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SCOTTISH STATUTORY INSTRUMENTS

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**2006 No. 594**

**ANIMALS**

**ANIMAL HEALTH**

**The Sheep and Goats (Identification and Traceability)  
(Scotland) Amendment (No. 2) Regulations 2006**

*Made - - - - 11th December 2006*

*Laid before the Scottish*

*Parliament - - - - 11th December 2006*

*Coming into force in accordance with regulation 1*

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:

**Citation and commencement**

1.—(1) These Regulations may be cited as the Sheep and Goats (Identification and Traceability) (Scotland) Amendment (No. 2) Regulations 2006.

(2) Regulations 1 and 9 of these Regulations shall come into force on 21st December 2006 and regulations 2 to 8 shall come into force on 22nd December 2006.

**Amendment of the Sheep and Goats (Identification and Traceability) (Scotland) Regulations 2006**

2. The Sheep and Goats (Identification and Traceability) (Scotland) Regulations 2006<sup>(2)</sup> are amended in accordance with regulations 3 to 8.

3. In regulation 2(1) (interpretation)—

- (a) after the definition of “temporary grazing”, insert “and”;
- (b) after the definition of “unique number” for “; and”, substitute “.”; and
- (c) omit the definition of “X eartag”.

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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 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 Scotland Act 1998.

(2) S.S.I. 2006/73.

4. In regulation 9 (second means of identification: animals involved in intra-Community trade) for paragraphs (2) and (3) substitute–

“(2) The second means of identification to be applied in accordance with Article 4(2)(b) of the Council Regulation is an eartag bearing the same individual identification code as that on the identification applied in accordance with Article 4(2)(a) of the Council Regulation.

(3) The keeper of an animal born on or before 9th July 2005 and involved in intra-Community trade shall–

- (a) ensure that the animal bears a first means of identification in the form of a baseline UK eartag; and
- (b) apply a second means of identification in the form of an eartag bearing the same individual identification code as that on the baseline UK eartag.”.

5. For paragraph (2) of regulation 12 (removal and replacement of means of identification) substitute–

“(2) Subject to regulation 22(1), where the means of identification of an animal has been removed or lost or become illegible, the keeper shall apply replacement identification to the animal in accordance with regulations 13 and 14 as soon as possible but, in any event–

- (a) before the animal is moved from the holding; and
- (b) no later than 28 days after the identification is ascertained to have been removed or lost or to have become illegible.”.

6. For paragraph (3) of regulation 21 (traceability) substitute–

“(3) The operator of the market shall enter the date of the sale for which the animal entered the market and the lot number of the last batch to which the animal belonged before leaving the market–

- (a) in the register; and
- (b) on the movement document.”.

7. For paragraph (2) of regulation 22 (replacement identification) substitute–

“(2) Where the means of identification of an animal on its way to or at a market has been removed or lost or become illegible, the keeper at the holding of destination of that animal shall apply replacement identification to the animal in accordance with regulation 13 as soon as possible but, in any event–

- (a) before the animal is moved from that holding; and
- (b) no later than 28 days after the animal arrives at that holding.”.

8. In regulation 23(a) (electronic movement documents) after “Annex” insert “, the date of the sale for which the animal entered the market”.

## **Revocation**

9. The Sheep and Goats (Identification and Traceability) (Scotland) Amendment Regulations 2006(3) are hereby revoked.

St Andrew's House,  
Edinburgh  
11th December 2006

*ROSS FINNIE*  
A member of the Scottish Executive

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## EXPLANATORY NOTE

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

These Regulations amend the Sheep and Goats (Identification and Traceability) (Scotland) Regulations 2006 (“the principal Regulations”) which make provision for the administration and enforcement of Council Regulation (EC) No. 21/2004 (establishing a system for the identification and registration of ovine and caprine animals and amending Regulation (EC) No. 1782/2003 and Directives 92/102/EEC and 64/432/EEC).

They revoke and replace the Sheep and Goats (Identification and Traceability) (Scotland) Amendment Regulations 2006 to remedy a defect in that instrument.

Regulation 3 amends the principal Regulations by omitting the definition of “X eartag”.

Regulations 4 to 6 and 8 replace the provisions of the Sheep and Goats (Identification and Traceability) (Scotland) Amendment Regulations 2006.

Regulation 4 amends the principal Regulations by removing both options to apply X eartags as a second means of identification to animals involved in intra Community trade. It also amends the principal Regulations so that animals born on or before 9th July 2005 can only be involved in intra-Community trade if their first means of identification is a baseline UK eartag.

Regulation 5 amends the principal Regulations to provide that identification that has been removed or lost or become illegible must be replaced as soon as possible but, in any event, before the animal leaves the holding and within 28 days of ascertaining that it has been removed or lost or become illegible.

Regulations 6 and 8 amend the principal Regulations to provide that operators of markets must record the date of the sale for which an animal enters a market.

Regulation 7 amends the principal Regulations to provide that where identification of an animal on its way to or at a market has been removed or lost or become illegible it must be replaced by the keeper at the holder of destination as soon as possible but, in any event, before the animal leaves that holding and within 28 days of arriving at that holding.

Regulation 9 revokes the Sheep and Goats (Identification and Traceability) (Scotland) Amendment Regulations 2006.

A Regulatory Impact Assessment has not been produced for this instrument as it has no impact on the costs of business.