

2007 No. 559

ANIMALS

ANIMAL HEALTH

**The Sheep and Goats (Identification and Traceability) (Scotland)
Amendment Regulations 2007**

Made - - - - - *12th December 2007*

Laid before the Scottish Parliament *13th December 2007*

Coming into force - - - *18th January 2008*

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 2(2) of the European Communities Act 1972(a) and all other powers enabling them to do so.

Citation and commencement

1. These Regulations may be cited as the Sheep and Goats (Identification and Traceability) (Scotland) Amendment Regulations 2007 and come into force on 18th January 2008.

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

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

3. In regulation 2 (interpretation) for paragraph (1) substitute—

“(1) In these Regulations—

“Annex” means the Annex to the Council Regulation;

“baseline eartag” means an eartag applied under the Council Regulation, these Regulations, any provision giving effect to the Council Regulation in England, Wales or Northern Ireland or previous United Kingdom Orders or Regulations, bearing the individual identification code described in regulation 6(4);

“the Council Directive” means Council Directive 92/102/EEC of 27th November 1992 on the identification and registration of animals(c) as amended by the Council Regulation;

(a) 1972 c.68 (“the 1972 Act”). Section 2(2) was amended by the Scotland Act 1998 (c.46), Schedule 8, paragraph 15(3) and section 27 of the Legislative and Regulatory Reform Act 2006 (c.51). 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.

(b) S.S.I. 2006/73, amended by S.S.I. 2006/577 and 2006/594.

(c) O.J. No. L 355, 5.12.1992, p.32.

“the Council Regulation” means Council Regulation (EC) No. 21/2004 of 17th December 2003 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(a);

“CPH”, in the forms in Schedules 1 and 2, means the number assigned to a holding by the Scottish Ministers for the purpose of identifying its geographical location;

“flockmark” means the number allocated by the Scottish Ministers to a holding on which sheep are kept;

“herdmark” means the number allocated by the Scottish Ministers to a holding on which goats are kept;

“identification code” means the alpha numeric code applied or to be applied to a means of identification in accordance with the Council Regulation, these Regulations, any provision giving effect to the Council Regulation in England, Wales, Northern Ireland or another member State, previous United Kingdom Orders or Regulations or any provision giving effect to Council Directive 92/102/EEC in another member State;

“inspector” means a person appointed to be an inspector for the purposes of these Regulations by the Scottish Ministers or a local authority;

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

“movement document” means the movement document required by Article 6 of the Council Regulation;

“previous United Kingdom Orders or Regulations” means–

- (a) the Sheep and Goats Identification (Scotland) Regulations 2000(c);
- (b) the Sheep and Goats Movement (Interim Measures) (Scotland) Order 2002(d);
- (c) the Sheep and Goats Identification (England) Order 2000(e);
- (d) the Sheep and Goats Identification and Movement (Interim Measures) (England) Order 2002(f);
- (e) the Sheep and Goats Identification and Movement (Interim Measures) (England) (No. 2) Order 2002(g);
- (f) the Sheep and Goats Identification and Movement (Interim Measures) (Wales) Regulations 2002(h);
- (g) the Sheep and Goats Identification and Movement (Interim Measures) (Wales) Order 2002(i);
- (h) the Sheep and Goats Identification and Movement (Interim Measures) (Wales) (No. 2) Order 2002(j);
- (i) the Identification and Movement of Sheep and Goats Order (Northern Ireland) 1997(k); and
- (j) the Identification and Movement of Sheep and Goats Order (Northern Ireland) 2004(l);

“register” means the register required to be kept by Article 5 of the Council Regulation;

(a) O.J. No. L 5, 9.1.2004, p.8.

(b) 1994 c.39. Section 2(2) was amended by the Environment Act 1995 (c.25), Schedule 22, paragraph 232.

(c) S.S.I. 2000/418, amended by S.S.I. 2002/39 and 2002/531.

(d) S.S.I. 2002/38, amended by S.S.I. 2002/221.

(e) S.I. 2000/2027, amended by S.I. 2001/281, revoked by S.I. 2002/2153.

(f) S.I. 2002/240, amended by S.I. 2002/764 and 2002/1349 and revoked by S.I. 2002/2153.

