
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations 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) (“the Council Regulation”).

They also make provision under Section A.5 of the Annex to the Council Regulation for the administration and enforcement of the national system of identification and tracing which has been approved by the European Commission as a replacement for the system for a second means of identification required under the Council Regulation (“the national system”).

Application of identification

Regulation 6 provides for the application of a first means of identification to an animal born after 9th July 2005, in accordance with the Council Regulation (baseline UK eartags).

Regulation 7 provides for the application of identification to an animal born on or before 9th July 2005, in accordance with the national system (baseline UK eartags or baseline S eartags).

Regulation 8 provides for the application of a first means of identification to an animal imported from a third country, in accordance with the Council Regulation (baseline F eartags).

Regulation 9 provides for the application of a second means of identification to an animal involved in intra Community trade, in accordance with the Council Regulation and the national system (baseline UK eartags or X eartags).

Regulation 10 provides for the application of identification to an animal when it is moved from a holding, in accordance with the national system (movement eartags).

Removal and replacement of identification

Regulation 12 provides that identification shall not be removed or replaced otherwise than in accordance with the Council Regulation and these Regulations.

Regulations 13 and 14 provide for the application of replacement identification in accordance with the Council Regulation and the national system.

Regulation 15 prohibits the consignment for intra Community trade of an animal which bears replacement identification with an identification code which does not show its holding of birth, in accordance with the national system.

Regulation 16 provides that movement eartags need only be replaced where the original identification code is known in accordance with the national system.

Documentation and recording of information

Regulations 17 to 20 provide for the keeping of holding registers, the completion of movement documents, the taking of an annual inventory of animals and for the provision of information to the Scottish Ministers, in accordance with the Council Regulation and the national system

Status: This is the original version (as it was originally made).

Markets

Regulation 21 contains requirements for traceability systems in markets.

Regulation 22 provides that the obligation to replace identification on an animal in a market is on the keeper of the holding to which the animal is moved and not the operator of the market, in accordance with the national system.

Regulation 23 provides for the use of electronic movement documents in markets.

Eartags

Regulations 24 and 25 provide for the approval of eartags by the Scottish Ministers and allow for eartags to bear supplementary information, in accordance with the Council Regulation. Regulation 26 provides that no red eartags may be applied to animals, other than R eartags, in accordance with the national system.

Regulation 27 provides that no means of identification bearing a flockmark or herdmark shall be applied other than for the purpose of the Council Regulation or these Regulations or unless authorised by the Scottish Ministers, in accordance with the Council Regulation and the national system.

Regulation 28 provides that any provision requiring the application of identification before an animal is moved shall not apply if the movement is for the purpose of emergency veterinary treatment.

Regulation 29 provides that any provision requiring the application of identification shall not apply where it would cause unnecessary pain or suffering to an animal.

Miscellaneous

Regulation 32 provides that an inspector may restrict or prohibit the movement of animals where this is necessary for enforcement purposes.

Regulation 34 provides that it is an offence to fail to comply with certain provisions of these Regulations and regulation 35 contains the penalties for failure to comply.

Regulation 36 provides for the enforcement of these Regulations.

Regulation 37 and Schedule 3 revoke the regulations and orders replaced by these Regulations.

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