

EXECUTIVE NOTE

THE PIGS (RECORDS, IDENTIFICATION AND MOVEMENT) (SCOTLAND) ORDER 2011

2011 No. 327

The Pigs (Records, Identification and Movement) (Scotland) Order 2011 has been made in exercise of the powers conferred by sections 1, 8(1) and 83(2) of the Animal Health Act 1981. The legislation will apply in Scotland only. Similar legislation applies in other parts of Great Britain. Once laid the instrument is subject to no further procedure.

Policy Objectives

The instrument will make provision for the identification and registration of pigs as set out in Council Directive 2008/71/EC and as requested by the pig sector. The new legislation clarifies and simplifies the existing requirements in terms of the identification and registration of pigs; and allows keepers to report movements by a number of various routes. Guidance is currently being prepared and will be issued to all pig keepers in Scotland. The guidance will outline pig keepers responsibilities under the legislation and provide information on how to process moves electronically, by telephony or by paper.

Derivation

The Pigs (Records, Identification and Movement) Order 1995 has not been fully revoked as there are a number of Animal Health requirements that continue to have effect. However, these will be absorbed into the proposed Animal Movements and Gatherings Order. The following articles have been revoked from the 1995 Order:

- Article 3: Records and notifications of holdings;
- Article 4: Records of pigs;
- Article 5: Identification marks;
- Article 6: Eartags;
- Article 12: Regulation of any other movement of pigs; and
- Article 15: Provisions as to licences, declarations etc.

Consultation

A discussion paper was issued to industry and local authorities in December 2010 outlining the proposed changes to the legislation. Industry were supportive of the move to electronic movement and felt that this would make movement reporting more efficient. However, they were also of the view that paper reporting should continue to allow keepers with one or two pigs or who do not have access to the internet or a computer to comply. Local authorities were in favour of the proposed changes and welcomed the move to allow keepers to report directly to Scottish Ministers. They stated that as they would no longer receive this information directly from keepers they would require access to movement data, to allow them to effectively carry out enforcement of the legislation.

Financial Effects

The proposed legislation will not impose any new or additional costs on business. However, there will be a saving across local authorities as they will no longer be responsible for notifying Scottish Ministers for movements. Based on figures received from local authorities the saving across Scotland will range from £8,000 to £40, 000 per annum in total. A Business and Regulatory Impact and Assessment has been prepared.

Transposition

A Transposition Note is attached to this Executive Note for information.

Animal Health and Welfare Division
Enterprise and Environment Directorate
The Scottish Government

1 September 2011

TRANSPOSITION NOTE

THE PIGS (RECORDS, IDENTIFICATION AND MOVEMENT) (SCOTLAND) ORDER 2011 (“the Order”)

The Order revokes and replaces some of the provisions of the Pigs (Records, Identification and Movement) (Scotland) Order 1995, as amended.

The following table demonstrates how the relevant provisions of the Directive have been given effect in the Order.

Provisions of Council Directive 2008/71/EC on the identification and registration of pigs	Objective/effect	Implementation
Article 4(1)	A keeper must keep a register stating the number of animals on the holding and an up-to-date record of movements including the holdings of origin and destination and date of movement	Article 5
Article 4(2)	(a) keeper supplies information concerning the origin, identification and destination of pigs owned, kept, transported and slaughtered (b) keeper provides a document containing details of the animals moved to or from a market or collection centre to the operator (c) registers and information are available on the holding and to the competent authority for a period not less than 3 years	Article 12 Article 12 Article 5
Article 5(1)	(a) identification marks are applied before animals leave the holding of birth (b) no mark may be removed or replaced unless permitted by the competent authority and lost or illegible marks must be applied in accordance with Article 5 (c) the keeper must record	Article 7 Article 16 Article 17(2)(b)

Provisions of Council Directive 2008/71/EC on the identification and registration of pigs	Objective/effect	Implementation
	any new mark in the register to link with the previous mark	
Article 5(2)	Animals must be marked with an eartag or tattoo before leaving the holding and the mark must show the holding they came from. Animals with a temporary mark must also have a document which shows their holding of origin, ownership, place of departure and place of destination.	Article 7 Article 8