
SCOTTISH STATUTORY INSTRUMENTS

2007 No. 174

The Cattle Identification (Scotland) Regulations 2007

PART 1

Introductory provisions

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Cattle Identification (Scotland) Regulations 2007 and shall come into force on 6th April 2007.

(2) These Regulations extend to Scotland only.

Interpretation

2.—(1) In these Regulations—

[^{F1}“additional holding” means a holding other than a keeper’s principal holding which—

- (a) is used or intended to be used on more than one occasion by the keeper for holding, keeping or handling animals, whether or not that holding is also used or intended to be used by any other keeper for any of those purposes; and
- (b) prior to the first use of the holding by the keeper for any of the purposes mentioned in paragraph (a), the keeper has notified the Scottish Ministers and, following notification, has received their consent, so to use that holding;]

“cattle passport” (except in paragraphs 2(1)(b), 17 and 19 of Schedule 3) means—

- (a) [^{F2}a cattle passport issued in Scotland under regulation 7 and schedule 3 of these Regulations or the equivalent measures in England or Wales;] or
- (b) a cattle passport issued under the Cattle Passports Order 1996 ^{M1};

“Commission Regulation (EC) No. 494/98” means Commission Regulation (EC) No. 494/98 laying down detailed rules for the implementation of Council Regulation (EC) No. 820/97 as regards the application of minimum administrative sanctions in the framework of the system for the identification and registration of bovine animals ^{M2}[^{F3}as amended by Commission Regulation (EU) No. 1053/2010 amending Regulation (EC) No. 494/98 as regards administrative sanctions in cases of failure to prove the identification of an animal];

“Commission Regulation (EC) No. 509/1999” means Commission Regulation (EC) No. 509/1999 concerning an extension of the maximum period laid down for the application of ear-tags to bison (*Bison bison* spp.) ^{M3};

“Commission Regulation (EC) No. 911/2004” means Commission Regulation (EC) No. 911/2004 implementing Regulation (EC) No. 1760/2000 of the European Parliament and of the Council as regards ear tags, passports and holding registers ^{M4}[^{F4}, as last amended by Commission Implementing Regulation (EU) 2017/949];

“Commission Regulation (EC) No. 644/2005” means Commission Regulation (EC) No. 644/2005 authorising a special identification system for bovine animals kept for cultural and historical purposes on approved premises as provided for in Regulation (EC) No. 1760/2000 of the European Parliament and of the Council ^{M5};

“^{F5}EU] legislation” means Commission Regulation (EC) No. 494/98, Commission Regulation (EC) No. 509/1999, Commission Regulation (EC) No. 911/2004, Commission Regulation (EC) No. 644/2005 and Regulation (EC) No. 1760/2000;

“Council Regulation (EC) No. 820/97” means Council Regulation (EC) No. 820/97 establishing a system for the identification and registration of bovine animals and regarding the labelling of beef and beef products ^{M6};

“identification document” means–

- (a) a cattle passport;
- (b) a certificate of registration issued under regulation 5(3) of the Cattle (Identification of Older Animals) (Scotland) Regulations 2001 ^{M7}; or
- (c) a notice of registration;

“inspector” means a person appointed as such 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 ^{M8};

“movement card” means a movement card issued under regulation 5(3) or 6(3) of the Cattle (Identification of Older Animals) (Scotland) Regulations 2001;

“movement document” means a document issued in relation to an animal in a third country without which the animal cannot be moved from that third country;

“notice of registration” means a document issued by the Scottish Ministers confirming that an animal has been registered in the database set up in accordance with Article 5 of Regulation (EC) No. 1760/2000;

“previous cattle tagging legislation” means–

- (a) the Cattle Identification Regulations 1998 ^{M9};
- (b) the Bovine Animals (Records, Identification and Movement) Order 1995 ^{M10};
- (c) the Bovine Animals (Identification, Marking and Breeding Records) Order 1990 ^{M11};
- (d) the Tuberculosis (England and Wales) Order 1984 ^{M12}; and
- (e) the Tuberculosis (Scotland) Order 1984 ^{M13};

“primary ear tag” means an ear tag approved by the Scottish Ministers and meeting the requirements of Articles 2 and 3 of Commission Regulation (EC) No. 911/2004;

^{F6}“Regulation (EC) No. 1760/2000” means Regulation (EC) No 1760/2000 of the European Parliament and of the Council establishing a system for the identification and registration of bovine animals and regarding the labelling of beef and beef products and repealing Council Regulation (EC) No 820/97;]

“secondary ear tag” means an ear tag of a model and material approved by the Scottish Ministers in accordance with Article 4 of Commission Regulation (EC) No. 911/2004.

(2) Expressions in these Regulations that appear in the ^{F5}EU] legislation have the same meaning in these Regulations as they have for the purposes of that legislation.

(3) Any approval, authorisation, ^{F7}consent,] licence, notice or registration issued under–

- (a) these Regulations,
- (b) Regulation (EC) No. 1760/2000;
- (c) Commission Regulation (EC) No. 911/2004; or
- (d) Commission Regulation (EC) No. 644/2005;

shall be in writing, may be made subject to conditions and may be amended or revoked by notice in writing at any time.

