

## **EXECUTIVE NOTE**

### **THE OLDER CATTLE (DISPOSAL) (SCOTLAND) AMENDMENT REGULATIONS 2006 S.S.I. 2006/82**

#### **POWERS**

1. The above instrument was made in exercise of the powers conferred upon Scottish Ministers by section 2 (2) of the European Communities Act 1972.

#### **PARLIAMENTARY PROCEDURE**

2. This SSI is subject to negative resolution procedure.

#### **POLICY OBJECTIVE**

3. The policy objective of these Regulations is to rectify SSI 2006/4 which makes provision for the enforcement of certain of the requirements of Commission Regulation (EC) No. 716/96 introducing a scheme allowing the UK to purchase cattle born before August 1996 (which are not permitted to enter the food chain) and provide compensation to producers.

#### **BACKGROUND**

4. The Older Cattle Disposal Scheme (OCDS) was introduced on 23 January 2006 and replaced the Over Thirty Months Scheme (OTMS). This follows changes to the Over Thirty Months (OTM) Rule on 7 November 2005. The OTM rule banned the sale for human consumption of meat from cattle aged over thirty months at slaughter. Cattle born on or after 1 August 1996 are now eligible to enter the food chain, subject to BSE testing.

5. The OCDS is a voluntary scheme, providing a disposal outlet for animals born before 1 August 1996 which will remain permanently excluded from the food chain, and providing farmers with compensation for their animals for a limited period. The OCDS is designed to help the industry cope with the short-term market effects of a change to the OTM rule.

6. The Older Cattle (Disposal) (Scotland) Amendment Regulations 2006 respond to comments made by the Subordinate Legislation Committee, following their consideration of SSI 2006/4 on 17 and 24 January 2006. Specifically, the new Regulations make it an offence to fail to comply with a notice served under the principal Regulations (regulation 3); they substitute a more detailed offence provision for the general offence provision (regulation 4); and they substitute a new penalty provision for a fine not exceeding the statutory maximum on summary conviction (regulation 5). They also replace “operator” with “occupier” in the Schedule to reflect the terms of regulations 2 and 4. .

## **REGULATORY IMPACT ASSESSMENT**

7. A Regulatory Impact Assessment has not been produced for this instrument as it has no impact on the costs to the industry.

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