
SCOTTISH STATUTORY INSTRUMENTS

2007 No. 174

The Cattle Identification (Scotland) Regulations 2007

PART 4

General

Charging for information

9. The Scottish Ministers may impose a reasonable charge for providing information stored in the database set up in accordance with Article 5 of Regulation (EC) No. 1760/2000 and provided in accordance with the second paragraph of Article 3 of that Regulation.

Powers of inspectors

10.—(1) An inspector may, on producing, if required to do so, some duly authenticated document showing the authority of that inspector, enter at all reasonable hours any land or premises (other than premises used only as a dwelling) for the purpose of administering and enforcing the Community legislation and these Regulations, and in this regulation “premises” includes any vehicle or container.

(2) An inspector may—

- (a) collect, pen and inspect any animal, and require the keeper to arrange for its collection, penning and securing;
- (b) take samples;
- (c) require production of and examine any records in whatever form, and take copies of those records;
- (d) remove and retain any records or documents relating to these Regulations;
- (e) have access to, and inspect and check the operation of, any computer and any associated apparatus or material that is or has been used in connection with any records mentioned in sub-paragraphs (c) and (d), and require any person having charge of, or otherwise concerned with the operation of, the computer, apparatus or material to afford such assistance as the inspector may reasonably require;
- (f) require, where records are kept by means of a computer, those records to be produced in a form in which they may be taken away;
- (g) require production of any unused ear tags and record their numbers;
- (h) remove and retain any unused ear tags;
- (i) mark any animal or other thing for identification purposes; and
- (j) be accompanied by—
 - (i) any representative of the European Commission acting for the purpose of the Community legislation; or
 - (ii) any other person the inspector considers to be necessary.

Power to restrict movements

11. In accordance with the second paragraph of Article 22(1) of Regulation (EC) No. 1760/2000, an officer of the Scottish Ministers may serve a notice in writing on any keeper of animals on a holding prohibiting or restricting the movement of any animal to or from the holding except under the authority of a licence.

Slaughter of animals without identification

12.—(1) The Scottish Ministers are the veterinary authority for the purposes of Article 1(2) of Commission Regulation (EC) No. 494/98.

(2) In accordance with Article 1(2) of Commission Regulation (EC) No. 494/98, if the keeper of an animal cannot prove its identification within 2 working days an officer of the Scottish Ministers shall serve a notice on the keeper requiring that the animal be killed and disposed of as specified in the notice.

(3) If a person on whom a notice is served under sub-paragraph (2) fails to comply with the notice the Scottish Ministers may cause the animal to be killed and disposed of and the amount of any expenses reasonably incurred by them is recoverable from that person.

Failure to comply with a licence

13. Any person who moves an animal in breach of a licence or any condition of a licence issued under these Regulations is guilty of an offence.

Obstruction etc.

14. Any person who—

- (a) intentionally obstructs any person acting in the execution of these Regulations;
- (b) without reasonable excuse, fails to give to any person acting in the execution of these Regulations any assistance or information that that person may reasonably require for the purpose of carrying out functions under these Regulations;
- (c) knowingly furnishes to any person acting in the execution of these Regulations any false or misleading information; or
- (d) without reasonable excuse fails to produce any document or record when required to do so by any person acting in the execution of these Regulations,

is guilty of an offence.

Offences by bodies corporate

15.—(1) Where a body corporate is guilty of an offence under these Regulations, and that offence is shown to have been committed with the consent or connivance of, or to have been attributable to any neglect on the part of—

- (a) any director, manager, secretary or other similar officer of the body corporate; or
- (b) any person who was purporting to act in any such capacity,

that person as well as the body corporate shall be guilty of an offence and be liable to be proceeded against and punished accordingly.

(2) If the affairs of a body corporate are managed by its members, the provisions of paragraph (1) shall apply in relation to the acts and defaults of a member in connection with the member's functions of management as if the member were a director of the body corporate.

(3) For the purposes of paragraph (1), “director” in relation to a body corporate whose affairs are managed by its members, means a member of the body corporate and “body corporate” includes a partnership in Scotland, and, in relation to such a partnership, a reference to a director or other officer of a body corporate is a reference to a partner.

Penalties

16. A person guilty of an offence under these Regulations is liable—

- (a) on summary conviction, to a fine not exceeding the statutory maximum or to imprisonment for a term not exceeding 3 months or to both; or
- (b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding 2 years or to both.

Enforcement

17.—(1) Subject to paragraph (2), these Regulations shall be enforced by the local authority.

(2) The Scottish Ministers may direct in relation to cases of a particular description or any particular case that an enforcement duty imposed on the local authority under this regulation shall be discharged by the Scottish Ministers and not by the local authority.

Revocations

18. The enactments specified in Schedule 5 are revoked.