
SCOTTISH STATUTORY INSTRUMENTS

2007 No. 1

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

PART 3

Provisions Applicable to Products in General

Veterinary checks and official controls

19.—(1) Subject, in the case of transhipped products, to regulation 38, any person required by virtue of regulation 18 to present a product and its required documents, or to ensure that the same are presented, to an official veterinary surgeon must permit the official veterinary surgeon, or an assistant appointed under regulation 6(1)(b) or 6(2)(c), to carry out on the product or the required documents, as the case may be—

- (a) a documentary check;
- (b) an identity check;
- (c) subject to regulations 41, 46 and 52, a physical check, and
- (d) the official controls referred to in Article 14(1) of Regulation (EC) No. 882/2004 of the European Parliament and of the Council on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules⁽¹⁾,

and must render the official veterinary surgeon or assistant such assistance as the official veterinary surgeon or assistant may reasonably request to enable them to carry out any of the said checks and controls.

(2) Where a product is presented to an official veterinary surgeon under regulation 18, no person may remove it or cause it to be removed from the border inspection post at which it was presented until the official veterinary surgeon has authorised its removal by issuing Part 2 of the common veterinary entry document for the product or for the consignment or part consignment which includes the product.

(3) Where a sample of a product is taken in the course of a physical check, pending removal of the product under paragraph (2) the person responsible for the consignment which includes the product must store it under the supervision of the official veterinary surgeon at such a place and under such conditions as the official veterinary surgeon may direct and must pay the costs of such storage.

(4) Where a product has been placed under official detention under Article 18 or 19 of Regulation (EC) No. 882/2004, no person may remove it from its place of detention.

(5) Where a product has been placed under official detention under Article 19 of Regulation (EC) No. 882/2004 and the official veterinary surgeon—

- (a) has served a notice on the person responsible for the product under Article 19(1) of that Regulation; or

(1) O.J. No. L 165, 30.4.2004, p.1.

(b) considers that product to be injurious to human or animal health under Article 19(2) of that Regulation,

the person responsible for the product must comply with the notice if sub-paragraph (a) applies, or cooperate with the official veterinary surgeon in the destruction or redispach of the product if sub-paragraph (b) applies.

(6) Any person who is aggrieved by a decision on a consignment made under Article 19 of Regulation (EC) No. 882/2004 may, within 28 days of the date when that person is notified of the decision, appeal to the sheriff by way of summary application.

(7) Pending the determination of an appeal under paragraph (6), the person responsible for the product concerned must ensure that it is stored under the supervision of the official veterinary surgeon at such a place and under such conditions as the official veterinary surgeon may direct by notice.