12.2013, p.86, corrected by Corrigendum to Council Regulation (EU) No 1385/2013 (OJ L 122, 17.5.2018, p.35).
  - (f) OJ L 264, 23.10.2018, p.20.
  - (g) S.S.I. 2006/45, relevant amending instruments are S.S.I. 2011/171, S.S.I. 2012/321, S.S.I. 2013/173, S.S.I. 2013/307 and S.S.I. 2018/391. The amendments made by S.S.I. 2018/391 come into force on 28 February 2019.
  - (h) S.S.I. 2006/336, relevant amending instruments are S.S.I. 2008/129, S.S.I. 2008/395, S.S.I. 2013/173 and S.S.I. 2018/391. The amendments made by S.S.I. 2018/391 come into force on 28 February 2019.

- (2) In article 2 (interpretation)—
- (a) omit the definition of “competent authority”,
  - (b) omit the definition of “the Directive”,
  - (c) in the definition of “hatchery”, for the words from “has the same” to the end substitute “means an establishment for incubating eggs, hatching and supplying chicks”,
  - (d) in the definition of “packing centre”, insert at the end “, as last amended by Commission Delegated Regulation (EU) 2017/2168(a)”.

(3) In paragraph 17(j) of schedule 4 (measures in a protection zone), for the words from “in accordance with” to “foodstuffs” substitute “as referred to in Chapter II of Section X of Annex III to Regulation (EC) No 853/2004 of the European Parliament and of the Council laying down specific hygiene rules for food of animal origin(b)”.

### **The Avian Influenza (Slaughter and Vaccination) (Scotland) Regulations 2006**

**5.** In regulation 2(1) (interpretation) of the Avian Influenza (Slaughter and Vaccination) (Scotland) Regulations 2006(c)—

- (a) omit the definition of “competent authority”,
- (b) in the definition of “hatchery”, for the words from “has the same” to the end substitute “means an establishment for incubating eggs, hatching and supplying chicks”,
- (c) in the definition of “packing centre”, insert at the end “, as last amended by Commission Delegated Regulation (EU) 2017/2168”,
- (d) in the definition of “slaughterhouse”, in sub-paragraph (a), for “Commission Regulation (EU) 2018/455” substitute “Commission Implementing Regulation (EU) 2018/1587”.

### **The Avian Influenza (H5N1 in Wild Birds) (Scotland) Order 2007**

**6.** In article 2 (interpretation) of the Avian Influenza (H5N1 in Wild Birds) (Scotland) Order 2007(d), in the definition of “Regulation (EC) No. 853/2004”, for “853” substitute “853/2004”.

### **The Avian Influenza (H5N1 in Poultry) (Scotland) Order 2007**

**7.—(1)** The Avian Influenza (H5N1 in Poultry) (Scotland) Order 2007(e) is amended as follows.

- (2) In article 2 (interpretation)—
- (a) omit the definition of “the Commission Decision”,
  - (b) in the definition of “competent authority”, for the words from “in a” to the end substitute “which, immediately before Commission Decision 2006/415 concerning certain protection measures in relation to highly pathogenic avian influenza of the subtype H5N1 in poultry in the Community and repealing Decision 2006/135/EC ceased to have effect, was responsible for compliance with obligations provided for in that Decision(f)”.

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(a) OJ L 306, 22.11.2017, p.6.

(b) OJ L 139, 30.4.2004, p.55.

(c) S.S.I. 2006/337, relevant amending instruments are S.S.I. 2008/129, S.S.I. 2008/395, S.S.I. 2013/173 and S.S.I. 2018/391. The amendments made by S.S.I. 2018/391 come into force on 28 February 2019.

(d) S.S.I. 2007/61, relevant amending instruments are S.S.I. 2011/171, S.S.I. 2013/307 and S.S.I. 2018/391. The amendments made by S.S.I. 2018/391 come into force on 28 February 2019.

(e) S.S.I. 2007/62, relevant amending instruments are S.S.I. 2011/171, S.S.I. 2013/173, S.S.I. 2013/307 and S.S.I. 2018/391. The amendments made by S.S.I. 2018/391 come into force on 28 February 2019.

(f) OJ L 164, 16.6.2006, p.51 (“the Decision”). The Decision was last amended by Commission Implementing Decision (EU) 2017/2410 of 20 December 2017 amending Decisions 2006/415/EC and 2007/25/EC and Implementing Decision 2013/657/EU concerning certain protection measures in relation to highly pathogenic avian influenza (OJ L 342, 21.12.2017, p. 13) which in particular amended Article 12 of the Decision to provide that the Decision was to apply until 31 December 2018.

(c) after the definition of “protection zone” insert—

““Regulation (EC) No. 853/2004” means Regulation (EC) No 853/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific hygiene rules for food of animal origin”.

(3) Omit article 5 (areas A and B).

(4) In article 11(2)(b)(i) (restrictions on the movement of wild game bird products) omit the words from “of the European Parliament” to the end.

### **The Cattle Identification (Scotland) Regulations 2007**

**8.** In schedule 3 (cattle passports etc), Part 2 (movement and cattle passports), paragraph 18(1) (export to third countries) of the Cattle Identification (Scotland) Regulations 2007(a) omit “In accordance with Article 6(5) of Regulation (EC) No 1760/2000,”.

### **The Products of Animal Origin (Disease Control) (Scotland) Order 2008**

**9.**—(1) The Products of Animal Origin (Disease Control) (Scotland) Order 2008(b) is amended as follows.

(2) In article 2 (interpretation), after the definition of “premises” insert—

““Regulation No. 853/2004” means Regulation (EC) No 853/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific hygiene rules for food of animal origin”.

(3) In schedule 3 (special identification mark).

(a) in paragraph (1)(a) (identification mark on restricted meat from animals) omit the words from “of the European Parliament” in the first place they occur to the end,

(b) in paragraph (3) (identification mark on restricted meat from poultry)—

(i) omit sub-paragraph (a),

(ii) omit the “or” before sub-paragraph (b).

### **The Sheep and Goats (Records, Identification and Movement) (Scotland) Order 2009**

**10.** In article 2(1) (interpretation) of the Sheep and Goats (Records, Identification and Movement) (Scotland) Order 2009(c), in the definition of “slaughterhouse”, insert at the end “, as last amended by Commission Implementing Regulation (EU) 2018/981”.

### **The Sheep Scab (Scotland) Order 2010**

**11.** In article 2(1) (interpretation) of the Sheep Scab (Scotland) Order 2010(d), in the definition of “treatment”, for “2009” substitute “2013(e)”.

### **The Trade in Animals and Related Products (Scotland) Regulations 2012**

**12.**—(1) The Trade in Animals and Related Products (Scotland) Regulations 2012(f) are amended as follows.

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(a) S.S.I. 2007/174.

(b) S.S.I. 2008/158, relevantly amended by S.S.I. 2009/174.

(c) S.S.I. 2009/414, amended by S.S.I. 2018/391. The amendments made by S.S.I. 2018/391 come into force on 28 February 2019.

(d) S.S.I. 2010/419, relevantly amended by S.S.I. 2013/173.

(e) S.I. 2013/2033, to which there are amendments not relevant to this regulation.

(f) S.S.I. 2012/177, relevant amending instruments are S.S.I. 2018/391 and S.S.I. 2019/5. The amendments made by S.S.I. 2018/391 come into force on 28 February 2019 and the amendments made by S.S.I. 2019/5 come into force on 7 March 2019.

- (2) In regulation 2(1) (interpretation)—
- (a) in the definition of “Commission Decision 2007/275/EC” omit “, as last amended by Commission Implementing Decision (EU) 2016/1196”,
  - (b) in the definition of “Council Directive 64/432/EEC” omit “, as last amended by Commission Implementing Decision (EU) 2015/819”,
  - (c) in the definition of “Council Directive 91/68/EEC” omit “, as last amended by Commission Implementing Decision (EU) 2016/2002”,
  - (d) in the definition of “Council Directive 91/496/EEC”, insert at the end “, as last amended by Regulation EU 2017/625(a)”,
  - (e) in the definition of “Council Directive 92/65/EEC” omit “, as last amended by Commission Implementing Decision (EU) 2017/2174”,
  - (f) in the definition of “Council Directive 97/78/EC”, insert at the end “, as last amended by Council Directive 2013/20/EU(b)”,
  - (g) in the definition of “Regulation (EC) No 1069/2009” omit “, as last amended by Council Regulation (EU) No 1385/2013”.
- (3) In regulation 24 (admission of products into warehouses) omit “, Section 2”.
- (4) In regulation 30(2) (consignments from another member State constituting a risk to health), after “completion of the internal market” insert “, as last amended by Regulation EU 2017/625(c)”.
- (5) In paragraph 3 (poultry health scheme) in Part 1 (additional requirements for trade between member States) of schedule 2 (additional requirements in specific cases) omit “, as last relevantly amended by Commission Implementing Decision 2011/879/EU(d)”.

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

**13.** In regulation 2(1) (interpretation) of the Animal By-Products (Enforcement) (Scotland) Regulations 2013(e), in the definition of “EU Control Regulation”, insert at the end “, as last amended by Council Regulation (EU) No 1385/2013”.

## PART 3

### AMENDMENT OF SECONDARY LEGISLATION RELATING TO WITHDRAWAL FROM THE EUROPEAN UNION

### **The Foot-and-Mouth Disease (Scotland) Order 2006**

- 14.**—(1) The Foot-and-Mouth Disease (Scotland) Order 2006(f) is amended as follows.
- (2) In article 2(1) (interpretation), in the definition of “border inspection post”, for the words from “place specified” to the end substitute “border inspection post that has been published from time to time in a list in accordance with Article 3 of Commission Decision 2009/821/EC drawing up a list of approved border inspection posts by the Scottish Ministers”.
- (3) In article 19(3) (measures applicable in respect of a supplementary movement control zone)—
- (a) for “paragraph 2.1” substitute “points 2.1.1 to 2.1.7”,

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(a) OJ L 95, 07.04.2017, p.1.  
 (b) OJ L 158, 10.6.2013, p.234.  
 (c) OJ L 95, 07.04.2017, p.1.  
 (d) OJ L 343, 23.12.2011, p.105.  
 (e) S.S.I. 2013/307.  
 (f) S.S.I. 2006/44, relevant amending instruments are S.S.I. 2007/455, S.S.I. 2011/171, S.S.I. 2012/321, S.S.I. 2013/173, S.S.I. 2013/307 and S.S.I. 2018/391. The amendments made by S.S.I. 2018/391 come into force on 28 February 2019.

- (b) after “Directive” insert “, reading point 2.1.4 as if for the words from “Decisions” to the end there were substituted “Commission Implementing Regulation (EU) 2015/262”.

(4) In article 31 (declaration of protection zones and surveillance zones on confirmation of the disease in England or Wales), for paragraph (6) substitute—

“(6) In this article, “border inspection post” means one that has been published from time to time in a list in accordance with Article 3 of Commission Decision 2009/821/EC drawing up a list of approved border inspection posts—

- (a) in relation to England, by the Secretary of State,
- (b) in relation to Wales, by the Welsh Ministers.”.

