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SCOTTISH STATUTORY INSTRUMENTS

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**2000 No. 418**

**ANIMALS**

**ANIMAL HEALTH**

**The Sheep and Goats Identification (Scotland) Regulations 2000**

*Made* - - - - 23rd November 2000  
*Laid before the Scottish  
Parliament* - - - - 27th November 2000  
*Coming into force* - - 1st January 2001

The Scottish Ministers, in exercise of the powers conferred by section 2(2) of the European Communities Act 1972<sup>(1)</sup> and of all other powers enabling them in that behalf, hereby make the following Regulations:—

**PART I**

**INTRODUCTION**

**Citation, commencement and extent**

1.—(1) These Regulations may be cited as the Sheep and Goats Identification (Scotland) Regulations 2000 and shall come into force on 1st January 2001.

(2) These Regulations shall extend to Scotland only.

**Interpretation**

2. In these Regulations—

“breed society mark” means any mark which is registered by the Scottish Ministers in accordance with regulation 7(5);

“flockmark” means the mark allocated to the keeper of sheep by the Scottish Ministers according to regulation 3(5);

“herdmark” means the mark allocated to the keeper of goats by the Scottish Ministers according to regulation 3(5);

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(1) 1972 c. 68. Section 2(2) was amended by the Scotland Act 1998 (c. 46), Schedule 8, paragraph 15(3). The function conferred upon the Minister of the Crown under section 2(2) of the European Communities Act 1972, insofar as within devolved competence, was transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998.

“holding” means any establishment, construction or, in the case of an open air farm, any place in which sheep or goats are held, kept or handled;

“inspector” means a person appointed to be an inspector for the purposes of these Regulations by the Scottish Ministers or a local authority;

“keeper” means any person having care and control of sheep or goats, even on a temporary basis;

“local authority” means a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994<sup>(2)</sup>;

“unique individual identification number” means a unique combination of the letters “UK” followed by the herdmark or flockmark of the holding of birth, followed by a number which is unique to the animal to which it is applied and which has been created by the keeper of the holding of birth; and

“veterinary treatment” means any treatment or other procedure carried out by or under the supervision of a veterinary surgeon and shall include castration.

## PART II

### NOTIFICATION OF HOLDINGS AND RECORDS

#### **Notification of holdings where sheep or goats are kept**

3.—(1) Subject to paragraph (2) below, any person who keeps sheep or goats on a holding in Scotland shall, within one month after the coming into force of these Regulations or, as the case may be, within one month after the keeper begins to keep sheep or goats notify, the Scottish Ministers in writing of the details in paragraph (3) below.

(2) Any person who has given notification in relation to the keeping of sheep or goats in accordance with article 3 of the Sheep and Goats (Records, Identification and Movement) Order 1996<sup>(3)</sup> shall not require to comply with paragraph (1) above and for the purposes of these Regulations that notification shall be deemed to be a notification under paragraph (1) above.

(3) Details to be notified in accordance with paragraph (1) above are—

- (a) the address of the holding;
- (b) the name and address of the occupier of the holding; and
- (c) whether sheep or goats or both are usually kept on the holding.

(4) Any person keeping sheep or goats on a holding in Scotland shall notify the Scottish Ministers in writing of any change in the details specified in paragraph (3) above within one month of such change.

(5) Following a notification, or a deemed notification under this regulation the Scottish Ministers may allocate to that keeper’s holding a flockmark in the case of sheep or a herdmark in the case of goats.

(6) The Scottish Ministers may from time to time alter or issue a new herdmark or flockmark to a keeper.

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(2) 1994 c. 39.

(3) S.I. 1996/28.

### **Records concerning sheep**

4.—(1) Any person keeping sheep in Scotland (other than a market, abattoir, collection centre or showground) shall record, on or before 31st January in each year, the number of sheep on that holding on 1st January of that year.