(g) S.I. 2002/2153, amended by S.I. 2003/29, 2003/502 and 2003/1728 and revoked by S.I. 2005/3100.

(h) S.I. 2002/274 (W.30), amended by S.I. 2002/811 (W.91), revoked by S.I. 2002/1354 (W.131).

(i) S.I. 2002/1357 (W.133), revoked by S.I. 2002/2302 (W.227).

(j) S.I. 2002/2302 (W.227), amended by S.I. 2003/167 (W.27), 2003/946 (W.127) and 2003/1966 (W.221).

(k) S.R. (NI) 1997/173, revoked by S.R. (NI) 2004/491.

(l) S.R. (NI) 2004/491, revoked by S.R. (NI) 2005/535.

“replacement means of identification” means a replacement eartag replacement tattoo or, solely in the case of caprine animals, a replacement pastern mark;

“replacement eartag” means a red eartag approved by the Scottish Ministers in accordance with regulation 24 (approved eartags) with an individual identification code with the following information in the following order:–

- (a) the letters “UK”;
- (b) the flockmark or herdmark of the flock or herd the animal is in when the replacement eartag is applied;
- (c) a unique number; and
- (d) the letter “R”;

“replacement pastern mark” means a mark comprising the following information, in the following order:–

- (a) the letters “UK”;
- (b) the flockmark or herdmark of the flock or herd the animal is in when the replacement pastern mark is applied;
- (c) a unique number; and
- (d) the letter “R”;

“replacement tattoo” means a tattoo comprising the following information, printed in the following order:–

- (a) the letters “UK”;
- (b) the flockmark or herdmark of the flock or herd the animal is in when the replacement tattoo is applied;
- (c) a unique number; and
- (d) the letter “R”;

“slaughterhouse” means an establishment approved as a slaughterhouse in accordance with Article 3 of Regulation (EC) No. 854/2004(a); and

“unique number” means a number allocated by the Scottish Ministers which is unique to an animal in a flock or herd and contains up to 6 digits.”.

4. For regulations 6 to 11 (application of identification) substitute–

“Identification applied on or after 18th January 2008

6.—(1) The keeper of–

- (a) an animal born on or after 18th January 2008; or
- (b) an animal born on or after 9th July 2005 and before 18th January 2008 which has not moved from its holding of birth by that date and does not bear a means of identification applied under previous United Kingdom Orders or Regulations,

must comply with Article 4(1) and (2)(a) and (b) of the Council Regulation and this regulation.

(2) The keeper of an animal born before 9th July 2005 which has moved from its holding of birth prior to 9th July 2005 and does not bear a means of identification applied under previous United Kingdom Orders or Regulations, before moving such an animal must comply with Article 4(2)(a) and (b) of the Council Regulation and this regulation.

(3) The period determined for the purposes of Article 4(1) of the Council Regulation is–

- (a) 9 months from its date of birth, in the case of an animal kept in extensive or free range farming conditions; and
- (b) 6 months from its date of birth, in the case of any other animal.

(a) O.J. No. L 139, 30.4.2004, p.206.

(4) The individual identification code for the purposes of Section A.2 of the Annex is the following information in the following order–

- (a) the letters “UK”;
- (b) the flockmark or herdmark of the holding of birth; and
- (c) a unique number.

Alternative method of identification for animals intended for slaughter before the age of 12 months

7.—(1) In accordance with Article 4(3) of the Council Regulation the keeper of an animal intended for slaughter before the age of 12 months and intended neither for intra-Community trade nor for export to third countries may apply to the animal an alternative method of identification to that required under Article 4(2) of the Council Regulation and regulation 6.

(2) The alternative method of identification to be applied under paragraph (1) must be a single baseline eartag.

Identification for animals no longer intended for slaughter before the age of 12 months

8.—(1) The keeper of an animal to which an alternative method of identification is applied under regulation 7 (alternative method of identification for animals intended for slaughter) which–

- (a) is not slaughtered before the age of 12 months; or
- (b) is to be consigned for export before the age of 12 months,

must apply additional means of identification to the animal in accordance with this regulation.

