
SCOTTISH STATUTORY INSTRUMENTS

2007 No. 1

**The Products of Animal Origin (Third
Country Imports) (Scotland) Regulations 2007**

PART 4

The Disposal and Burial of Unused On-Board Catering Supplies and Other Material

Disposal of unused catering supplies

29.—(1) Part 3 does not apply in relation to products that are brought into Scotland from means of transport operating internationally and that had been intended for consumption by the crew or passengers on that means of transport.

(2) Any person who has in their possession or under their control a product referred to in paragraph (1) must comply with Article 4(2) and (3) of Regulation [\(EC\) No. 1774/2002](#).

(3) Where items such as packaging materials, or disposable cutlery or plates—

- (a) have been in contact with a product referred to in paragraph (1); and
- (b) are unloaded from the means of transport for disposal,

the person referred to in paragraph (2) must ensure that those items are dealt with in the same way as the products themselves.

Approval of landfills

30.—(1) Any person disposing of material in accordance with regulation 29 by burial in a landfill may only do so in a landfill approved under this regulation.

(2) The Scottish Ministers may only approve a landfill for the purposes of disposal of material under regulation 29 if they are satisfied that—

- (a) the material will be buried without undue delay so as to prevent access to it by wild birds;
- (b) the operator has taken adequate steps to prevent access to the unrestored and current working area of the landfill by ungulates; and
- (c) the operator will comply with any conditions of the approval.

(3) The approval must be in writing, may be made subject to conditions, and may be amended or suspended by notice in writing in accordance with regulation 32.

(4) If the Scottish Ministers refuse to grant an approval, or grant an approval subject to a condition, they must by notice in writing served on the applicant—

- (a) give the reasons; and
- (b) explain the right of the applicant to make written representations to the Scottish Ministers and to appear before and be heard by an independent person appointed by the Scottish Ministers in accordance with regulation 33.

Operators of landfills

31.—(1) The operator of a landfill approved in accordance with regulation 30 must—

- (a) maintain and operate the premises in accordance with the requirements in regulation 30(2) (a) and (b) and any conditions of the approval;
- (b) ensure that any person employed by the operator, and any person permitted to enter the premises complies with those requirements and conditions;
- (c) comply with the record-keeping requirements contained in Article 9 of Regulation (EC) No. 1774/2002; and
- (d) keep equivalent records for material referred to in regulation 29(3).

(2) The records required to be kept under this regulation may be in written or electronic form and must be kept for at least two years.

Amendment, suspension and revocation of approvals

32.—(1) Where the Scottish Ministers are satisfied that any condition of the approval is no longer fulfilled, or that the requirements in regulation 30(2)(a) and (b) are not being complied with, or that it is necessary to do so for public or animal health reasons, they may, by notice in writing served on the operator, suspend the approval.

(2) Where the Scottish Ministers are satisfied that any condition of the approval should be amended for public or animal health reasons, they may, by notice in writing served on the operator, amend the approval.

(3) A suspension under paragraph (1) or an amendment under paragraph (2)—

- (a) has immediate effect if the Scottish Ministers are satisfied that it is necessary for it to do so for the protection of public or animal health; and
- (b) otherwise does not have effect for at least twenty-one days following service of the notice.

(4) The notice in paragraph (1) or (2) must—

- (a) give the reasons for the suspension or amendment; and
- (b) explain the right of the operator of the premises to make written representations to the Scottish Ministers and to be heard by an independent person appointed by the Scottish Ministers in accordance with regulation 33.

(5) Where there is an appeal under regulation 33, an amendment or suspension does not have effect until the final determination by the Scottish Ministers in accordance with that regulation unless the Scottish Ministers consider it necessary for the protection of public or animal health for the amendment or suspension to take effect sooner.

(6) Where the Scottish Ministers have suspended an approval, and—

- (a) no appeal is brought in accordance with regulation 33; or
- (b) the Scottish Ministers uphold the suspension following such an appeal,

the Scottish Ministers may by notice in writing revoke the approval provided that they are satisfied, taking into account all the circumstances of the case, that the premises will not be operated in accordance with the requirements of regulation 30(2)(a) or (b) or the conditions, if any, of the approval.

Appeals

33.—(1) A person on whom a notice is served under paragraph (4) of regulation 30 or paragraph (1) or (2) of regulation 32 may within twenty-one days beginning with the day on which the notice is served—

- (a) provide written representations to the Scottish Ministers; and
 - (b) give notice in writing of the person's wish to appear before and be heard by an independent person appointed by the Scottish Ministers.
- (2) Where an appellant gives notice of the appellant's wish to appear before and be heard by an independent person appointed for the purpose–
- (a) the Scottish Ministers must appoint an independent person to hear representations and specify a time limit within which representations to that independent person must be made;
 - (b) the person so appointed must not, except with the consent of the appellant, be an officer or servant of the Scottish Ministers;
 - (c) if the appellant so requests, the hearing must be in public;
 - (d) the independent person must report to the Scottish Ministers; and
 - (e) if the appellant so requests, the Scottish Ministers must provide the appellant with a copy of the independent person's report.
- (3) The Scottish Ministers must give to the appellant written notification of their final determination and the reasons for it.