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SCOTTISH STATUTORY INSTRUMENTS

2004 No. 27

ANIMALS

**The Registration of Establishments Keeping Laying Hens
(Scotland) Amendment Regulations 2004**

<i>Made</i> - - - -	<i>29th January 2004</i>
<i>Laid before the Scottish Parliament</i>	<i>30th January 2004</i>
<i>Coming into force</i> - -	<i>1st March 2004</i>

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

Citation and commencement

1. These Regulations may be cited as the Registration of Establishments Keeping Laying Hens (Scotland) Amendment Regulations 2004 and shall come into force on 1st March 2004.

Amendment of the Registration of Establishments Keeping Laying Hens (Scotland) Regulations 2003

2.—(1) The Registration of Establishments Keeping Laying Hens (Scotland) Regulations 2003(b) are amended in accordance with the following paragraphs.

(2) In regulation 2(1) (interpretation), after the definition of “laying hens” insert—

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

(3) In regulation 4 (register of establishments and provision of distinguishing number)—

(a) for paragraph (2), substitute—

“(2) The Scottish Ministers shall, within 21 days of receipt of an application which complies with regulation 5(1) below, record the establishment to which the application refers on the register, allocate to that establishment a distinguishing number in accordance with paragraph 2 of the Annex to the Directive, record that number on the register and intimate that number in writing to the owner or keeper who made the application.”;

(a) 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.

(b) S.S.I. 2003/576.

(c) 1994 c.39.

- (b) insert at the end–
- “(3) Where, prior to 31st December 2003, the Scottish Ministers have allocated a distinguishing number (in accordance with paragraph 2 of the Annex to the Directive) to an establishment–
- (a) the Scottish Ministers shall record the establishment and, in relation to that establishment, that number on the register of establishments; and
- (b) unless that establishment is removed from the register of establishments and the owner or keeper subsequently seeks to re-apply, no further application for registration is required in respect of that establishment.”.
- (4) In regulation 5(2) (procedure for application for registration), insert at the end–
- “; except where that person is no longer the owner or keeper of the establishment, in which case any such change shall be so notified by the person who is the owner or keeper”.
- (5) In regulation 7 (removal from register)–
- (a) in paragraph (2), for “If the person who submitted the application for registration fails to notify changes of information in terms of regulation 5(2)” substitute–
- “If a person is required by regulation 5(2) to notify a change of information and fails to do so,”;
- (b) insert at the end–
- “(3) It shall be an offence for a person to use an establishment for the keeping of laying hens following removal of that establishment from the register of establishments unless subsequent to that removal the establishment has been registered in accordance with these Regulations and a distinguishing number has been allocated to that establishment.”.
- (6) In regulation 8(2) (prohibition on operation or bringing into use of establishments), for “that person has received” substitute “the Scottish Ministers have allocated to that establishment”.
- (7) For regulation 12(1) (penalties and offences by bodies corporate) substitute–
- “(1) A person guilty of an offence under these Regulations, except regulation 11, shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (1A) A person guilty of an offence under regulation 11 shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.”.

ALLAN WILSON
Authorised to sign by the Scottish Ministers

St Andrew's House,
Edinburgh
29th January 2004

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Registration of Establishments Keeping Laying Hens (Scotland) Regulations 2003 (“the principal Regulations”). The amendments come into force on 1st March 2004.

The amendments are as follows:–

- (a) a definition of “local authority” is added to the list of definitions in regulation 2(1) of the principal Regulations (regulation 2(2));
- (b) regulation 4 of the principal Regulations is amended to make it clear that where the Scottish Ministers have issued a distinguishing number to an establishment prior to the commencement of the principal Regulations (31 December 2003), that establishment does not require to re-apply for a distinguishing number under the principal Regulations (regulation 2(3)(b)). Regulation 4(2) has been replaced to incorporate minor amendments to clarify the conditions upon which a distinguishing number will be allocated to an establishment (regulation 2(3)(a));
- (c) regulation 5 of the principal Regulations is amended to ensure that where the person who would otherwise be obliged to notify a change of information under regulation 5(2) is no longer connected to the establishment, the requirement to notify that change will fall to the new owner or keeper (regulation 2(4)). A consequential amendment is made to regulation 7(2) to make it clear that an offence is committed, following failure to notify a change of information, by whoever the duty to notify the changes falls upon under regulation 5(2) of the principal Regulations (regulation 2(5)(a));
- (d) a new offence of continuing to operate an establishment following removal from the register is added to regulation 7 of the principal Regulations (regulation 2(5)(b));
- (e) regulation 8(2) of the principal Regulations is amended to clarify that it is the establishment which has been allocated a distinguishing number and not the person applying for it (regulation 2(6));
- (f) the penalties for committing an offence under the principal Regulations are amended. Offences are to be triable only by way of summary conviction. An offence under regulation 11 of the principal Regulations is to be subject to a maximum fine not exceeding level 3 of the standard scale (regulation 2(7)).

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