(4) Any reference in these Regulations to anything done in writing or produced in written form includes a reference to an electronic communication, as defined in the Electronic Communications Act 2000^{M14}, that has been recorded and is consequently capable of being reproduced.

- F1** Words in reg. 2(1) inserted (27.5.2017) by The Cattle Identification (Scotland) Amendment Regulations 2017 (S.S.I. 2017/133), regs. 1, **3(a)(i)**
- F2** Words in reg. 2(1) substituted (31.12.2020) by The Animal Health (EU Exit) (Scotland) (Amendment) Regulations 2019 (S.S.I. 2019/71), regs. 1(1)(b), **21(2)**; 2020 c. 1, Sch. 5 para. 1(1)
- F3** Words in reg. 2 inserted (31.12.2011) by The Cattle Identification (Scotland) Amendment Regulations 2011 (S.S.I. 2011/412), regs. 1, **2(2)**
- F4** Words in reg. 2(1) inserted (28.2.2019) by The Environment, Food and Rural Affairs (Miscellaneous Amendments and Revocations) (Scotland) Regulations 2018 (S.S.I. 2018/391), regs. 1(1), **31**
- F5** Word in reg. 2 substituted (22.4.2011) by The Treaty of Lisbon (Changes in Terminology) Order 2011 (S.I. 2011/1043), arts. 2, **3-6**
- F6** Words in reg. 2(1) substituted (27.5.2017) by The Cattle Identification (Scotland) Amendment Regulations 2017 (S.S.I. 2017/133), regs. 1, **3(a)(ii)**
- F7** Word in reg. 2(3) inserted (27.5.2017) by The Cattle Identification (Scotland) Amendment Regulations 2017 (S.S.I. 2017/133), regs. 1, **3(b)**

Marginal Citations

- M1** S.I. 1996/1686.
- M2** O.J. No. L 060, 28.2.98, p.78.
- M3** O.J. No. L 060, 9.3.99, p.53.
- M4** O.J. No. L 163, 30.4.2004, p.65; to which there are amendments not relevant to these Regulations.
- M5** O.J. No. L 107, 28.4.05, p.18.
- M6** O.J. No. 117, 7.5.1997, p.1; relevantly amended by Commission Regulation (EC) No. 2628/97 (O.J. L 354, 30.12.97, p.17), Commission Regulation (EC) No. 2629/97 (O.J. L 354, 30.12.97, p.19), Commission Regulation (EC) No. 2630 (O.J. L 354, 30.12.97, p.23) and Commission Regulation (EC) No. 494/98 (O.J. L 060, 28.2.98, p.78); repealed by Regulation (EC) No. 1760/2000.
- M7** S.S.I. 2001/1.
- M8** 1994 c. 39.
- M9** S.I. 1998/871, amended by S.I. 1998/1796 and 2969, S.I. 1999/1339 and S.I. 2006/1538 and S.S.I. 2001/231 and S.S.I. 2002/1.
- M10** S.I. 1995/12, relevant amending instruments are S.I. 1996/1686, S.I. 1997/1901 and S.I. 1998/871.
- M11** S.I. 1990/1867, amended by S.I. 1993/503. Revoked by S.I. 1995/12 and 1997/1901.
- M12** S.I. 1984/1943, amended by S.I. 1990/1869 and S.I. 1995/2922. Revoked by S.I. 1990/1869, S.I. 2005/346 and S.I. 2006/394 and 1053.
- M13** S.I. 1984/2063, relevant amending instrument is S.I. 1990/1908. Revoked by S.S.I. 2005/434.
- M14** 2000 c. 7; amended by paragraph 158 of Schedule 17 to the Communications Act 2003 (c. 21).

Competent authority and agency arrangements

3.—(1) The Scottish Ministers shall be the competent authority in relation to Scotland to whom reports shall be made in accordance with the second indent of Article 7(1) of Regulation (EC) No. 1760/2000.

(2) The Scottish Ministers may, with the agreement of another competent authority, arrange for any of their functions under Commission Regulation (EC) No. 494/98, Regulation (EC) No. 1760/2000, Commission Regulation (EC) No. 911/2004 or these Regulations to be exercised on their behalf by that other competent authority as agent for the Scottish Ministers.

(3) Such an arrangement shall be in writing and be signed by or on behalf of the Scottish Ministers and the other competent authority concerned and may be subject to such conditions (including conditions as to financial arrangements) as may be agreed from time to time.

PART 2

Notification of holdings

Notification by keepers

4.—(1) Any person who begins to keep an animal or animals on a holding or any person who takes over the keepership of an animal or animals on a holding (the keeper) shall within one month notify the Scottish Ministers of—

- (a) that person's name and address; and
- (b) the address of the holding on which the animal or animals are kept.

(2) Any change to the information provided [^{F8}under] paragraph (1) shall be notified to the Scottish Ministers by the keeper within one month of the change.