(2) The additional means of identification to be applied under paragraph (1) must be–

- (a) a second baseline eartag, or a second means of identification in accordance with Article 4(2)(b) of the Council Regulation, bearing the same individual identification code as the baseline eartag applied under regulation 7; or
- (b) two baseline eartags, or one baseline eartag and one other means of identification in accordance with Article 4(2)(b) bearing the same individual identification code with the following information in the following order–
 - (i) the letters “UK”;
 - (ii) the flockmark or herdmark of the holding where the additional means of identification are applied; and
 - (iii) a unique number.

(3) Where two means of identification are applied under this regulation the keeper must not remove or deface the baseline eartag applied under regulation 7.

(4) In the case of an animal not slaughtered before the age of 12 months, the additional means of identification must be applied when the animal reaches the age of 12 months.

(5) In the case of an animal to be consigned for export before the age of 12 months, the additional means of identification must be applied before the animal leaves the holding from which it is consigned for export.

Animals identified before 18th January 2008

9. The keeper of an animal which bears a means of identification applied before 18th January 2008 which does not contain an individual identification code or unique number must apply to the animal before it leaves the holding on which it is located at that date–

- (a) in the case of an animal on its holding of birth a first and second means of identification meeting the requirements of Article 4(2)(a) and (b) of the Council Regulation and regulation 6(1) and (4); and
- (b) in the case of an animal not on its holding of birth, two replacement means of identification of which one must be a replacement eartag.

Animals sent for export

10.—(1) The keeper of an animal consigned for export which does not bear means of identification meeting the requirements of Article 4(2)(a) and (b) of the Council Regulation must apply such means of identification to the animal.

(2) The keeper of an animal consigned for export which bears means of identification containing different individual identification codes must apply to the animal an eartag containing the same individual identification code as one of the existing means of identification.

(3) The means of identification to be applied under this regulation must be applied, at the latest, before the animal leaves the holding from which it is consigned for export.

Animals imported from third countries

11.—(1) The keeper of an animal imported from a third country must comply with Article 4(4) of the Council Regulation and this regulation.

(2) The period determined for the purposes of Article 4(4) of the Council Regulation is 14 days.

(3) For an animal imported from a third country, the individual identification code for the purposes of Section A.2 of the Annex is the following information in the following order—

- (a) the letters “UK”;
- (b) the flockmark or herdmark of the holding to which the animal was first moved for the purposes of livestock farming; and
- (c) a unique number.”.

5. Delete regulations 14 to 16 and for regulations 12 and 13 substitute—

“Removal and replacement of means of identification

12.—(1) A person must not remove, unless for the purpose of preventing unnecessary pain or suffering to an animal, or replace, any means of identification attached to an animal otherwise than in accordance with the first paragraph of Article 4(6) of the Council Regulation and regulations 13 to 15.

(2) Subject to regulation 22(1), where the means of identification of an animal has been removed or lost or become illegible, the keeper, other than a slaughterhouse operator, must apply replacement identification to the animal in accordance with these Regulations 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.

Identical individual identification code for replacement identification

13.—(1) Subject to regulations 14 and 22(1) where an animal’s means of identification has been removed or lost or become illegible the keeper, other than a slaughterhouse operator, must replace that means of identification with one bearing the same individual identification code in accordance with the first paragraph of Article 4(6) of the Council Regulation.

(2) In accordance with the second paragraph of Article 4(6) of the Council Regulation, paragraph (1) does not apply if the means of identification is replaced in conformity with the provisions of regulations 14 or 15.

Alternative replacement where individual identification code is known

14. Where a first or second means of identification on an animal identified in accordance with Article 4(2)(a) and (b) of the Council Regulation has been removed or lost or become illegible and a legible means of identification remains the keeper may—

- (a) if the animal is still on its holding of birth—
 - (i) replace a first means of identification with a baseline eartag; or
 - (ii) replace any other means of identification with a baseline eartag, or replace any other means of identification with a means of identification in accordance with Article 4(2)(b) of the Council Regulation bearing an individual identification code with the following information in the following order—
 - (aa) the letters “UK”;
 - (bb) the flockmark or herdmark of the holding of birth; and
 - (cc) a unique number; or
- (b) if the animal is no longer on its holding of birth—
 - (i) replace a first means of identification with a replacement eartag; and
 - (ii) replace any other means of identification with a replacement means of identification.