(5) In article 33(4) (measures applicable in respect of protection zones and surveillance zones), insert at the end—

“, reading that paragraph as if—

- (a) in point 2.2.2, the words “established in accordance with Article 21” were omitted,
- (b) in point 2.2.4, the reference to “Articles 4 and 10” of the Directive was a reference to provision in this Order implementing those Articles”.

(6) In each of paragraphs 11(3) (movement of non-susceptible animals from or to premises keeping susceptible animals in a protection zone) and 12(3) (movement of animals into or out of a protection zone) of Part 2 (measures applicable only in a protection zone) of schedule 4 (measures applicable in protection zones and surveillance zones), insert at the end—

“, reading that paragraph as if—

- (a) in point 2.2.2, the words “established in accordance with Article 21” were omitted,
- (b) in point 2.2.4, the reference to “Articles 4 and 10” of the Directive was a reference to provision in this Order implementing those Articles”.

(7) In paragraph 7 (movement of semen, ova and embryos out of a wild animal infected zone) of schedule 7 (measures applicable in a wild animal infected zone), for the word “another” substitute “a”.

(8) In schedule 8 (horses)—

(a) in paragraph 1 (movement of horses)—

- (i) for the words “any other” in the second place they occur substitute “a”,
- (ii) for the words from “provided for in Annex III” to “countries of equidae” substitute “published by the Scottish Ministers from time to time”.

(b) in paragraph 4 (granting a licence), insert at the end—

“, reading that Annex as if—

(a) in paragraph 1—

- (i) the reference to “Article 10” of the Directive was a reference to provision in this Order implementing that Article,
- (ii) for the words “Member States”, in the first place where they occur to “to other”, there were substituted “equidae are not to be dispatched to”,
- (iii) for the words from “the identification” to “or 2000/68/EC” there were substituted “an identification document in accordance with Commission Implementing Regulation (EU) 2015/262”,
- (iv) for the words from “provided for” in the second place they occur to the end there were substituted “published by the Scottish Ministers from time to time”,

(b) in paragraph 2.1—

- (i) the reference to “the competent authorities apply a complete stand-still as provided for in Article 7(3)” of the Directive was a reference to the Scottish

Ministers declaring a supplementary movement control zone under article 18 of this Order,

- (ii) the reference to “Articles 4 and 10” of the Directive was as a reference to provision in this Order implementing those Articles,
- (c) in point 2.1.4, as if for the words from “Decisions” to the end there were substituted “Commission Implementing Regulation (EU) 2015/262”,
- (e) in point 2.2.2, the words “established in accordance with Article 21” were omitted,
- (f) in point 2.2.4, the reference to “Articles 4 and 10” of the Directive was as a reference to provision in this Order implementing those Articles”.

### **The Foot-and-Mouth Disease (Slaughter and Vaccination) (Scotland) Regulations 2006**

**15.**—(1) The Foot-and-Mouth Disease (Slaughter and Vaccination) (Scotland) Regulations 2006(a) are amended as follows.

(2) In regulation 2(1) (interpretation)—

(a) for the definition of “emergency vaccination” substitute—

““emergency vaccination” means vaccination undertaken as part of a programme of vaccination introduced by the Scottish Ministers, following consideration of any criteria considered by the Scottish Ministers to be relevant, when at least one of the following conditions applies:

- (a) outbreaks of foot-and-mouth disease have been confirmed and threaten to become widespread in Scotland;
- (b) Scotland is at risk due to the geographical situation of, or the prevailing meteorological conditions in relation to, reported outbreaks of foot-and-mouth disease outside Scotland;
- (c) Scotland is at risk due to epidemiologically relevant contacts between holdings on its territory and holdings keeping animals of susceptible species outside Scotland where there are outbreaks of foot-and-mouth disease;”

(b) after the definition of “health marked”, insert—

““holding” means any agricultural or other premises, including circuses, where animals of susceptible species are being bred or kept on a permanent or temporary basis;”.

(3) In regulation 10(1)(b) (exemption from slaughter for certain susceptible animals), for head (ii) substitute—

“(ii) is approved by the Scottish Ministers in relation to those animals in accordance with the Trade in Animals and Related Products (Scotland) Regulations 2012(b);”.

(4) In regulation 12(1)(c) (factors informing a decision to permit suppressive vaccination or protective vaccination), insert at the end “, with the reference to “Member States” in paragraph 3.1 in Annex X being read as a reference to the Scottish Ministers”.

(5) In regulation 31 (intra-Community trade of vaccinated animals) for “intra-Community trade” substitute “trade with a member State, Norway, Iceland or Liechtenstein”.

(6) In regulation 39(b) (powers of inspectors), for the words from “(powers of” to the end substitute “(powers of inspectors relating to retained EU law)”(c).

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(a) S.S.I. 2006/45, amended by S.S.I. 2011/171, S.I. 2011/1043, S.S.I. 2012/321, S.S.I. 2013/173, S.S.I. 2013/307, S.S.I. 2018/391. The amendments made by S.S.I. 2018/391 come into force on 28 February 2019.

(b) S.S.I. 2012/177, amended by S.S.I. 2012/198, S.S.I. 2012/199, S.S.I. 2014/3158, S.S.I. 2015/100, S.S.I. 2015/401, S.S.I. 2018/391 and S.S.I. 2019/5. The amendments made by S.S.I. 2018/391 come into force on 28 February 2019 and the amendments made by S.S.I. 2019/5 come into force on 7 March 2019.

(c) Section 64A of the Animal Health Act 1981 (c.22) is prospectively amended by the Farriers and Animal Health (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/XX).

## **The Avian Influenza and Influenza of Avian Origin in Mammals (Scotland) Order 2006**

**16.—**(1) The Avian Influenza and Influenza of Avian Origin in Mammals (Scotland) Order 2006(a) is amended as follows.

(2) In article 30 (restrictions on trade in things from areas where measures have been disapplied), for “intra-Community or international trade” substitute “export outside the United Kingdom”.

(3) In article 61(3) (treatment, labelling and movement of meat from poultry from a protection zone), in each of paragraphs (a), (c) and (d) for “intra-Community or international trade” substitute “export outside the United Kingdom”.

## **The Avian Influenza (Slaughter and Vaccination) (Scotland) Regulations 2006**

**17.—**(1) The Avian Influenza (Slaughter and Vaccination) (Scotland) Regulations 2006(b) are amended as follows.

(2) In regulation 2(1) (interpretation)—

(a) for the definition of “emergency vaccination” substitute—

““emergency vaccination plan” has the same meaning as it has in Article 53 of the Directive, reading that Article as if—

(a) in paragraph 1—

(i) for “A Member state” there were substituted “The Scottish Ministers”,

(ii) for “the Member State” there were substituted “Scotland”,

(iii) the words from “concerned” to the end were omitted,

(b) in paragraph 2, in the first subparagraph—

(i) for “a Member State intends” there were substituted “the Scottish Ministers intend”,

(ii) for the words from “it shall submit” to the end there were substituted “the Scottish Ministers must publish an emergency vaccination plan”,

(c) paragraph 3 were omitted.”,

(b) for the definition of “preventive vaccination” substitute—

““preventive vaccination plan” has the same meaning as it has in Article 56 of the Directive, reading that Article as if—

(a) in paragraph 1, for “Member States” there were substituted “The Scottish Ministers”,

(b) in paragraph 2, in the first subparagraph—

(i) for “a Member State intends” there were substituted “the Scottish Ministers intend”,

(ii) for the words from “it shall submit” to the end there were substituted “the Scottish Ministers must publish a preventive vaccination plan”,

(c) paragraph 3 were omitted.”.

(3) In regulation 7(3)(c)(ii) (measures on special category premises – highly pathogenic avian influenza), for “another” substitute “a”.

(4) In regulation 8(3)(c)(ii) (measures on special category premises – low pathogenic avian influenza), for “another” substitute “a”.

(5) In regulation 13(2)(b) (decision to require preventive vaccination), for “has been submitted” to the end substitute “published by Scottish Ministers”.

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(a) S.S.I. 2006/336.

(b) S.S.I. 2006/337, amended by S.S.I. 2008/129, S.S.I. 2008/395, S.I. 2011/1043, S.S.I. 2013/173, S.S.I. 2018/391. The amendments made by S.S.I. 2018/391 come into force on 28 February 2019.



- (6) In regulation 16 (emergency vaccination without an approved plan)—
- (a) in the heading, for “an approved plan” substitute “a published emergency vaccination plan”,
  - (b) in paragraph (1), in the text before sub-paragraph (a) for the words from “approved” to the end substitute “published by the Scottish Ministers”,
  - (c) in paragraph (4)—
    - (i) for “approval” substitute “publication”,
    - (ii) omit “in accordance with Article 54 of the Directive”.
- (7) In regulation 24(1)(b) (powers of inspectors), for the words from “(powers of” to the end substitute “(powers of inspectors relating to retained EU law)”.

#### **The Avian Influenza (H5N1 in Wild Birds) (Scotland) Order 2007**

**18.** In schedule 1 (measures applicable in respect of a wild bird control area), Part 3 (movement of controlled meat), paragraph 10 (national mark) of the Avian Influenza (H5N1 in Wild Birds) (Scotland) Order 2007(a), in footnote (b) to the form after sub-paragraph (2)(c), for “point 7” substitute “point 6”.

#### **The Avian Influenza (H5N1 in Poultry) (Scotland) Order 2007**

**19.—**(1) The Avian Influenza (H5N1 in Poultry) (Scotland) Order 2007(b) is amended as follows.

- (2) In article 2 (interpretation)—
- (a) in the definition of “approved body”, for the words from “in accordance” to the end substitute “by the Scottish Ministers”,
  - (b) in the definition of “competent authority”, after “in” insert “the United Kingdom”,
  - (c) after the definition of “temporary movement restriction zone” insert—
    - ““third country” means any country that is neither the United Kingdom nor a member State;”.
- (3) In article 9 (restrictions on the movement of poultry and other captive birds)—
- (a) in paragraph (1), for “other” in the second place it appears substitute “a”,
  - (b) in paragraph (3)(c), for “another” substitute “a”.
- (4) In article 10 (restrictions on the movement of hatching eggs)—
- (a) in paragraph (1), for “other” substitute “a”,
  - (b) in paragraph (3), in each of sub-paragraphs (c) and (e) for “another” substitute “a”.
- (5) In article 11(1) (restrictions on the movement of wild game bird products), for “other” substitute “a”.
- (6) In article 14(1)(d) (restrictions on the movement of bird by-products) for “another” substitute “a”.
- (7) In the schedule, in paragraph 2 (the mark for fresh meat and meat products), in footnote (b) to the form, for “point 7” substitute “point 6”.