[^{F9}(3) Failure to comply with this regulation is an offence.]

F8 Word in reg. 4(2) substituted (29.6.2007) by The Cattle Identification (Scotland) Amendment Regulations 2007 (S.S.I. 2007/312), regs. 1, **3(a)**

F9 Reg. 4(3) inserted (29.6.2007) by The Cattle Identification (Scotland) Amendment Regulations 2007 (S.S.I. 2007/312), regs. 1, **3(b)**

PART 3

Identification and movement of cattle

Ear tags

5. Schedule 1 (ear tags) has effect.

Notification

6. Schedule 2 (notification) has effect.

Cattle passports etc

7. Schedule 3 (cattle passports etc) has effect.

Records

8. Schedule 4 (records) has effect.

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 [^{F10}EU] 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—

^{F11}(i)

^{F12} ...

(ii) any ^{F13}... person the inspector considers to be necessary.

F10 Word in reg. 10 substituted (22.4.2011) by [The Treaty of Lisbon \(Changes in Terminology\) Order 2011](#) (S.I. 2011/1043), arts. 2, **3-6**

F11 [Reg. 10\(2\)\(j\)\(i\)](#) omitted (31.12.2020) by virtue of [The Animal Health \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2019](#) (S.S.I. 2019/71), regs. 1(1)(b), **21(3)(a)**; 2020 c. 1, Sch. 5 para. 1(1)

- F12** Word in reg. 10(2)(j) omitted (31.12.2020) by virtue of [The Animal Health \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2019 \(S.S.I. 2019/71\)](#), regs. 1(1)(b), **21(3)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F13** Word in reg. 10(2)(j)(ii) omitted (31.12.2020) by virtue of [The Animal Health \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2019 \(S.S.I. 2019/71\)](#), regs. 1(1)(b), **21(3)(c)**; 2020 c. 1, Sch. 5 para. 1(1)

[^{F14}Warrant

10A.—(1) If a sheriff or justice of the peace, on sworn information in writing, is satisfied that there is reasonable ground for entry into any premises by an inspector under regulation 10 and either that—

- (a) entry has been refused or a refusal is reasonably expected, and the inspector has given notice to the occupier of his or her intention to apply for an entry warrant; or
- (b) a request for entry, or the giving of such a notice, would defeat the object of entry, or entry is urgently required, or the premises are unoccupied, or the occupier is temporarily absent, and it would defeat the object of entry to await the occupier's return,

the sheriff or justice may by signed warrant, valid for a period of no more than one month, authorise the inspector, together with any person who may accompany the inspector by virtue of regulation 10(2)(j), to enter the premises, if need be by reasonable force.

(2) An inspector leaving any unoccupied premises which that person has entered by virtue of a warrant shall leave them as effectively secured against unauthorised entry as they were found.]

- F14** Reg. 10A inserted (31.12.2011) by [The Cattle Identification \(Scotland\) Amendment Regulations 2011 \(S.S.I. 2011/412\)](#), regs. 1, **2(3)**

Power to restrict movements

11. In accordance with ^{F15}... Article [^{F16}22(2)(a), (b), (c), (e), (f) and (g)] 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 [^{F17}, and failure to comply with such notice is an offence] .

- F15** Words in reg. 11 omitted (27.5.2017) by virtue of [The Cattle Identification \(Scotland\) Amendment Regulations 2017 \(S.S.I. 2017/133\)](#), regs. 1, **4(a)**
- F16** Words in reg. 11 substituted (27.5.2017) by [The Cattle Identification \(Scotland\) Amendment Regulations 2017 \(S.S.I. 2017/133\)](#), regs. 1, **4(b)**
- F17** Words in reg. 11 inserted (29.6.2007) by [The Cattle Identification \(Scotland\) Amendment Regulations 2007 \(S.S.I. 2007/312\)](#), regs. 1, **4**

[^{F18}Slaughter of animals without identification and traceability

12.—(1) Where the Scottish Ministers order the destruction of an animal under Article 1(2) of Commission Regulation (EC) No. 494/98, [^{F19}or under Article 22(2)(d) of Regulation (EC) No. 1760/2000] they shall serve a notice requiring the keeper to arrange for the animal to be killed and disposed of as specified in the notice.

(2) Failure to comply with a notice served under paragraph (1) is an offence.

(3) If a person on whom a notice is served under paragraph (1) 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.]

- F18** Reg. 12 substituted (31.12.2011) by ([The Cattle Identification \(Scotland\) Amendment Regulations 2011 \(S.S.I. 2011/412\)](#)), regs. 1, 2(4)
- F19** Words in reg. 12(1) inserted (27.5.2017) by [The Cattle Identification \(Scotland\) Amendment Regulations 2017 \(S.S.I. 2017/133\)](#), regs. 1, 5

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.

St Andrew's House,
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ROSS FINNIE
A member of the Scottish Executive

Changes to legislation:

There are currently no known outstanding effects for the The Cattle Identification (Scotland) Regulations 2007.