

Draft Regulations laid before the Scottish Parliament under paragraph 1(6) of schedule 7 of the European Union (Withdrawal) Act 2018

DRAFT SCOTTISH STATUTORY INSTRUMENTS

2021 No.

**EXITING THE EUROPEAN UNION
ANIMALS
AGRICULTURE**

**The Trade in Animals and Related Products (EU
Exit) (Scotland) (Amendment) Regulations 2021**

<i>Made</i>	- - - -	2021
<i>Coming into force</i>	- -	2021

The Scottish Ministers make the following Regulations in exercise of the powers conferred by paragraphs 1(1) and (3) of schedule 2 of the European Union (Withdrawal) Act 2018⁽¹⁾ and of all other powers enabling them to do so.

In accordance with paragraph 1(6) of schedule 7 of that Act, a draft of this instrument has been laid before and approved by resolution of the Scottish Parliament.

Citation and commencement

1. These Regulations may be cited as the Trade in Animals and Related Products (EU Exit) (Scotland) (Amendment) Regulations 2021 and come into force on the day after the day on which they are made.

Amendment of the Trade in Animals and Related Products (Scotland) Regulations 2012

2. In schedule 2 (additional requirements in specific cases) of the Trade in Animals and Related Products (Scotland) Regulations 2012⁽²⁾ after paragraph 10 insert—

“Special import conditions: products of animal origin

10A.—(1) The Scottish Ministers may by regulations impose special import conditions in respect of imports from third countries of products of animal origin intended for human

(1) 2018 c.16.

(2) S.S.I. 2012/177. Paragraph 10 was substituted by S.S.I. 2019/412.

consumption, having regard to the animal health situation of the third country or countries concerned.

(2) Regulations under sub-paragraph (1) may—

- (a) make different provision for different purposes;
- (b) include such incidental, supplementary, consequential, transitional, transitory or saving provision as the Scottish Ministers consider appropriate;
- (c) amend, modify or revoke any retained direct minor EU legislation made under Article 8(4) of Council [Directive 2002/99/EC](#)(3).

(3) Regulations under sub-paragraph (1) are subject to negative procedure.

(4) In this paragraph “products of animal origin” means products obtained from animals and products obtained therefrom, for human consumption, including live animals where they are prepared for such use.”

St Andrew’s House,
Edinburgh
Date

Name
Authorised to sign by the Scottish Ministers

(3) OJ No. L.18, 23.1.2003, p.11 as last amended by Council [Directive 2013/20/EU](#) (OJ No. L. 158, 10.6.2013, p.234).

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made in exercise of the powers conferred by paragraph 1(1) and (3) of schedule 2 of the European Union (Withdrawal) Act 2018 (c.16) in order to deal with a deficiency in retained EU law (in particular under paragraph (f) of section 8(2) of that Act) arising from the withdrawal of the UK from the European Union.

These Regulations amend schedule 2 of the Trade in Animals and Related Products (Scotland) Regulations 2012 (“the 2012 Regulations”), which makes additional provision in specific cases relating to imports of animals and related products from third countries. Under Article 8(4) of Council Directive 2002/99/EC, EU entities had the function of establishing special import conditions for the import of products of animal origin intended for human consumption from third countries. These Regulations amend schedule 2 of the 2012 Regulations to provide for that function to be exercisable by the Scottish Ministers by regulations subject to negative procedure.