#### **The Tuberculosis (Scotland) Order 2007**

**20.—**(1) The Tuberculosis (Scotland) Order 2007(c) is amended as follows.

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(a) S.S.I. 2007/61, to which there are amendments not relevant to this regulation.  
 (b) S.S.I. 2007/62, amended by S.S.I. 2011/171, S.S.I. 2012/179, S.S.I. 2013/173, 2013/307 and S.S.I. 2018/391. The amendments made by S.S.I. 2018/391 come into force on 28 February 2019.  
 (c) S.S.I. 2007/147, amended by S.S.I. 2009/445, S.S.I. 2013/173, S.S.I. 2014/71 and S.S.I. 2018/333.

- (2) In article 2(1)(interpretation)—
  - (a) in the definition of “high incidence area” for the words from “required to be” to the end substitute “subject to routine tuberculin testing at intervals of no more than 2 years”,
  - (b) in the definition of “low incidence area”, for the words from “required to be” to the end substitute “subject to routine tuberculin testing on a 3 or 4 yearly basis”.
- (3) In article 11A (restriction on movement etc. on positive or inconclusive test results)—
  - (a) in paragraph (2)(d) for “of the loss of tuberculosis-free status of the herd” substitute “that the herd is subject to a movement restriction under this article as no longer considered to be free from tuberculosis (by reason of the circumstances described in paragraph (1))”,
  - (b) in paragraph (5) omit the definition “loss of tuberculosis-free status”.

### **The Cattle Identification (Scotland) Regulations 2007**

**21.**—(1) The Cattle Identification (Scotland) Regulations 2007(a) are amended as follows.

(2) In regulation 2(1) (interpretation), in the definition of “cattle passport”, for sub-paragraph (a) substitute—

“(a) a cattle passport issued in Scotland under regulation 7 and schedule 3 of these Regulations or the equivalent measures in England or Wales;”,

(3) In regulation 10(2)(j) (powers of inspectors)—

- (a) omit head (i),
- (b) omit “or” before head (ii),
- (c) in head (ii) omit “other”.

(4) In schedule 1 (ear tags)—

- (a) in paragraph 5(4) (replacement ear tags)—
  - (i) after “Regulation (EC) No. 820/1997” insert “, Regulation (EC) No 1760/2000 of the European Parliament and of the Council establishing a system for the identification and registration of bovine animals and regarding the labelling of beef and beef products and repealing Council Regulation (EC) No 820/1997(b) as it has effect in EU law,”,
  - (ii) for “another” substitute “a”,
- (b) omit paragraph 8 (intra-Community trade),
- (c) in paragraph 11 (alteration of ear tags)—
  - (i) after “Regulation (EC) No. 820/1997” insert “, Regulation (EC) No 1760/2000 of the European Parliament and of the Council establishing a system for the identification and registration of bovine animals and regarding the labelling of beef and beef products and repealing Council Regulation (EC) No 820/1997 as it has effect in EU law,”,
  - (ii) for “another” substitute “a”.

(5) In paragraph 1(1)(b) (notification of birth etc.) of schedule 2 (notification), for “another” substitute “a”.

(6) In schedule 3 (cattle passports etc.)—

- (a) in paragraph 2 (applications for cattle passports for animals from other member States etc.) in Part 1 (general)—
  - (i) in the heading omit “other”,

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(a) S.S.I. 2007/174, amended by S.S.I. 2007/312, S.S.I. 2011/412, S.I. 2011/1043, S.S.I. 2017/133 and S.S.I. 2018/391. The amendments made by S.S.I. 2018/391 come into force on 28 February 2019.

(b) OJ L 204, 11.8.2000, p.1, last amended by Regulation (EU) No 653/2014 of the European Parliament and the Council (OJ L 189, 27.06.2014, p.33).

- (ii) in sub-paragraph (1)(b)—
  - (aa) after “Regulation (EC) No. 820/1997” insert “, Regulation (EC) No 1760/2000 of the European Parliament and of the Council establishing a system for the identification and registration of bovine animals and regarding the labelling of beef and beef products and repealing Council Regulation (EC) No 820/1997 as it has effect in EU law,”,
  - (bb) for “another” substitute “a”.
- (b) in paragraph 17(1)(a) (animals from outside Great Britain) in Part 2 (movement and cattle passports etc.)—
  - (i) after “Regulation (EC) No. 820/1997” insert “, Regulation (EC) No 1760/2000 of the European Parliament and of the Council establishing a system for the identification and registration of bovine animals and regarding the labelling of beef and beef products and repealing Council Regulation (EC) No 820/1997 as it has effect in EU law,”,
  - (ii) for “another” substitute “a”.
- (c) in paragraph 19(1)(b) (markets) in Part 2—
  - (i) after “Regulation (EC) No. 820/1997” insert “, Regulation (EC) No 1760/2000 of the European Parliament and of the Council establishing a system for the identification and registration of bovine animals and regarding the labelling of beef and beef products and repealing Council Regulation (EC) No 820/1997 as it has effect in EU law,”,
  - (ii) for “another” substitute “a”.

### **The Bovine Semen (Scotland) Regulations 2007**

**22.**—(1) The Bovine Semen (Scotland) Regulations 2007(a) are amended as follows.

(2) In the Regulations—

- (a) for “an EC” in each place it occurs substitute “a licensed”,
- (b) other than in each place it occurs in the definition of “Council Regulation 1760/2000”, for “EC” in each place it occurs substitute “licensed”.

(3) In regulation 2(1) (interpretation)—

- (a) after the definition of “centre veterinarian” insert—
  - ““a certificate” means an animal health certificate published by the Scottish Ministers from time to time;
  - “collection” means a quantity of semen taken from a donor at any time;
  - “consignment” means a quantity of semen covered by a single certificate;”
- (b) omit the definitions of “EC collection centre”, “EC quarantine centre” and “EC storage centre”,
- (c) after the definition of “inspector” insert—
  - ““licensed collection centre” has the meaning given in regulation 4(b)(i);
  - “licensed quarantine centre” has the meaning given in regulation 4(a);
  - “licensed storage centre” has the meaning given in regulation 4(c)(i);”
- (d) after the definition of “processing” insert—
  - ““semen” means the prepared or diluted ejaculate of a domestic animal of the bovine species;”.

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(a) S.S.I. 2007/330, amended by S.S.I. 2013/151.

- (4) In regulation 3 (exceptions)—
- (a) in paragraph (2), in the text after sub-paragraph (c), for “intra-Community trade” substitute “trade with a member State”,
  - (b) omit paragraph (4).
- (5) In regulation 4 (licensing of bovine semen centres)—
- (a) in paragraph (a), for “(an “EC quarantine centre”)” substitute “(a “licensed quarantine centre””,
  - (b) in paragraph (b)—
    - (i) in sub-paragraph (i), for “(an “EC collection centre”)” substitute “(a “licensed collection centre””,
    - (ii) in sub-paragraphs (i) and (ii), for “intra-Community trade” substitute “trade with a member State”,
  - (c) in paragraph (c)—
    - (i) in sub-paragraph (i) for “(an “EC storage centre”)” substitute “(a “licensed storage centre””,
    - (ii) in sub-paragraphs (i) and (ii), for “intra-Community trade” substitute “trade with a member State”.
- (6) In regulation 22 (entry of bovine animals to EC quarantine centres, EC collection centres, domestic collection centres or to unlicensed premises)—
- (a) in paragraph (2), after “in accordance with” insert “the text before paragraph 1, paragraph 1 and paragraph 2 of Annex A.1 and the text before paragraph 1, paragraph 1 and paragraph 2 of Annex A.2 to”,
  - (b) after paragraph (7) insert—
    - “(8) For the purposes of paragraph (2)—
      - (a) the text before paragraph 1, paragraph 1 and paragraph 2 of Annex A.1 to Directive 64/432/EEC are to be read as if—
        - (i) the references to “competent authority” and “competent authority of a Member State” include—
          - (aa) in relation to Scotland, the Scottish Ministers,
          - (bb) in relation to another part of the United Kingdom, the authority which, immediately before exit day, was responsible for the United Kingdom’s compliance with obligations under Directive 64/432/EEC in respect of that part of the United Kingdom,
        - (ii) the reference to “on its own territory” includes territory in the United Kingdom,
        - (iii) the reference to “in a Member State” were omitted,
        - (iv) the references to “the Member State or part of the Member State” and “the Member State or a part thereof” include the United Kingdom or part of the United Kingdom,
      - (b) the text before paragraph 1, paragraph 1 and paragraph 2 of Annex A.2 to Directive 64/432/EEC are to be read as if—
        - (i) the references to “competent authority” and “competent authority of a Member State” include—
          - (aa) in relation to Scotland, the Scottish Ministers,
          - (bb) in relation to another part of the United Kingdom, the authority which, immediately before exit day, was responsible for the United Kingdom’s compliance with obligations under Directive 64/432/EEC in respect of that part of the United Kingdom,

- (ii) the reference to “the Member State or part of the Member state” includes the United Kingdom or part of the United Kingdom,
  - (iii) the references to “Member States, or regions of Member States” and “that Member State or region” include the United Kingdom or region of the United Kingdom.”.
- (7) In regulation 23 (movement of bovine animals)—
  - (a) in paragraph (2)—
    - (i) for “another” substitute “a”,
    - (ii) after “in accordance with” insert “Article 5 of”,
  - (b) after paragraph (2) insert—
 

“(3) For the purposes of paragraph (2), Article 5 of Directive 64/432/EEC is to be read as if—

    - (a) the references to “health certificate” or “certification” are to “a certificate” as defined in these Regulations,
    - (b) the reference to “the competent authority” is to the Scottish Ministers,
    - (c) references to “conforming to either model 1 or 2 set out in Annex F as appropriate”, “according to either model 1 or 2 in Annex F as appropriate with Sections A and B” and “according to either model 1 or 2 in Annex F as appropriate” were omitted,
    - (d) paragraph 4 were omitted.”.
- (8) In regulation 29(c) (power of Scottish Ministers to grant exemptions) for “in another member State or in a third country” substitute “outside the United Kingdom”.
- (9) In regulation 30 (intra-Community trade in semen)—
  - (a) for the heading substitute “Trade in semen to a member State”,
  - (b) in paragraph (1)—
    - (i) in the text before sub-paragraph (a), for “for intra-Community trade” substitute “to a member State”,
    - (ii) in sub-paragraph (b), for “another member State or imported from a third country in accordance with the Directive” substitute “outside the United Kingdom”,
  - (c) for paragraph (2) substitute—
 

“(2) Any person who supplies semen to a member State must ensure that it is accompanied by a certificate.”.
- (10) In regulation 38(1) (notice concerning illegal consignments), for “another” substitute “a”.
- (11) In schedule 2 (duties of the centre veterinarian in EC quarantine centres)—
  - (a) in paragraph 1—
    - (i) in sub-paragraph (1)(a) after “in accordance with” insert “sections A and B of Chapter 1 of Annex D to”,
    - (ii) after sub-paragraph (2) insert—
 

“(3) For the purposes of sub-paragraph (1)(a), Section A(iii) of Chapter 1 of Annex D to Directive 64/432/EEC is to be read as if the reference to “Member State or region” includes the United Kingdom or region of the United Kingdom.