(2) Within 36 hours of sheep being moved intentionally on or off a holding, every keeper shall record—

- (a) the date of movement;
- (b) the total number of sheep moved;
- (c) either—
  - (i) the temporary mark applied to each sheep under regulation 12(2) below;
  - (ii) the flockmark shown on the eartag or tattoo of each sheep;
  - (iii) the unique individual identification number (if there is one) shown on the eartag or tattoo of each sheep; or
  - (iv) a breed society mark;
- (d) either—
  - (i) the holding from which the sheep have been brought, if they are moved on to the holding; or
  - (ii) the holding to which the sheep are moved if they are moved off the holding; and
- (e) in the case of a movement off a market, the lot number (if any) allocated at the market.

(3) In the case of sheep being sold without being moved on or off a holding, the seller shall record, within 36 hours of the sale—

- (a) the date of sale;
- (b) the number of sheep sold; and
- (c) the name and address of the purchaser.

(4) In the case of a sheep marked in accordance with regulation 8 or re-marked in accordance with 15(3) or (4) below, the keeper shall, within 36 hours of re-marking the sheep, record the new mark and the previous one, if known.

(5) All records under this regulation shall be retained by the person making the record for a period of 6 years.

### **Records for specified sheepmeat producers**

5.—(1) In addition to the records required by regulation 4 above, a keeper who is a sheepmeat producer for the purposes of Council Regulation 3493/90/EEC (laying down general rules for the grant of premium to sheepmeat and goatmeat producers<sup>(4)</sup> amended by Council Regulation 3797/91<sup>(5)</sup>, Council Regulation 2070/92<sup>(6)</sup> and Council Regulation 233/94<sup>(7)</sup>) shall keep the records specified in this regulation.

(2) On or before 31st January each year, the keeper shall record the total number of female sheep on the holding on 1st January that year which either were over 12 months old or had given birth.

(3) Within 14 days of any of the following events—

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(4) O.J. No. L 337, 4.12.90, p.7.  
(5) O.J. No. L 357, 28.12.91, p. 2.  
(6) O.J. No. L 215, 30.7.92, p. 63.  
(7) O.J. No. L 30, 3.2.94, p.9.

- (a) the intentional movement on or off the holding of female sheep which were either over 12 months old or which had given birth;
- (b) a female sheep which has not given birth reaching the age of 12 months;
- (c) a sheep under 12 months old giving birth;
- (d) the discovery that a female sheep which was either over 12 months old or which had given birth has been lost from the holding, either because it has died or because it is missing from the holding,

the keeper shall record the total number of female sheep on the holding which have given birth or which are over 12 months old, and the reasons that the total number of such sheep on the holding has changed.

(4) All records under this regulation shall be retained by the person making the record for a period of 6 years.

(5) All records relating to sheep required by virtue of regulation 4 and this regulation shall be kept together in the form of a single document.

#### **Records concerning goats**

**6.—(1)** Any person keeping goats in Scotland (other than a market, abattoir, collection centre or showground) shall record, on or before 31st January each year, the number of goats on that holding on 1st January of that year.

(2) Within 36 hours of goats being moved intentionally on or off a holding, every keeper shall record—

- (a) the date of movement;
- (b) the total number of goats moved;
- (c) either—
  - (i) the temporary mark applied to each goat under regulation 12(2) below;
  - (ii) the herdmark shown on the eartag or tattoo of each goat;
  - (iii) the unique individual identification number (if there is one) shown on the eartag or tattoo of each goat; or
  - (iv) a breed society mark;
- (d) either—
  - (i) the holding from which the goats have been brought, if they are moved on to the holding; or
  - (ii) the holding to which the goats are moved if they are moved off the holding; and
- (e) in the case of a movement off a market, the lot number (if any) allocated at the market.

(3) In the case of goats being sold without being moved on or off a holding, the seller shall record, within 36 hours of the sale—

- (a) the date of sale;
- (b) the number of goats sold; and
- (c) the name and address of the purchaser.

(4) In the case of a goat marked in accordance with regulation 8 or re-marked in accordance with 15(3) or (4) below, the keeper shall, within 36 hours of re-marking the goat, record the new mark and the previous one, if known.