Alternative replacement where original individual identification code is not known

15.—(1) Subject to regulation 22(1), where the first and second means of identification on an animal identified in accordance with Article 4(2)(a) and (b) of the Council Regulation has been removed or lost or become illegible the keeper, other than a slaughterhouse operator, must—

- (a) if the animal is still on its holding of birth, replace the means of identification with two identical baseline eartags or with one baseline eartag and one other means of identification in accordance with Article 4(2)(b) of the Council Regulation bearing the same individual identification code as that eartag; and
- (b) if the animal is no longer on its holding of birth, replace the means of identification with two replacement eartags or with one replacement eartag and another replacement means of identification.

(2) Subject to regulation 22(1), where an animal was correctly identified with one eartag in accordance with these Regulations or previous United Kingdom Orders or Regulations and that eartag is removed or lost or becomes illegible the keeper, other than a slaughterhouse operator, must—

- (a) if the animal is still on its holding of birth replace the eartag with a baseline eartag; and
- (b) if the animal is no longer on its holding of birth replace the eartag with a replacement eartag.”.

6. In regulation 17 (holding registers)—

- (a) at the end of sub-paragraph (2)(f) delete “and”;
- (b) after sub-paragraph (2)(g) insert—
 - “(h) where two means of identification are applied to an animal in accordance with regulation 8 (identification of animals no longer intended for slaughter before the age of 12 months), the keeper must record in the register the full identification

code on that means of identification and the flockmark or herdmark on the original eartag;

- (i) where two replacement eartags are applied to animals in accordance with regulation 9(b), the keeper must record in the register the identification code of the replacement eartag and the existing identification on the original eartag;
 - (j) the keeper of an animal to which identification has been applied in accordance with regulation 11 (animals imported from third countries) must record in the register the flockmark or herdmark and the unique number of the individual identification code on that means of identification and the identification code on the identification tag applied in the third country;
 - (k) the keeper of an animal who has replaced an animal's means of identification in accordance with regulation 13(1) must record that fact in the register;
 - (l) the keeper of an animal who has replaced that animal's means of identification in accordance with regulation 14 must record in the register the flockmark or herdmark on the replacement means of identification together with that on the remaining means of identification;
 - (m) the keeper of an animal who has replaced that animal's means of identification in accordance with regulation 15(1)(a) must record that fact in the register;
 - (n) the keeper of an animal who has replaced that animal's means of identification in accordance with regulation 15(1)(b) must record in the register the new identification code on that means of identification, and the fact that the flockmark or herdmark on the original means of identification is unknown;
 - (o) the keeper of an animal who has replaced that animal's means of identification in accordance with regulation 15(2)(a) must record that fact in the register; and
 - (p) the keeper of an animal who has replaced that animal's means of identification in accordance with regulation 15(2)(b) must record the flockmark or herdmark on the replacement eartag and the fact that the flockmark or herdmark on the original eartag is unknown in the register.”; and
- (c) in sub-paragraph (4)(b) for “6” substitute “3”.

7. In regulation 22(1) (replacement identification), for “and 13” substitute “, 13 and 15”.

8. For regulation 26 (red eartags) substitute—

“Red eartags

26. A person must not attach a red eartag to an animal, other than a replacement eartag applied under the Council Regulation or these Regulations.”.

RICHARD LOCHHEAD
A member of the Scottish Executive

St Andrew's House,
Edinburgh
12th December 2007

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”) to 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”).

These Regulations also amend the principal Regulations by removing the provisions for the national system of identification and tracing approved by the European Commission which replaced the system for a second means of identification as required under the Council Regulation.

Regulation 3 amends the principal Regulations by substituting new definitions.

Regulation 4 substitutes new provisions in relation to the application of identification.

Regulation 5 substitutes new provisions in relation to the removal and replacement of identification.

Regulation 6 adds new provisions in relation to holding registers.

Regulation 7 amends the provision stating that the operator of a market is not responsible for replacement identification.

Regulation 8 amends the provision in relation to replacement eartags.

A Regulatory Impact Assessment has been prepared in respect of these Regulations and has been placed in the Scottish Parliament Information Centre. Copies can be obtained from the Scottish Government Rural Directorate, Pentland House, Robb’s Loan, Edinburgh EH14 1TY.

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