(4) For the purposes of sub-paragraph (1)(b), Annex D (Chapter II) to Directive 64/432/EEC is to be read as if the references to “The State institutes, national reference laboratories or official institutes designated in accordance with Article 6a” include—

      - (a) in relation to Scotland, a laboratory approved by the Scottish Ministers,
      - (b) in relation to another part of the United Kingdom, a laboratory approved by the authority which, immediately before exit day, was responsible for the United

Kingdom's compliance with obligations under Directive 64/432/EEC in respect of that part of the United Kingdom.”,

(b) at the end of paragraph 2 insert—

“(5) For the purposes of sub-paragraph (1)(a), Annex B to Directive 64/432/EEC is to be read as if—

- (a) the reference to “Officially tuberculosis-free herd status may be suspended” includes the herd no longer being considered to be free from tuberculosis under the Tuberculosis (Scotland) Order 2007<sup>(a)</sup> (or legislation having equivalent effect in another part of the United Kingdom),
- (b) the references to “intra-Community trade” include trade between the United Kingdom and a member State,
- (c) the reference to “Community legislation” includes these Regulations and legislation having equivalent effect in another part of the United Kingdom,
- (d) the reference to “in a region, Member States” includes—
  - (i) in Scotland, the Scottish Ministers,
  - (ii) in another part of the United Kingdom, the authority which, immediately before exit day, was responsible for the United Kingdom's compliance with obligations under Directive 64/432/EEC in respect of that part of the United Kingdom,
- (e) the reference to “The State institutes, national reference laboratories or official institutes designated in accordance with Article 6a” includes—
  - (i) in relation to Scotland, a laboratory approved by the Scottish Ministers,
  - (ii) in relation to another part of the United Kingdom, a laboratory approved by the authority which, immediately before exit day, was responsible for the United Kingdom's compliance with obligations under the Directive in respect of that part of the United Kingdom,
- (f) the reference to “in their respective Member States” includes in respective parts of the United Kingdom.

(6) For the purposes of sub-paragraph (1)(b), Annex C to Directive 64/432/EEC is to be read as if—

- (a) the references to “each Member State” and “the Member State” include the United Kingdom,
- (b) the references to “certification” include a “certificate” as defined in these Regulations or an equivalent certificate published by an authority which, immediately before exit day, was responsible for the United Kingdom's compliance with obligations under Directive 64/432/EEC in respect of another part of the United Kingdom,
- (c) the references to “intra-Community trade” include trade between the United Kingdom and a member State,
- (d) the reference to “officially brucellosis-free or brucellosis-free bovine herds” includes bovine herds which do not include bovine animals subject to measures imposed by a veterinary inspector under the Brucellosis (Scotland) Order 2009<sup>(b)</sup> (or legislation having equivalent effect in another part of the United Kingdom),
- (e) the reference to “National reference laboratories designated in accordance with Article 6a” includes—
  - (i) in relation to Scotland, a laboratory approved by the Scottish Ministers,

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<sup>(a)</sup> S.S.I. 2007/147, amended by S.S.I. 2009/445, S.S.I. 2013/173, S.S.I. 2014/71 and S.S.I. 2018/333.

<sup>(b)</sup> S.S.I. 2009/232, amended by S.S.I. 2014/63 and S.S.I. 2014/72.

- (ii) in relation to another part of the United Kingdom, a laboratory approved by the authority which, immediately before exit day, was responsible for the United Kingdom's compliance with obligations under Directive 64/432/EEC in respect of that part of the United Kingdom.

(7) For the purposes of sub-paragraph (1)(c), Annex D (Chapter II) to Directive 64/432/EEC is to be read as if the references to "The State institutes, national reference laboratories or official institutes designated in accordance with Article 6a" include—

- (a) in relation to Scotland, a laboratory approved by the Scottish Ministers,
- (b) in relation to another part of the United Kingdom, a laboratory approved by the authority which, immediately before exit day, was responsible for the United Kingdom's compliance with obligations under Directive 64/432/EEC in respect of that part of the United Kingdom.”,

(c) at the end of paragraph 3 insert—

“(3) For the purposes of sub-paragraph (1)(a), Annex C to Directive 64/432/EEC is to be read as if—

- (a) the references to “each Member State” and “the Member State” include the United Kingdom,
- (b) the references to “certification” include a “certificate” as defined in these Regulations or an equivalent certificate published by an authority which, immediately before exit day, was responsible for the United Kingdom's compliance with obligations under Directive 64/432/EEC in respect of another part of the United Kingdom,
- (c) the references to “intra-Community trade” include trade between the United Kingdom and a member State,
- (d) the reference to “officially brucellosis-free or brucellosis-free bovine herds” includes bovine herds which do not include bovine animals subject to measures imposed by a veterinary inspector under the Brucellosis (Scotland) Order 2009 (or legislation having equivalent effect in another part of the United Kingdom),
- (e) the reference to “National reference laboratories designated in accordance with Article 6a” includes—
  - (i) in relation to Scotland, a laboratory approved by the Scottish Ministers,
  - (ii) in relation to another part of the United Kingdom, a laboratory approved by the authority which, immediately before exit day, was responsible for the United Kingdom's compliance with obligations under Directive 64/432/EEC in respect of that part of the United Kingdom.”.

(12) In schedule 3 (duties of the centre veterinarian in EC collection centres)—

(a) in paragraph 1 of Part 1 (records of enzootic bovine leukosis and marking of semen doses)—

- (i) in sub-paragraph (1)(a) after “in accordance with” insert “sections A and B of Chapter 1 of Annex D to”,
- (ii) after sub-paragraph (2) insert—

“(3) For the purposes of sub-paragraph (1)(a), Section A(iii) of Chapter 1 of Annex D to Directive 64/432/EEC is to be read as if the reference to “Member State or region” includes the United Kingdom or region of the United Kingdom.

(4) For the purposes of sub-paragraph (1)(b), Annex D (Chapter II) to Directive 64/432/EEC is to be read as if the references to “The State institutes, national reference laboratories or official institutes designated in accordance with Article 6a” include—

- (a) in relation to Scotland, a laboratory approved by the Scottish Ministers,
- (b) in relation to another part of the United Kingdom, a laboratory approved by the authority which, immediately before exit day, was responsible for the United

Kingdom's compliance with obligations under Directive 64/432/EEC in respect of that part of the United Kingdom.”,

(b) in Part 2 (routine tests and treatment which must be applied to all bovine animals in EC collection centres)—

(i) at the end of paragraph 1 insert—

“(7) For the purposes of sub-paragraph (1)(a), Annex B to Directive 64/432/EEC is to be read as if—

- (a) the reference to “Officially tuberculosis-free herd status may be suspended” includes the herd no longer being considered to be free from tuberculosis under the Tuberculosis (Scotland) Order 2007 (or legislation having equivalent effect in another part of the United Kingdom),
- (b) the references to “intra-Community trade” include trade between the United Kingdom and a member State,
- (c) the reference to “Community legislation” includes these Regulations and legislation having equivalent effect in another part of the United Kingdom,
- (d) the reference to “in a region, Member States” includes—
  - (i) in Scotland, the Scottish Ministers,
  - (ii) in another part of the United Kingdom, the authority which, immediately before exit day, was responsible for the United Kingdom's compliance with obligations under Directive 64/432/EEC in respect of that part of the United Kingdom,
- (e) the reference to “The State institutes, national reference laboratories or official institutes designated in accordance with Article 6a” includes—
  - (i) in relation to Scotland, a laboratory approved by the Scottish Ministers,
  - (ii) in relation to another part of the United Kingdom, a laboratory approved by the authority which, immediately before exit day, was responsible for the United Kingdom's compliance with obligations under Directive 64/432/EEC in respect of that part of the United Kingdom,
- (f) the reference to “in their respective Member States” includes in respective parts of the United Kingdom.

(8) For the purposes of sub-paragraph (1)(b), Annex C to Directive 64/432/EEC is to be read as if—

- (a) the references to “each Member State” and “the Member State” include the United Kingdom,
- (b) the references to “certification” include a “certificate” as defined in these Regulations or an equivalent certificate published by an authority which, immediately before exit day, was responsible for the United Kingdom's compliance with obligations under Directive 64/432/EEC in respect of another part of the United Kingdom,
- (c) the references to “intra-Community trade” include trade between the United Kingdom and a member State,
- (d) the reference to “officially brucellosis-free or brucellosis-free bovine herds” includes bovine herds which do not include bovine animals subject to measures imposed by a veterinary inspector under the Brucellosis (Scotland) Order 2009 (or legislation having equivalent effect in another part of the United Kingdom),
- (e) the reference to “National reference laboratories designated in accordance with Article 6a” includes—
  - (i) in relation to Scotland, a laboratory approved by the Scottish Ministers,
  - (ii) in relation to another part of the United Kingdom, a laboratory approved by the authority which, immediately before exit day, was responsible for the



United Kingdom's compliance with obligations under Directive 64/432/EEC in respect of that part of the United Kingdom.

(9) For the purposes of sub-paragraph (1)(c), Annex D (Chapter II) to Directive 64/432/EEC is to be read as if the references to "The State institutes, national reference laboratories or official institutes designated in accordance with Article 6a" include—

- (a) in relation to Scotland, a laboratory approved by the Scottish Ministers,
  - (b) in relation to another part of the United Kingdom, a laboratory approved by the authority which, immediately before exit day, was responsible for the United Kingdom's compliance with obligations under Directive 64/432/EEC in respect of that part of the United Kingdom.”,
- (ii) in paragraph 2—
- (aa) in sub-paragraphs (1)(b)(i), (1)(c)(i)(bb), (2)(a), and (2)(b)(ii), for “supplied for intra-Community trade” substitute “placed on the market”,
  - (bb) in sub-paragraphs (1)(c)(i) and (2)(b) omit “the Directive and”,
- (iii) in paragraph 4, for “supplied for intra-Community trade” substitute “the subject of trade with a member State”.
- (c) in Part 3 (measures applicable to processing facilities at an EC collection centre)
- (i) in paragraph 1(a)(ii) for “the Directive” substitute “legislation equivalent to these Regulations”,
  - (ii) in paragraph 1(b)(i) and (c), for “intra-Community trade” substitute “intended for trade with a member State”,
- (d) in paragraph 4 of Part 4 (measures applicable to semen quarantine at an EC collection centre)—
- (i) paragraph 4 becomes paragraph 4(1),
  - (ii) in sub-paragraph (1)(a) after “in accordance with” insert “sections A and B of Chapter 1 of Annex D to”,
  - (iii) after sub-paragraph (1) insert—

“(2) For the purposes of sub-paragraph (1)(a), Section A(iii) of Chapter 1 of Annex D to Directive 64/432/EEC is to be read as if the reference to “Member State or region” includes the United Kingdom or region of the United Kingdom.