(5) All records under this regulation shall be retained by the person making the record for a period of 6 years.

(6) All records relating to goats required by virtue of this regulation shall be kept together in the form of a single document.

## PART III

### MARKING SHEEP AND GOATS

#### **Marking sheep and goats born in Scotland**

7.—(1) Subject to the following provisions of this regulation, the keeper of any sheep or goat born in Scotland on or after the date of coming into force of these Regulations, or which is still on its holding of birth on that date, shall mark it as soon as possible, and in any case before it is moved from the holding of birth with an eartag or tattoo consisting of—

- (a) in the case of an eartag, the letters “UK” followed by the flockmark or herdmark of the holding of birth; or
- (b) in the case of a tattoo, the flockmark or herdmark of the holding of birth.

(2) In the case of the movement off a holding of a sheep or goat, which has not been marked in accordance with this regulation, it shall be a defence in any proceedings under this regulation for the person moving the sheep or goat to prove—

- (a) that it was moved from the holding of birth to be tattooed or to receive veterinary treatment; and
- (b) that it was returned to the holding of birth immediately after being tattooed or so treated.

(3) Paragraph (1) above shall not apply in relation to sheep or goats which were marked with an eartag or tattoo indicating the flockmark or herdmark of the holding of its birth or breed society mark before the coming into force of these Regulations and which are still on the holding of birth at that date.

(4) Notwithstanding the provisions of paragraph (1) above, for a period of one year after the coming into force of these Regulations (except in the case of regulation 11 below)—

- (a) a keeper may mark a sheep or goat with a tag which bears the flockmark or herdmark of the holding of its birth without the prefix “UK”; or
- (b) a keeper may mark a sheep or goat with a breed society mark.

(5) The Scottish Ministers shall maintain a register of marks issued by breed societies and shall enter in such register any mark which a breed society applies to them to be registered under this paragraph.

#### **Marking sheep and goats brought into Scotland from outside the European Union**

8.—(1) If a sheep or goat is brought into Scotland from outside the European Union, it shall be marked by the keeper at the holding of the place of destination, within 30 days of arrival on that holding and in any event before it is moved from that holding, with an eartag or tattoo consisting of—

- (a) in the case of an eartag, the letters “UK” followed by the flockmark or herdmark of the holding of the place of destination and the letter “F”; or
- (b) in the case of a tattoo, the flockmark or herdmark of the holding of the place of destination and the letter “F”.

(2) Paragraph (1) above shall not apply if the place of destination of the sheep or goat is an abattoir, and it is slaughtered there within 5 days without having been moved from the abattoir.

### **Marking requirements for sheep and goats brought into Scotland from another Member State**

9. No person shall bring a sheep or goat into Scotland from another Member State unless it complies with Council Directive [92/102/EEC](#) on the identification and registration of animals<sup>(8)</sup>.

### **Marking requirements for sheep and goats brought into Scotland from another part of the British Islands**

10. No person shall bring a sheep or goat into Scotland from another part of the British Islands unless it complies with the legislation in force in that part.

### **Marking requirements for sheep and goats for consignment to a destination outside Great Britain**

11.—(1) Any person consigning a sheep or goat from Scotland to a destination outside Great Britain shall (or, in the case of an animal already marked with a unique individual identification number may) ensure that the sheep or goat is marked at the time of consignment with an eartag or tattoo consisting of the letters “UK”, the flockmark or herdmark of the consigning premises, the letter “X”, and an identification number which is applied by the consignor and which is unique to the animal to which it is applied.

(2) Where regulation 7 above requires a sheep or goat to be marked with an eartag or tattoo the eartag or tattoo in paragraph (1) above shall be applied in addition to the eartag or tattoo required by regulation 7 above.

(3) No person shall consign a sheep or goat from Scotland to a destination outside Great Britain if it is marked in accordance with regulation 15(4) below with an eartag or tattoo ending with the letter “R” showing that it is a replacement eartag or tattoo.

