
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision for the administration and enforcement of—

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;

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.);

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 products and repealing Council Regulation (EC) No. 820/97;

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; and

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.

They consolidate and revoke the following instruments, and their amending instruments—

- (a) the Bovine Animals (Records, Identification and Movement) Order 1995;
- (b) the Cattle Identification Regulations 1998;
- (c) the Cattle Database Regulations 1998; and
- (d) the Cattle (Identification of Older Animals) Regulations 2000.

In addition to consolidating existing legislation they introduce changes, the principal of which are—

- (a) an extension of the period within which bison must be tagged after birth;
- (b) the creation of an offence of transferring ear tags between animals;
- (c) changing the fee payable for replacement passports; and
- (d) the use of temporary cattle passports is no longer allowed.

The regulations

Regulation 3 provides that the Scottish Ministers may enter agency agreements with other competent authorities.

Regulation 4 provides for notification by keepers.

Regulation 9 provides for the imposition of a charge for providing information from the Cattle Tracing System data base.

Regulations 10 and 11 identify the powers available to inspectors for the purposes of administration and enforcement. Regulation 12 provides for the slaughter of animals without identification.

Regulations 13 to 17 relate to obstruction, offences and enforcement by the local authority.

Schedule 1: ear tags

Paragraph 1 provides for the application of identification in the form of ear tags on the birth of an animal. Paragraph 2 provides for the application of ear tags to animals imported from outside the European Community. Paragraph 3 contains an exception for animals kept for cultural or historical purposes.

Paragraph 4 makes it an offence to move animals not bearing identification from a holding.

Paragraph 5 makes it an offence to remove or replace an eartag without permission and sets out rules for the application of replacement identification where the original has been removed or lost or become illegible.

Paragraph 6 relates to the approval of ear tags by the Scottish Ministers and paragraph 7 allows bar codes to be added.

Paragraphs 8 to 11 are offence provisions relating to the consignment of animals to another member State, the application of an animal's individual identification code to a different animal, alteration of information on ear tags and storage of ear tags.

Paragraph 12 identifies the logo for approved ear tags.

Schedule 2: notification

Paragraphs 1 to 3 provide for notification of the birth of an animal or its arrival in Scotland, notification of movement to or from a holding and notification of the death of an animal.

Schedule 3: cattle passports etc

Paragraphs 1 to 13 are general provisions relating to identification documents.

Paragraph 1 provides that keepers must apply for cattle passports on the birth of an animal and sets out time limits. Paragraphs 2 and 3 relate to applications for cattle passports for animals from other member States and animals from outside the European Community.

Paragraphs 4 to 6 relate to method of application, issue and retention of cattle passports.

Paragraphs 7 to 9 provide for the application for and issue of replacement identification documents.

Paragraph 10 relates to the surrender of identification documents for animals who are lost or stolen.

Paragraph 11 provides for surrender of identification documents in the event of failure to comply with the Community legislation or these Regulations.

Paragraphs 12 and 13 are offence provisions relating to alteration of information on identification documents and using an animal's identification document for a different animal.

Paragraphs 14 to 20 relate to the information to be entered on cattle passports when an animal is moved and to possession of identification documents.

Paragraphs 14 and 16 provide for what must be done when animals are moved off a holding and on to a holding. Paragraph 15 provides that no person shall transport an animal without a cattle passport.

Paragraphs 17 relates to imported animals, paragraph 18 relates to animals that are exported and paragraph 19 deals with animals in markets.

Paragraph 20 prohibits the movement of animals with notices of registration except under the authority of a licence.

Paragraph 21 provides for the issue of licences to allow animals without identification documents to be moved.

Schedule 4: records

Paragraph 1 provides that keepers of animals must keep registers and enter information for each animal relating to identification codes, birth, arrival from another holding, departure, death and identity of dam and that failure to comply is an offence.

Paragraphs 2 and 3 are offence provisions relating to provision of information at the request of the Scottish Ministers and retention of records.

A Regulatory Impact Assessment has not been produced for this instrument because it has no impact on the costs of business.