(3) For the purposes of sub-paragraph (1)(b) and the words following that sub-paragraph, Annex D (Chapter II) to Directive 64/432/EEC is to be read as if the references to “The State institutes, national reference laboratories or official institutes designated in accordance with Article 6a” include—

- (a) in relation to Scotland, a laboratory approved by the Scottish Ministers,
- (b) in relation to another part of the United Kingdom, a laboratory approved by the authority which, immediately before exit day, was responsible for the United Kingdom's compliance with obligations under Directive 64/432/EEC in respect of that part of the United Kingdom.”.

(13) In sub-paragraph 1(b) of schedule 4 (duties of the centre veterinarian in EC storage centres) after “the Directive”, in each place where it occurs, insert “or legislation equivalent to these Regulations in another part of the United Kingdom”.

(14) In schedule 5 (duties of the centre veterinarian in domestic collection centres)—

- (a) in paragraph 1 of Part 1 (records of enzootic bovine leukosis and marking of semen doses)—
  - (i) in sub-paragraph (1)(a) after “in accordance with” insert “sections A and B of Chapter 1 of Annex D to”,

- (ii) after sub-paragraph (2) insert—
  - “(3) For the purposes of sub-paragraph (1)(a), Section A(iii) of Chapter 1 of Annex D to Directive 64/432/EEC is to be read as if the reference to “Member State or region” includes the United Kingdom or region of the United Kingdom.
  - (4) For the purposes of sub-paragraph (1)(b), Annex D (Chapter II) to Directive 64/432/EEC is to be read as if the references to “The State institutes, national reference laboratories or official institutes designated in accordance with Article 6a” include—
    - (a) in relation to Scotland, a laboratory approved by the Scottish Ministers,
    - (b) in relation to another part of the United Kingdom, a laboratory approved by the authority which, immediately before exit day, was responsible for the United Kingdom’s compliance with obligations under Directive 64/432/EEC in respect of that part of the United Kingdom.”,
- (b) in Part 2 (routine tests and treatment which must be applied to all bovine animals in domestic collection centres)—
  - (i) paragraph 1 becomes paragraph 1(1),
  - (ii) after sub-paragraph (1) insert—
    - “(2) For the purposes of sub-paragraph (1)(a), Annex B to Directive 64/432/EEC is to be read as if—
      - (a) the reference to “Officially tuberculosis-free herd status may be suspended” includes the herd no longer being considered to be free from tuberculosis under the Tuberculosis (Scotland) Order 2007(a) (or legislation having equivalent effect in another part of the United Kingdom),
      - (b) the references to “intra-Community trade” include trade between the United Kingdom and a member State,
      - (c) the reference to “Community legislation” includes these Regulations and legislation having equivalent effect in another part of the United Kingdom,
      - (d) the reference to “in a region, Member States” includes—
        - (i) in Scotland, the Scottish Ministers,
        - (ii) in another part of the United Kingdom, the authority which, immediately before exit day, was responsible for the United Kingdom’s compliance with obligations under Directive 64/432/EEC in respect of that part of the United Kingdom,
      - (e) the reference to “The State institutes, national reference laboratories or official institutes designated in accordance with Article 6a” includes—
        - (i) in relation to Scotland, a laboratory approved by the Scottish Ministers,
        - (ii) in relation to another part of the United Kingdom, a laboratory approved by the authority which, immediately before exit day, was responsible for the United Kingdom’s compliance with obligations under Directive 64/432/EEC in respect of that part of the United Kingdom,
      - (f) the reference to “in their respective Member States” includes in respective parts of the United Kingdom.
- (3) For the purposes of sub-paragraph (1)(b), Annex C to Directive 64/432/EEC is to be read as if—
  - (a) the references to “each Member State” and “the Member State” include the United Kingdom,
  - (b) the references to “certification” include a “certificate” as defined in these Regulations or an equivalent certificate published by an authority which,

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(a) S.S.I. 2007/147, amended by S.S.I. 2009/445, S.S.I. 2013/173, S.S.I. 2014/71 and S.S.I. 2018/333.

immediately before exit day, was responsible for the United Kingdom's compliance with obligations under Directive 64/432/EEC in respect of another part of the United Kingdom,

- (c) the references to "intra-Community trade" include trade between the United Kingdom and a member State,
- (d) the reference to "officially brucellosis-free or brucellosis-free bovine herds" includes bovine herds which do not include bovine animals subject to measures imposed by a veterinary inspector under the Brucellosis (Scotland) Order 2009(a) (or legislation having equivalent effect in another part of the United Kingdom),
- (e) the reference to "National reference laboratories designated in accordance with Article 6a" includes—
  - (i) in relation to Scotland, a laboratory approved by the Scottish Ministers,
  - (ii) in relation to another part of the United Kingdom, a laboratory approved by the authority which, immediately before exit day, was responsible for the United Kingdom's compliance with obligations under Directive 64/432/EEC in respect of that part of the United Kingdom.

(4) For the purposes of sub-paragraph (1)(c), Annex D (Chapter II) to Directive 64/432/EEC is to be read as if the references to "The State institutes, national reference laboratories or official institutes designated in accordance with Article 6a" include—

- (a) in relation to Scotland, a laboratory approved by the Scottish Ministers,
  - (b) in relation to another part of the United Kingdom, a laboratory approved by the authority which, immediately before exit day, was responsible for the United Kingdom's compliance with obligations under Directive 64/432/EEC in respect of that part of the United Kingdom.”,
- (c) in paragraph 2(1)(b)(iii) omit "the Directive and",
- (d) in paragraph 1 of Part 3 (measures applicable to processing at a domestic collection centre)—
- (i) in sub-paragraph (a)(ii)—
    - (aa) for the words "another part of the United Kingdom or another", substitute "a",
    - (bb) insert at the end "or under legislation equivalent to these Regulations in another part of the United Kingdom",
  - (ii) in sub-paragraph (b), for the words from "marking" to the end substitute "distinct marking that is different to marking used at licensed collection centres and licensed storage centres.”,
- (e) in Part 4 (measures applicable to semen quarantine at a domestic collection centre)—
- (i) paragraph 3 becomes paragraph 3(1),
  - (ii) in sub-paragraph (1)(a) after "in accordance with" insert "sections A and B of Chapter 1 of Annex D to",
  - (iii) after sub-paragraph (1) insert—

“(2) For the purposes of sub-paragraph (1)(a), Section A(iii) of Chapter 1 of Annex D to Directive 64/432/EEC is to be read as if the reference to "Member State or region" includes the United Kingdom or region of the United Kingdom.

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(a) S.S.I. 2009/232, amended by S.S.I. 2014/63 and S.S.I. 2014/72.

(3) For the purposes of sub-paragraph (1)(b) and the words following that sub-paragraph, Annex D (Chapter II) to Directive 64/432/EEC is to be read as if the references to “The State institutes, national reference laboratories or official institutes designated in accordance with Article 6a” include—

- (a) in relation to Scotland, a laboratory approved by the Scottish Ministers,
- (b) in relation to another part of the United Kingdom, a laboratory approved by the authority which, immediately before exit day, was responsible for the United Kingdom’s compliance with obligations under Directive 64/432/EEC in respect of that part of the United Kingdom.”.

(15) In paragraph 2 of schedule 7 (duties of operators of unlicensed premises)—

(a) in sub-paragraph (1)(a) after “in accordance with” insert “sections A and B of Chapter 1 of Annex D to”,

(b) after sub-paragraph (2) insert—

“(3) For the purposes of sub-paragraph (1)(a), Section A(iii) of Chapter 1 of Annex D to Directive 64/432/EEC is to be read as if the reference to “Member State or region” includes the United Kingdom or region of the United Kingdom.

(4) For the purposes of sub-paragraph (1)(b), Annex D (Chapter II) to Directive 64/432/EEC is to be read as if the references to “The State institutes, national reference laboratories or official institutes designated in accordance with Article 6a” include—

- (a) in relation to Scotland, a laboratory approved by the Scottish Ministers,
- (b) in relation to another part of the United Kingdom, a laboratory approved by the authority which, immediately before exit day, was responsible for the United Kingdom’s compliance with obligations under Directive 64/432/EEC in respect of that part of the United Kingdom.”.

(16) In schedule 8 (movement of bovine animals for semen collection)—

(a) in Part 1 (bovine animals that may move to an EC or domestic collection centre or to unlicensed premises)—

- (i) the existing text becomes paragraph 1(1) of Part 1,
- (ii) in sub-paragraph (1)(a)(ii) and (b)(ii) for “another” substitute “a”,
- (iii) after sub-paragraph (1) insert—

“(2) For the purposes of sub-paragraph (1)—

(a) paragraph 1(a) of Chapter 1 of Annex B to the Directive is to be read as if—

- (i) the reference to “competent authority” includes in relation to a part of the United Kingdom the authority which, immediately before exit day, was responsible for the United Kingdom’s compliance with obligations under the Directive in respect of that part of the United Kingdom,
- (ii) the reference to “Member State” includes the United Kingdom or part of the United Kingdom,

(b) paragraph 5 of Chapter 1 of Annex B to the Directive is to be read as if the reference to “Member States” includes the United Kingdom or part of the United Kingdom.”.

(b) in Part 2 (bovine animals that may move to a domestic collection centre or to unlicensed premises), paragraph 1—

- (i) the existing text in paragraph 1 becomes paragraph 1(1),
- (ii) in sub-paragraph (1)(a)—
  - (aa) after “in accordance with” in the first place it occurs insert “the text before paragraph 1, paragraph 1 and paragraph 2 of Annex A.1 to”,
  - (bb) after “in accordance with” in the second place it occurs insert “Annex B to”,