### **Marking requirements for the movement of sheep and goats to a destination within Great Britain**

12.—(1) Any person moving a sheep or goat with a unique individual identification number or breed society mark or a flockmark or herdmark, from a holding in Scotland to a destination within Great Britain may apply a temporary mark to it.

(2) In the case of a sheep or goat not covered by paragraph (1) above, the requirement to mark it with a temporary mark shall be obligatory.

(3) The temporary mark under paragraphs (1) and (2) above shall be sufficiently distinctive for the sheep or goat to be identified for the purposes of the transport document required under regulation 13 below, shall last at least until the sheep or goat reaches its destination and shall be recorded in the movement records made under regulations 4 and 6 above and the transport document required under regulation 13 below.

(4) The temporary mark under paragraph (2) above shall not be required in the case of a sheep or goat—

- (a) moved for the purposes of veterinary treatment;
- (b) moved for the purposes of dipping or shearing;
- (c) moved to a show if it is due to return to the same holding;
- (d) being moved to an adjacent holding without change of ownership;
- (e) in the process of being brought into Scotland from outside the European Union while it is being taken to the holding of destination.

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(8) O.J. No. L 355, 5.12.92, p. 32.

### **Documentation requirements for the movement of sheep and goats to a destination within Great Britain**

13.—(1) Any person moving a sheep or goat from a holding in Scotland to a destination in Great Britain shall ensure that it is accompanied by a document which is signed by the owner of the sheep or goat, or his agent, and specifies—

- (a) the origin and place of departure and destination;
- (b) the date of movement and the total number of sheep and goats being moved;
- (c) the temporary mark applied to each sheep or goat where it is required or applied under regulation 12 (1) or (2) above;
- (d) where there is no temporary mark, the flockmark, herdmark, unique individual identification number or breed society mark; and
- (e) if the movement is from a market, the lot number of the sheep or goat.

(2) The keeper of the sheep or goat shall ensure that the document required under paragraph (1) above is handed on its arrival to the occupier of the holding of destination.

(3) Paragraphs (1) and (2) above shall not apply in the case of—

- (a) movement between holdings where both holdings are occupied by the same person;
- (b) movement between a holding and any land in respect of which a right of grazing in common with other proprietors is exercisable; or
- (c) movement for the purposes of veterinary treatment, dipping or shearing, or to a show if the sheep or goat is due to return to the same holding.

## **PART IV**

### **EARTAGS AND TATTOOS**

#### **Eartags and tattoos**

14.—(1) Any eartag attached under these Regulations shall be—

- (a) either metal or plastic or a combination of both;
- (b) tamper-proof;
- (c) printed or stamped with the letters and number required under these Regulations by a method that ensures that they are easy to read for the sheep or goat's lifetime;
- (d) incapable of re-use; and
- (e) such that it does not interfere with the well-being of the sheep or goat.

(2) An eartag attached under these Regulations shall not be coloured red unless it is a replacement eartag attached under the provisions of regulation 15(4)(a) below.

(3) Any tattoo applied under these Regulations shall be designed to be legible for the life of the sheep or goat.

(4) The keeper of a sheep or goat may add further information to the eartag or tattoo but only if that information does not deface or detract from the information required to be provided by these Regulations.

#### **Removal and replacement of eartags and tattoos**

15.—(1) Except under the authority of an inspector, no person shall—

- (a) remove an eartag which has been attached in accordance with these Regulations, unless the eartag has become illegible or has to be removed for welfare purposes, or replace such an eartag, unless the eartag has become illegible, has to be removed for welfare purposes or has been lost; or
- (b) remove a tattoo applied to a sheep or goat in accordance with these Regulations, or replace such a tattoo, unless the tattoo has become illegible.

(2) Where—

- (a) an eartag has been lost or removed in accordance with paragraph (1) above; or
- (b) a tattoo has become illegible,

the keeper of the holding on which the animal is kept (other than an abattoir or market) shall replace it in accordance with paragraphs (3) and (4) below.

