

2012 No. 179

ANIMALS

ANIMAL HEALTH

**The Animal By-Products (Miscellaneous Amendments)
(Scotland) Regulations 2012**

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| <i>Made</i> - - - - | <i>29th May 2012</i> |
| <i>Laid before the Scottish Parliament</i> | <i>31st May 2012</i> |
| <i>Coming into force</i> - - | <i>1st July 2012</i> |

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 2(2) of the European Communities Act 1972(a) and all other powers enabling them to do so.

Citation and commencement

1. These Regulations may be cited as the Animal By-Products (Miscellaneous Amendments) (Scotland) Regulations 2012 and come into force on 1st July 2012.

Amendment to the Animal By-Products (Enforcement) (Scotland) Regulations 2011

2.—(1) The Animal By-Products (Enforcement) (Scotland) Regulations 2011(b) are amended as follows.

- (2) In regulation 4 (access), for “regulations 5 and 6” substitute “regulation 5”.
- (3) Before regulation 6, insert the heading—

“Restrictions on access to carcasses”

- (4) In Schedule 1 (animal by-product requirements)—
 - (a) in entry 3 (compliance with restrictions on use for feeding purposes), in column 3, for “to 6” substitute “and 5”; and

(a) 1972 c.68 (“the 1972 Act”). Section 2(2) was amended by paragraph 15(3) of Schedule 8 to the Scotland Act 1998 (c.46) (“the 1998 Act”) (that paragraph 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 to the European Union (Amendment) Act 2008 (c.7). The functions conferred upon the Minister of the Crown under section 2(2) of the 1972 Act, insofar as within devolved competence, were transferred to the Scottish Ministers by virtue of section 53 of the 1998 Act.

(b) S.S.I. 2011/171.

(b) after entry 3, insert—

| | | |
|--|--|--|
| “ 3A. Restrictions on carcasses | Articles 12, 13 and 21(1) of the EU Control Regulation(a) | Regulation 6 of these Regulations (restrictions on access to carcasses)” |
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Amendment to the Avian Influenza (H5N1 in Wild Birds) (Scotland) Order 2007

3. After paragraph 13(2)(j) of Schedule 1 (measures applicable in respect of a wild bird control area) to the Avian Influenza (H5N1 in Wild Birds) (Scotland) Order 2007(**b**), insert—

“(ja)raw petfood within the meaning of paragraph 21 of Annex I to Regulation (EU) No 142/2011 and which complies with the requirements of Chapter II of Annex XIII to that Regulation;”.

Amendment to the Avian Influenza (H5N1 in Poultry) (Scotland) Order 2007

4. After article 14(2)(j) (restrictions on the movement of bird by-products) of the Avian Influenza (H5N1 in Poultry) (Scotland) Order 2007(**c**), insert—

“(ja)raw petfood within the meaning of paragraph 21 of Annex I to Regulation (EU) No 142/2011 and which complies with the requirements of Chapter II of Annex XIII to that Regulation;”.

RICHARD LOCHHEAD
A member of the Scottish Executive

St Andrew’s House,
Edinburgh
29th May 2012

(a) OJ L 300, 14.11.2009, p.1, amended by Directive 2010/63/EU (OJ L 276, 20.10.2010, p.33).
(b) S.S.I. 2007/61, amended by S.S.I. 2011/171.
(c) S.S.I. 2007/62, amended by S.S.I. 2011/171.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Animal By-Products (Enforcement) (Scotland) Regulations 2011 (“the principal Regulations”). Regulation 2 separates the restrictions on access to carcasses from regulations 4 and 5 (prohibition on feeding) of the principal Regulations by amending regulation 4, inserting a new heading after regulation 5 and inserting an animal by-product requirement in Schedule 1.

These Regulations also amend instruments in relation to Avian Influenza. Regulation 3 amends the Avian Influenza (H5N1 in Wild Birds) (Scotland) Order 2007 and regulation 4 amends the Avian Influenza (H5N1 in Poultry) (Scotland) Order 2007 to add raw petfood to the list of animal by-products which can be moved under authority of a licence issued by a veterinary inspector.

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