- (iii) in sub-paragraph (1)(b) after “in accordance with” insert “the text before paragraph 1, paragraph 1 and paragraph 2 of Annex A.2 to”,
  - (iv) after paragraph (1) insert—
- “(2) For the purposes of paragraph (1)—
- (a) the text before paragraph 1, paragraph 1 and paragraph 2 of Annex A.1 to Directive 64/432/EEC are to be read as if—
    - (i) the references to “competent authority” and “competent authority of a Member State” include—
      - (aa) in relation to Scotland, the Scottish Ministers,
      - (bb) in relation to another part of the United Kingdom, the authority which, immediately before exit day, was responsible for the United Kingdom’s compliance with obligations under Directive 64/432/EEC in respect of that part of the United Kingdom,
    - (ii) the reference to “on its own territory” includes territory in the United Kingdom,
    - (iii) the reference to “in a Member State” were omitted,
    - (iv) the references to “the Member State or part of the Member State” and “the Member State or a part thereof” include the United Kingdom or part of the United Kingdom,
  - (b) the text before paragraph 1, paragraph 1 and paragraph 2 of Annex A.2 to Directive 64/432/EEC are to be read as if—
    - (i) the references to “competent authority” and “competent authority of a Member State” include—
      - (aa) in relation to Scotland, the Scottish Ministers,
      - (bb) in relation to another part of the United Kingdom, the authority which, immediately before exit day, was responsible for the United Kingdom’s compliance with obligations under Directive 64/432/EEC in respect of that part of the United Kingdom,
    - (ii) the reference to “the Member State or part of the Member state” includes the United Kingdom or part of the United Kingdom,
    - (iii) the references to “Member States, or regions of Member States” and “that Member State or region” include the United Kingdom or region of the United Kingdom,
  - (c) Annex B to Directive 64/432/EEC is to be read as if—
    - (i) the reference to “Officially tuberculosis-free herd status may be suspended” includes the herd no longer being considered to be free from tuberculosis under the Tuberculosis (Scotland) Order 2007 (or legislation having equivalent effect in another part of the United Kingdom),
    - (ii) the references to “intra-Community trade” include trade between the United Kingdom and a member State,
    - (iii) the reference to “Community legislation” includes these Regulations and legislation having equivalent effect in another part of the United Kingdom,
    - (iv) the reference to “in a region, Member States” includes—
      - (aa) in Scotland, the Scottish Ministers,
      - (bb) in another part of the United Kingdom, the authority which, immediately before exit day, was responsible for the United Kingdom’s compliance with obligations under Directive 64/432/EEC in respect of that part of the United Kingdom,
    - (v) the reference to “The State institutes, national reference laboratories or official institutes designated in accordance with Article 6a” includes—

- (aa) in relation to Scotland, a laboratory approved by the Scottish Ministers,
- (bb) in relation to another part of the United Kingdom, a laboratory approved by the authority which, immediately before exit day, was responsible for the United Kingdom's compliance with obligations under Directive 64/432/EEC in respect of that part of the United Kingdom,
- (vi) the reference to "in their respective Member States" includes in respective parts of the United Kingdom.",
- (c) in Part 2 (bovine animals that may move to a domestic collection centre or to unlicensed premises), paragraph 2—
  - (i) the existing text in paragraph 2 becomes paragraph 2(1),
  - (ii) after sub-paragraph (1) insert—
    - “(2) For the purposes of sub-paragraph (1)(a), Annex B to Directive 64/432/EEC is to be read as if—
      - (a) the reference to “Officially tuberculosis-free herd status may be suspended” includes the herd no longer being considered to be free from tuberculosis under the Tuberculosis (Scotland) Order 2007(a) (or legislation having equivalent effect in another part of the United Kingdom),
      - (b) the references to “intra-Community trade” include trade between the United Kingdom and a member State,
      - (c) the reference to “Community legislation” includes these Regulations and legislation having equivalent effect in another part of the United Kingdom,
      - (d) the reference to “in a region, Member States” includes—
        - (i) in Scotland, the Scottish Ministers,
        - (ii) in another part of the United Kingdom, the authority which, immediately before exit day, was responsible for the United Kingdom's compliance with obligations under Directive 64/432/EEC in respect of that part of the United Kingdom,
      - (e) the reference to “The State institutes, national reference laboratories or official institutes designated in accordance with Article 6a” includes—
        - (i) in relation to Scotland, a laboratory approved by the Scottish Ministers,
        - (ii) in relation to another part of the United Kingdom, a laboratory approved by the authority which, immediately before exit day, was responsible for the United Kingdom's compliance with obligations under Directive 64/432/EEC in respect of that part of the United Kingdom,
      - (f) the reference to “in their respective Member States” includes in respective parts of the United Kingdom.
- (3) For the purposes of sub-paragraph (1)(b), Annex C to Directive 64/432/EEC is to be read as if—
  - (a) the references to “each Member State” and “the Member State” include the United Kingdom,
  - (b) the references to “certification” include a “certificate” as defined in these Regulations or an equivalent certificate published by an authority which, immediately before exit day, was responsible for the United Kingdom's compliance with obligations under Directive 64/432/EEC in respect of another part of the United Kingdom,
  - (c) the references to “intra-Community trade” include trade between the United Kingdom and a member State,

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(a) S.S.I. 2007/147, amended by S.S.I. 2009/445, S.S.I. 2013/173, S.S.I. 2014/71 and S.S.I. 2018/333.

- (d) the reference to “officially brucellosis-free or brucellosis-free bovine herds” includes bovine herds which do not include bovine animals subject to measures imposed by a veterinary inspector under the Brucellosis (Scotland) Order 2009(a) (or legislation having equivalent effect in another part of the United Kingdom),
- (e) the reference to “National reference laboratories designated in accordance with Article 6a” includes—
  - (i) in relation to Scotland, a laboratory approved by the Scottish Ministers,
  - (ii) in relation to another part of the United Kingdom, a laboratory approved by the authority which, immediately before exit day, was responsible for the United Kingdom’s compliance with obligations under Directive 64/432/EEC in respect of that part of the United Kingdom.

(4) For the purposes of sub-paragraph (1)(c), Annex D (Chapter II) to Directive 64/432/EEC is to be read as if the references to “The State institutes, national reference laboratories or official institutes designated in accordance with Article 6a” include—

- (a) in relation to Scotland, a laboratory approved by the Scottish Ministers,
- (b) in relation to another part of the United Kingdom, a laboratory approved by the authority which, immediately before exit day, was responsible for the United Kingdom’s compliance with obligations under Directive 64/432/EEC in respect of that part of the United Kingdom.”.

#### **The Zoonoses (Monitoring) (Scotland) Regulations 2007**

**23.**—(1) The Zoonoses (Monitoring) (Scotland) Regulations 2007(b) are amended as follows.

- (2) Omit regulation 3 (competent authority).
- (3) In regulation 5(f) (powers of inspectors)—
  - (a) omit sub-paragraph (i),
  - (b) omit the “or” before sub-paragraph (ii),
  - (c) in sub-paragraph (ii) omit “other”.

#### **The Products of Animal Origin (Disease Control) (Scotland) Order 2008**

**24.**—(1) The Products of Animal Origin (Disease Control) (Scotland) Order 2008(c) is amended as follows.

- (2) In article 17(14) (powers and duties of inspectors)—
  - (a) omit the “and” before paragraph (b),
  - (b) omit paragraph (b).
- (3) In paragraph (1)(b) (identification mark on restricted meat from animals) of schedule 3 (special identification mark) omit head (iii).

#### **The Sheep and Goats (Records, Identification and Movement) (Scotland) Order 2009**

**25.**—(1) The Sheep and Goats (Records, Identification and Movement) (Scotland) Order 2009(d) is amended as follows.

- (2) In article 2(1) (interpretation)—
  - (a) in the definition of “export” for “another” substitute “a”,

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(a) S.S.I. 2009/232, amended by S.S.I. 2014/72.

(b) S.S.I. 2007/420.

(c) S.S.I. 2008/158, relevantly amended by S.S.I. 2009/174.

(d) S.S.I. 2009/414, amended by S.S.I. 2018/391. The amendments made by S.S.I. 2018/391 come into force on 28 February 2019.

- (b) in the definition of “identification code” for “, Northern Ireland or another” substitute “or Northern Ireland, or any provision giving effect to Council Regulation (EC) No. 21/2004<sup>(a)</sup> of 17th December 2003 establishing a system for the identification and registration of ovine and caprine animals and amending Regulation (EC) No. 1782/2003 and Directives 92/102/EEC and 64/432/EEC as it has effect in EU law in a”.
- (3) In article 9 (animals sent for export)—
- (a) in paragraph (4), for the words from “requirements of” to the end substitute—  
“following requirements—
- (a) have been continuously present on the holding of origin for at least 30 days, or since birth if the animals are younger than 30 days of age,
- (b) do not come from a holding into which ovine or caprine animals have been introduced during the 21 days prior to dispatch,
- (c) do not come from a holding into which biungulate animals imported from a third country have been introduced during the 30 days prior to dispatch.”,
- (b) after paragraph (4) insert—  
“(5) For the purposes of paragraph (4), a holding of origin means any holding on which the ovine and caprine animals have been continuously present and on which records are maintained demonstrating the residence of the animals which may be audited.”
- (4) In article 11 (receipt of animals from member State)—
- (a) in the heading, for “another” substitute “a”,
- (b) in paragraph (1)—
- (i) in the text before sub-paragraph (a), for “another” substitute “a”,
- (ii) in sub-paragraph (a), insert at the end “or Council Regulation (EC) No. 21/2004 of 17th December 2003 establishing a system for the identification and registration of ovine and caprine animals and amending Regulation (EC) No. 1782/2003 and Directives 92/102/EEC and 64/432/EEC as it has effect in EU law”,
- (c) in paragraph (2)—
- (i) for “another” substitute “a”,
- (ii) insert at the end “or Council Regulation (EC) No. 21/2004 of 17th December 2003 establishing a system for the identification and registration of ovine and caprine animals and amending Regulation (EC) No. 1782/2003 and Directives 92/102/EEC and 64/432/EEC as it has effect in EU law” .
- (5) In article 37(alteration of means of identification)—
- (a) in paragraph (b) omit “or another member State”,
- (b) after paragraph (c) insert—  
“(ca) “Council Regulation (EC) No. 21/2004 of 17th December 2003 establishing a system for the identification and registration of ovine and caprine animals and amending Regulation (EC) No. 1782/2003 and Directives 92/102/EEC and 64/432/EEC as it has effect in EU law in a member State”,
- (c) for paragraph (d) substitute—  
“(d) Council Directive 92/102/EEC<sup>(b)</sup>, in the case of an animal marked in a member State in accordance with that Directive”.
- (6) In article 38(1)(i) (powers of inspectors) omit “representative of the European Commission acting for the purpose of the Council Regulation or any other”.

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(a) OJ L 5, 9.1.2004, p.8.

(b) OJ L 355, 5.12.92, p.32, repealed by Directive 2008/71/EC (OJ L 213, 8.8.2008, p.31.).



## **The Poultry Compartments (Scotland) Order 2010**

26. In article 5(1)(f) (powers of inspectors) of the Poultry Compartments (Scotland) Order 2010(a) omit “a representative of the European Commission or”.

## **The Transmissible Spongiform Encephalopathies (Scotland) Regulations 2010**

27.—(1) The Transmissible Spongiform Encephalopathies (Scotland) Regulations 2010(b) are amended as follows.