(3) When replacing an eartag or tattoo pursuant to this regulation, the keeper shall re-mark the sheep or goat with an eartag or tattoo with the original number or with an eartag or tattoo bearing the flockmark or herdmark of the holding on which the sheep or goat is residing providing that the original identification mark is known and that the original and new identification marks are cross-referenced in the register required under regulations 4 and 6 above.

(4) If it is not possible to re-mark the sheep or goat in accordance with paragraph (3) above, the keeper shall re-mark it with either—

- (a) an eartag coloured red and consisting of the letters “UK” followed by the flockmark or herdmark of the premises of the holding on which it is being tagged followed by the letter “R”; or
- (b) a tattoo consisting of the flockmark or herdmark of the premises of the holding on which it is being tagged followed by the letter “R”.

#### **Additional eartags and tattoos**

16. No person shall affix to a sheep or goat any eartag or tattoo bearing a flockmark or herdmark except in accordance with the provisions of these Regulations.

#### **Alteration of eartags and tattoos**

17. No person shall alter, obliterate or deface the information on an eartag or tattoo applied under these Regulations.

## **PART V GENERAL**

#### **Powers of inspectors**

18.—(1) An inspector—

- (a) appointed by the Scottish Ministers shall for the purposes of ascertaining whether there is or has been any contravention of regulation 5 above; or
- (b) appointed by a local authority shall for the purposes of ascertaining whether there is or has been any contravention of any regulation other than regulation 5 above,

have the powers set out in paragraph (2) below.

(2) The powers are—

- (a) to enter at all reasonable hours any land or premises (other than domestic premises not being used in connection with these Regulations) with or without persons assigned to assist the inspector; in this regulation “premises” includes any place, installation, vehicle, ship, vessel, boat, craft, hovercraft or aircraft;
- (b) to collect, pen and inspect any sheep and goat, and to require the keeper to arrange for its collection, penning and securing;
- (c) to require production of and examine any records in whatever form, and to take copies of those records;
- (d) to remove and retain any documents and records required to be kept under these Regulations;
- (e) to have access to, and inspect and check the operation of, any computer and any associated apparatus or material which is or has been used in connection with any such records mentioned in sub-paragraphs (c) and (d) above, and to require any person having charge of, or otherwise concerned with the operation of, the computer, apparatus or material to afford such assistance as that person may reasonably require;
- (f) to require, where records are kept by means of a computer, those records to be produced in a visible and legible form in which they may be taken away.

### **Offences**

**19.**—(1) Any person who fails to comply with any requirement of regulations 3 to 17 above shall be guilty of an offence.

(2) If any person—

- (a) obstructs an authorised person in the exercise of a power conferred by regulation 18 above; or
- (b) fails without reasonable excuse to give such an authorised person any assistance or information which that person may reasonably require for the purposes of the functions referred to in regulation 18 above,

that person shall be guilty of an offence.

### **Penalties**

**20.**—(1) A person guilty of an offence under paragraph (1) of regulation 19 above shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(2) Any person guilty of an offence under paragraph (2) of regulation 19 above shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

### **Time limits for prosecutions**

**21.**—(1) Proceedings for an offence under regulation 19 may be commenced within the period of 12 months from the date on which the offence was committed.

(2) Subsection (3) of section 136 of the Criminal Procedure (Scotland) Act 1995(9) (date of commencement of proceedings) shall apply for the purposes of this regulation as it does for the purposes of that section.

### **Offences by bodies corporate**

22. Where an offence under these regulations which has been committed by a Scottish partnership or a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any partner, director, manager, secretary or similar officer of the body corporate, or any person who was purporting to act in any such capacity, that person as well as the partnership or body corporate shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

### **Amendment to the Sheep Annual Premium Regulations 1992**

23.—(1) The Sheep Annual Premium Regulations 1992(10) shall be amended in accordance with the following paragraphs.