- (2) In regulation 13(4) (powers of entry)—
- (a) omit the “and” before sub-paragraph (b),
  - (b) omit sub-paragraph (b).
- (3) In schedule 2 (TSE monitoring)—
- (a) in paragraph 10(3) (approval of laboratories)—
    - (i) before head (b) insert “or”,
    - (ii) omit head (c),
    - (iii) omit the “or” before head (d),
    - (iv) omit head (d),
  - (b) in paragraph 14(3) (TSE sampling of sheep, goats and deer) omit “in accordance with Part III of Chapter A of Annex III to the EU TSE Regulation (monitoring in other animal species)”.
- (4) In schedule 3 (control and eradication of TSE in bovine animals), in paragraph 4(1)(c) (identification and restriction of progeny and cohorts) omit “or another Member State”.
- (5) In schedule 4 (control and eradication of TSE in sheep and goats)—
- (a) in paragraph 8(2)(b) (use of milk and milk products following confirmation of classical scrapie) for “to any other Member State or third country” substitute “outside the United Kingdom”,
  - (b) in paragraph 10(7) (confirmation of atypical scrapie in sheep or goats) for “to another Member State or third country” substitute “outside the United Kingdom”.
- (6) In schedule 7 (specified risk material, mechanically separated meat and slaughtering techniques)—
- (a) in paragraph 1 (appointment of Food Standards Scotland as the competent authority) omit “placed on the Member State”,
  - (b) in paragraph 8(3)(c) (bovine animals in a slaughterhouse) for “another” substitute “a”,
  - (c) in paragraph 9(3)(b)(iii) (sheep and goats in a slaughterhouse) for “another” substitute “a”,
  - (d) in the heading of paragraph 15 for “another” substitute “a”,
  - (e) in paragraph 15 (meat from another Member State)—
    - (i) omit the words from the beginning to “export.”,
    - (ii) for “another” substitute “a”.
- (7) In schedule 8 (restrictions on placing on the market and export)—
- (a) in the heading of paragraph 1 (placing on the market or export to third countries of bovine products), for “third countries” substitute “countries outside the European Union”,
  - (b) in paragraph 1(1), for “third countries” substitute “countries outside the European Union”,

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(a) S.S.I. 2010/150.

(b) S.S.I. 2010/177, relevant amending instruments are S.S.I. 2011/171 and S.S.I. 2015/100.

- (c) in the heading of paragraph 2 (placing on the market or export to third countries of bovine animals), for “third countries” substitute “countries outside the European Union”,
- (d) in paragraph 2(1), for “third countries” substitute “countries outside the European Union”,
- (e) in paragraph 3 (export to member States of heads and un-split carcasses) for “another” substitute “a”,
- (f) in the heading of paragraph 4 (export to third countries of products containing specified risk material) for “third countries” substitute “countries outside the European Union”,
- (g) in paragraph 4 for “third countries” substitute “countries outside the European Union”.

### **The Pigs (Records, Identification and Movement) (Scotland) Order 2011**

**28.**—(1) The Pigs (Records, Identification and Movement) (Scotland) Order 2011(a) is amended as follows.

(2) In article 2(1) (interpretation)—

- (a) in the definition of “holding register”, for the words from “required to” to the end substitute “described in article 5”,
- (b) omit the definition of “movement record”,
- (c) in the definition of “pig”, insert at the end—
  - “, reading the related definition of “holding” in Directive 2001/89/EC(b) as if—
  - (a) the words “located in the territory of a member State,” were omitted,
  - (b) the words from “these fenced areas” to the end were omitted.”.

(3) In article 5(2) (records), for “movement record in the holding register” substitute “holding register is to include a movement record which”.

(4) In article 8(2)(c) (exception for a pig less than 12 months old) omit “intra-European Union trade or”.

(5) In article 9 (additional identification requirements for export movements) omit “intra-European Union trade or”.

### **The Trade in Animals and Related Products (Scotland) Regulations 2012**

**29.**—(1) The Trade in Animals and Related Products (Scotland) Regulations 2012(c) are amended as follows.

(2) In regulation 2(1) (interpretation)—

- (a) in the definition of “border inspection post”, for “European Commission” substitute “Scottish Ministers”,
- (b) after the definition of “Regulation (EC) No 1069/2009”, insert—
  - “third country” means any country other than the British Islands or a member State”.

(3) In regulation 4 (international agreements), for “movement between member States” substitute “trade with member States in accordance with such agreements”.

(4) In Part 2 (movement between member States), for the heading substitute “Imports from member States”.

(5) In regulation 5 (movement of animals and genetic material between member States)—

- (a) for the heading substitute “Import of animals and genetic material from member States”,

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(a) S.S.I. 2011/327, to which there are amendments not relevant to this regulation.

(b) OJ L 316, 1.12.2001, p.5, last amended by Council Directive 2008/73/EC (OJ L 219, 14.8.2008, p.40).

(c) S.S.I. 2012/177, relevant amending instruments are S.S.I. 2012/198, S.S.I. 2018/391 and S.S.I. 2019/5. The amendments made by S.S.I. 2018/391 come into force on 28 February 2019 and the amendments made by S.S.I. 2019/5 come into force on 7 March 2019.

- (b) in paragraph (1), in the text before sub-paragraph (a)—
    - (i) for “paragraphs (4) and (5)” substitute “paragraph (4)”,
    - (ii) omit “consigned to another member State or”,
    - (iii) for “another” in the second place it occurs substitute “a”,
  - (c) in paragraph (1)(b) omit “by the relevant instrument in Schedule 1”,
  - (d) omit paragraph (3)(a),
  - (e) in paragraph (3)(b) after “the Scottish Ministers” insert “via the system for the notification of imports that in the United Kingdom replaces the EU Traces system”,
  - (f) omit paragraph (5).
- (6) Omit regulation 6 (preparation of a health certificate).
- (7) In regulation 9 (border inspection post)—
- (a) in paragraph (1) omit the words from “set out” to “third countries”,
  - (b) omit paragraph (4).
- (8) In regulation 11(2) (place of importation), for “the European Commission” substitute “the Scottish Ministers”.
- (9) In regulation 12 (notification of importation)—
- (a) in paragraph (1), after “post” insert “via the system for the notification of imports that in the United Kingdom replaces the EU Traces system”,
  - (b) in paragraph (2), after “post” insert “via the system for the notification of imports that in the United Kingdom replaces the EU Traces system”,
  - (c) in paragraph (4), for “another” substitute “a”.
- (10) In regulation 13 (procedure on importation)—
- (a) after paragraph (2) insert—
 

“(2A) For the purposes of paragraph (1)(a), Article 4 of Council Directive 97/78/EC(a) is to be read as if—

    - (a) in paragraph 1—
      - (i) the reference to a “border inspection post referred to in Article 3(2)” was a reference to a border inspection post within the meaning of these Regulations,
      - (ii) for “the competent authority” there were substituted “the Scottish Ministers”,
    - (b) in paragraph 2—
      - (i) in the first subparagraph, for the words from “the database” to the end there were substituted “the system for the notification of imports that in the United Kingdom replaces the EU Traces system”,
      - (ii) the second subparagraph were omitted,
    - (c) in paragraph 4—
      - (i) in point (a)(i)—
        - (aa) for “the competent authority” there were substituted “the Scottish Ministers”,
        - (bb) for “Community legislation” there were substituted “retained EU law”,
      - (ii) in point (b)(i) for “Community legislation” there were substituted “retained EU law”.

“(2B) For the purposes of paragraph (1)(b), Article 4 of Council Directive 91/496/EEC(b) is to be read as if—

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(a) OJ L 024, 30.1.1998, p.9, as last amended by Council Directive 2013/20/EU (OJ L 158, 10.6.2013, p.234).

(b) OJ L 268, 24.9.1991, p.56, as last amended by Council Directive 2009/156/EC (OJ L 192, 23.7.2010, p.1).

- (a) in paragraph 1—
  - (i) for “Member States” there were substituted “The Scottish Ministers”,
  - (ii) “third country” has the meaning given in these Regulations,
  - (iii) the reference to “border inspection posts situated in one of the territories referred to in Annex I to Directive 90/675/EEC and approved for that purpose” was a reference to a border inspection post within the meaning of these Regulations,
  - (iv) in the second indent, the words from “particularly in” to the end of the indent were omitted,
  - (v) in the third indent—
    - (aa) for “Community rules” there were substituted “retained EU law”,
    - (bb) the words from “or, in” to the end of the indent were omitted,
  - (vi) in the last indent, the words from “through” to the end of the indent were omitted,
- (b) in paragraph 2—
  - (i) in the text before point (a), the reference to “border inspection post” was a reference to a border inspection post within the meaning of these Regulations,
  - (ii) the words from “In accordance” to “animals;” after point (a) were omitted,
  - (iii) in point (b), for “Community rules” there were substituted “retained EU law”,
  - (iv) in the text after point (d)—
    - (aa) the words from “For the purposes of” to “his direction.” were omitted,
    - (bb) for the words from “data bases” to “Decision 92/438/EEC” there were substituted “the system for the notification of imports that in the United Kingdom replaces the EU Traces system,”
- (c) paragraph 3 were omitted,
- (d) in paragraph 4, for “the Member State” there were substituted “the Scottish Ministers”,
- (e) paragraph 5 were omitted.”,
- (b) in paragraph (4)(a), for the words from “the lists” to the end substitute “a list of approved third countries, or where imports from that territory are otherwise prohibited”,
- (c) in paragraph (4)(c), (e) and (f) and paragraph (5), for the words “EU legislation” in each place they occur substitute “retained EU law”.
- (11) In regulation 15 (channelling), in the text before paragraph (a)—
  - (a) omit “box 30, 31, 33 or 34 of”,
  - (b) for “the European Union” substitute “Scotland”.
- (12) In regulation 16 (destination outside the United Kingdom)—
  - (a) in paragraph (2), for “European Union” substitute “United Kingdom”,
  - (b) omit paragraph (4).
- (13) In regulation 18(1)(b) (action following non-compliance – products), for “outside the European Union” substitute “to a third country”.
- (14) For regulation 20(1) (serious or repeated infringements and breach of maximum residue limits) substitute—
 

“(1) If veterinary checks reveal that products from a third country, part of a third country or establishment in a third country are implicated in serious or repeated infringements of any import requirement, or where those checks reveal that maximum residue levels have been exceeded, this regulation may apply to subsequent similar consignments brought into Scotland from that third country, part of a third country or particular establishment until the Scottish Ministers are satisfied that further infringements are no longer recurring.”.

(15) In regulation 21(1)(c) and (3)(b) (action following non-compliance – animals) for “outside the European Union” substitute “to a third country”.

(16) In regulation 23 (re-importation of products)—

(a) in paragraph (1), in the text before sub-paragraph (a), for “European Union” substitute “United Kingdom”,

(b) in paragraph (3)(a) omit “in the member State”.

(17) In regulation 28(3) (powers of entry) omit “, including any representative of the European Commission”.

(18) In regulation 30 (consignments from another member State constituting a risk to health)—

(a) in the heading, and in paragraph (1), in the text before sub-paragraph (a), for “another” substitute “a”,

(b) after paragraph (2) insert—

“(2A) For the purposes of paragraph (2), Article 3 of Council Directive 90/425/EEC(a) is to be read as if—

(a) in paragraph 1—

(i) in points (a) and (d), for “the Member State of destination” there were substituted “Scotland”,

(ii) points (e)(iii) and (iv) were omitted,

(b) in paragraph 2, in the first and second indents, for “the territory of another Member State” there were substituted “Scotland”,

(c) paragraph 4 were omitted.”.

(19) In regulation 33 (offences)—

(a) omit paragraph (d),

(b) in the table, in column 1 omit “regulation 6(5)” and the corresponding entry in column 2.

(20) Schedule 2 (additional requirements in specific cases) is amended in accordance with paragraph (21).

(21) In Part 1 (additional requirements for trade between member States)—

(a) in the heading, for “trade between” substitute “imports from”,

(b) in paragraph 1 (assembly centres and dealers in cattle, pigs, sheep or goats)—

(i) in sub-paragraph (1) omit the words from “in accordance” to the end,

(ii) omit sub-paragraph (3),

(iii) insert at the end—

“(4) In this paragraph “assembly centre or dealer’s premises” means premises at which bovine, ovine or caprine animals or swine originating from different holdings are grouped together to form consignments of animals intended for trade.”,

(c) in paragraph 2 (transport of cattle, pigs, sheep or goats)—

(i) in sub-paragraph (1), for “to another” substitute “from a”,

(ii) in sub-paragraph (3)(a) for “holding or assembly centre” substitute “premises”,

(iii) for sub-paragraph (6) substitute—

“(6) The transporter must entrust the transport of animals to staff who possess the necessary ability, professional competence and knowledge.”,

(d) in paragraph 3 (poultry health scheme)—

(i) in the text before sub-paragraph (a) omit “relating to trade between member States”,

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(a) OJ L 224 18.8.1990, p.29, as last amended by EU Regulation 2016/1012 of the European Parliament and of the Council (OJ L 171, 29.6.2016, p.66).

- (ii) paragraph 3 becomes paragraph 3(1),
- (iii) at the end, insert—
- “(2) For the purposes of sub-paragraph (1)—
  - (a) Article 2 of Council Directive 2009/158(a) is to be read as if—
    - (i) the references to “official veterinarian” include a veterinary surgeon appointed by the Scottish Ministers,
    - (ii) in the definition of “approved laboratory”—
      - (aa) the reference to “a Member State” includes Scotland,
      - (bb) the reference to the “competent veterinary authority” includes the Scottish Ministers,
  - (b) Article 6 of Council Directive 2009/158 is to be read as if—
    - (i) in point (a)(i), the reference to “competent authority” includes the Scottish Ministers,
    - (ii) in point (a)(iii), the reference to “Community legislation” includes retained EU law,
  - (c) Annex II to Council Directive 2009/158 is to be read as if—
    - (i) in Chapter I, in paragraph 1—
      - (aa) the reference to “competent authority” includes the Scottish Ministers,
      - (bb) the words “for the purposes of intra-Community trade” were omitted,
    - (ii) in Chapter I, in paragraph 2, the reference to “competent authority” includes the Scottish Ministers,
    - (iii) in Chapter II, point B, paragraph 2—
      - (aa) in point (b), in the first indent, the word “Community” were omitted,
      - (bb) in point (e), in the first indent, the words “within the Union or export to a third country” were omitted,
      - (cc) in point (g), the reference to the “competent veterinary authority” includes the Scottish Ministers.”.
  - (e) in paragraph 4 (approvals for the Balai Directive)—
    - (i) for sub-paragraph (1) substitute—
 

“(1) No person may import an ape (simia and prosimian) unless it is destined for a centre approved by the Scottish Ministers and comes from a centre approved by the competent authority of a member State in accordance with Article 5 Council Directive 92/65/EEC(b). But the Scottish Ministers may authorise in writing an approved body to acquire an ape from an individual.”,
    - (ii) in sub-paragraph (3), for “point” substitute “paragraph”,
    - (iii) in sub-paragraph (4), for the words from “between member” to the end substitute “in ova and embryos of the ovine, caprine and equine species and semen of the ovine, caprine and equine species and of swine”,
    - (iv) omit sub-paragraph (5),
    - (v) insert at the end—
 

“(6) For the purposes of this paragraph, in relation to exercise of functions by the Scottish Ministers references to Council Directive 92/65/EEC are to be read as if—

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(a) OJ L 343, 22.12.2009, p.74, as last amended by Commission Implementing Decision 2011/879/EU (OJ L 343, 23.12.2011, p.105).

(b) OJ L 268, 14.9.1992, p.54, as last amended by Commission Implementing Decision (EU) 2017/2174 (OJ L 306, 22.11.2017, p.28.).

- (a) in Article 5—
  - (i) in paragraph 1—
    - (aa) for the words “Member States” in the first place they occur there were substituted “The Scottish Ministers”,
    - (bb) after the words “approved by” there were inserted “as the case may be them or”,
  - (ii) in paragraph 2, for the words “competent authority of a Member State” there were substituted “Scottish Ministers”.
- (b) in Article 13—
  - (i) in paragraph 1 for “the Member State of destination” there were substituted “Scotland”,
  - (ii) in paragraph 2—
    - (aa) in point (a), for the words “competent authority of the Member State” there were substituted “Scottish Ministers”,
    - (bb) in point (b), for the words “competent authority” there were substituted “Scottish Ministers”,
    - (cc) in point (c), for the words “competent authority” there were substituted “Scottish Ministers”,
    - (dd) points (d) and (e) were omitted.
  - (c) in paragraph 6 of Annex C—
    - (i) in point (a), for the words “competent authority” there were substituted “Scottish Ministers”,
    - (ii) in point (b)—
      - (aa) for the words “competent authority” in each place they occur there were substituted “Scottish Ministers”,
      - (bb) for the words “Community legislation” there were substituted “retained EU law”,
    - (iii) point (d) were omitted.”,
- (f) for paragraph 5(3) (circuses) substitute—
 

“(3) No person may contravene Article 10(1) of that Commission Regulation (notification of movement).”
- (g) for paragraph 6 (animal by-products) substitute—
 

“6. No person may import into Scotland an animal by-product to which Article 48 of Regulation (EC) No 1069/2009 applies unless it is imported in accordance with that Article.”.
- (22) In schedule 3 (cases to which Part 3 does not apply), paragraph 4 (case 4: consignments cleared in another member State)—
  - (a) in the heading, for “member State” substitute “part of the United Kingdom”,
  - (b) after “products”, insert “from a third country”,
  - (c) omit “another member State or”.

### **The African Horse Sickness (Scotland) Order 2012**

- 30.**—(1) The African Horse Sickness (Scotland) Order 2012(a) is amended as follows.
- (2) In article 2(1) (interpretation) omit the definition of “the Directive”.

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(a) S.S.I. 2012/178.

(3) In article 20(1)(a) (declaration of zones where African horse sickness suspected or confirmed outside Scotland) omit “for the purposes of the Directive”.

(4) In article 28(3)(b) (powers of inspectors)—

(a) omit the “and” before head (ii),

(b) omit head (ii).

### **The Bluetongue (Scotland) Order 2012**

**31.**—(1) The Bluetongue (Scotland) Order 2012(a) is amended as follows.

(2) Omit article 9.

(3) In article 20 (movement of vaccinated animals)—

(a) in paragraph (2) omit the words from “it is exempt from” to “ by reason that”,

(4) In article 24(2) (voluntary vaccination)—

(a) omit the “and” before sub-paragraph (b),

(b) omit sub-paragraph (b).

(5) Omit article 25(2) (compulsory vaccination).

(6) In article 27(8)(c) (powers of entry)—

(a) omit the “and” before head (ii),

(b) omit head (ii).

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

**32.**—(1) The Animal By-Products (Enforcement) (Scotland) Regulations 2013(b) are amended as follows.

(2) In regulation 11 (staining) omit paragraph (6).

(3) In schedule 1 (animal by-product requirements)—

(a) in entry 4 (disposal and use of Category 1 material), column 3 omit “Article 20(11) of the EU Control Regulation as read with”,

(b) in entry 5 (disposal and use of Category 2 material)—

(i) in column 2 omit “15(2)(b),”,

(ii) in column 3 omit “Article 20(11) of the EU Control Regulation as read with”,

(c) in entry 6 (disposal and use of Category 3 material), column 3 omit “Article 20(11) of the EU Control Regulation as read with”.

### **The Equine Animal (Identification) (Scotland) Regulations 2019**

**33.**—(1) The Equine Animal (Identification) (Scotland) Regulations 2019(c) are amended as follows.

(2) In the heading of regulation 10 (completion of existing identification documents for equidae imported into the European Union), for “European Union” substitute “United Kingdom from a country other than a member State”.

(3) In regulation 11(3)(b) (measures in relation to the verification of identification and the implantation of transponders)—

(a) for “another” substitute “a”,

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(a) S.S.I. 2012/199.

(b) S.S.I. 2013/307, relevantly amended by S.S.I. 2015/393.

(c) S.S.I. 2019/30 which comes into force on 28 March 2019 (with the exception of regulation 11(3)(c) which comes into force on 28 March 2021).



(b) insert at the end “of Commission Implementing Regulation (EU) 2015/262 laying down rules pursuant to Council Directives 90/427/EEC and 2009/156/EC as regards the methods for the identification of equidae (Equine Passport Regulation)(a) as it has effect in EU law, as amended from time to time”.

(4) In regulation 17(g) (failure to comply with these Regulations), for “European Union” substitute “United Kingdom from a country other than a member State”.

(5) In regulation 19(1)(c) (offence of moving or transporting an equine animal without a temporary document), for “another” substitute “a”.

(6) In column 2 of the schedule (specified requirements)—

(a) in the entry corresponding to “The second sub-paragraph of Article 12(3) in so far as it applies to the keeper” in column 1, for “Union” substitute “United Kingdom”,

(b) in the entry corresponding to “Article 15(1)” in column 1, for “Union” substitute “United Kingdom”,

(c) in the entry corresponding to “Article 17(3)” in column 1, after “Union” insert “or the United Kingdom”,

(d) in the entry corresponding to “Article 27(1) and (2)” in column 1, for “Member State in which the holding is located” substitute “constituent territory of the United Kingdom”.

*MAIRI GOUGEON*

Authorised to sign by the Scottish Ministers

St Andrew’s House,  
Edinburgh  
21st February 2019

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(a) OJ L 59, 3.3.2015, p.1.

## **EXPLANATORY NOTE**

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

These Regulations are made principally in exercise of the powers in the European Union (Withdrawal) Act 2018 to address deficiencies in EU-derived domestic legislation in Scotland arising from the withdrawal of the United Kingdom from the European Union.

These Regulations make amendments to legislation in the field of animal health.

Part 2 (regulations 2 to 13), made in exercise of powers under the European Communities Act 1972, makes in the main technical amendments to secondary legislation concerning animal health to give effect to EU law, principally to update references to a number of EU instruments referred to therein and to update definitions.

Part 3 (regulations 14 to 33), made in exercise of powers in the European Union (Withdrawal) Act 2018, makes amendments to secondary legislation concerning animal health consequential on the United Kingdom's withdrawal from the European Union.

No business and regulatory impact assessment has been prepared for these Regulations as no impact upon business, charities or voluntary bodies is foreseen.

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