(2) In paragraph 5(a) of regulation 5 the words “article 5 of the Sheep and Goats (Records, Identification and Movement Order 1996 (“the 1996 Order”))” shall be substituted by the words “regulation 5 of the Sheep and Goats Identification (Scotland) Regulations 2000”.

(3) For regulation 8A the following regulation shall be substituted:—

#### **“Failure to comply with the Sheep and Goats Identification (Scotland) Regulations 2000**

8A. Where at any time during a marketing year a producer fails to comply with regulation 5 of the Sheep and Goats Identification (Scotland) Regulations 2000, the relevant competent authority may withhold or recover on demand the whole or any part of any premium payable or as the case may be paid to the producer in respect of that marketing year.”.

### **Revocations and transitional and savings provisions**

24. Subject to the following provisions of this regulation the Sheep and Goats (Records, Identification and Movement) Order 1996(11) (“the Order”) is revoked.

(2) Any requirement to retain records kept under regulation 4, 5 or 6 of the Order shall continue to apply to such records.

(3) The powers of inspectors under regulation 18 above and the offence provisions at regulation 19(2) above shall apply in relation to such records and their retention as they apply in relation to records kept under these Regulations.

(4) The Order shall continue to apply for the purposes of the legal process of such charges as may be brought for contravening the provisions to retain records under regulation 4, 5 or 6 of the Order.

St Andrew’s House, Edinburgh  
23rd November 2000

ROSS FINNIE  
A member of the Scottish Executive

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(10) S.I. 1992/2677, amended by S.I. 1994/2741, S.I. 1995/2779, S.I. 1996/49 and S.I. 1997/2500.

(11) S. I. 1996/28.

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## EXPLANATORY NOTE

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

These Regulations make provisions for records concerning sheep and goats and for the marking of sheep and goats. They implement the provisions relating to sheep and goats of Council Directive [92/102/EEC](#) (O.J. No. L 355, p.32, 5.12.1992) on the identification and registration of animals.

The Regulations require a person, who keeps sheep and goats and who has not given notification before, to notify the Scottish Ministers, and the Scottish Ministers allocate to keepers a flockmark in case of sheep and a herdmark in case of goats (regulation 3).

The Regulations require anyone keeping sheep or goats to keep movement records. Sheepmeat producers who are granted premium under Council Regulation 3493/90/EEC laying down general rules for the grant of premium to sheepmeat and goatmeat producers (O.J. No. L 337, 4.12.90, p.7) are required to keep additional records relating to specified events (regulations 4 to 6).

The Regulations make provision for marking sheep and goats either by an eartag or by a tattoo. Subject to certain exceptions and transitional provisions, marking is required for all sheep and goats born or first moved off the holding of birth after the coming into force of the Regulations, and for all sheep and goats imported into Scotland from outside the European Union (regulations 7 and 8).

The Regulations prohibit bringing sheep or goats into Scotland from another Member State or from another part of the British Islands, unless they are marked in accordance with the legislation in force in those places (regulations 9 and 10).

The Regulations require marking sheep and goats when they are consigned to a destination outside Great Britain (regulation 11).

They provide for marking sheep or goats with a temporary mark when moved to a destination within Great Britain and provide for documentation to be carried during such movements, both subject to certain exceptions (regulations 12 and 13).

The Regulations contain detailed rules about eartags and tattoos and make provision for replacement and removal of eartags and tattoos, the alteration of eartags and tattoos, and the application of additional eartags and tattoos (regulations 14-17).

The Regulations deal with powers of inspectors, offences, penalties and prosecution (regulations 18-22).

They amend the Sheep Annual Premium Regulations 1992, S.I.[1992/2677](#) (regulation 23).

They revoke the Sheep and Goats (Records, Identification and Movement) Order 1996, (S.I. [1996/28](#)) but save the provisions requiring the retention of records kept in accordance with that Order and make transitional provision (regulation 24).

A regulatory impact assessment has been prepared and placed in the Information Office of the Scottish Parliament. Copies can be obtained from Rural Affairs Department, Pentland House, 47 Robbss Loan, Edinburgh EH14 1TY.