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SCOTTISH STATUTORY INSTRUMENTS

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**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—

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

(a) a passport issued in Scotland, England or Wales under Council Regulation (EC) No. 820/97 or Regulation (EC) No. 1760/2000; or

(b) a cattle passport issued under the Cattle Passports Order 1996<sup>(1)</sup>;

“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<sup>(2)</sup>;

“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.)<sup>(3)</sup>;

“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<sup>(4)</sup>;

“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<sup>(5)</sup>;

“Community 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;

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(1) S.I.1996/1686.

(2) O.J. No. L 060, 28.2.98, p.78.

(3) O.J. No. L 060, 9.3.99, p.53.

(4) O.J. No. L 163, 30.4.2004, p.65; to which there are amendments not relevant to these Regulations.

(5) O.J. No. L 107, 28.4.05, p.18.

“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(6);

“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(7); 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(8);

“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(9);
- (b) the Bovine Animals (Records, Identification and Movement) Order 1995(10);
- (c) the Bovine Animals (Identification, Marking and Breeding Records) Order 1990(11);
- (d) the Tuberculosis (England and Wales) Order 1984(12); and
- (e) the Tuberculosis (Scotland) Order 1984(13);

“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;

“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(14)); and

“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 Community legislation have the same meaning in these Regulations as they have for the purposes of that legislation.

(6) 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.

(7) S.S.I. 2001/1.

(8) 1994 c. 39.

(9) 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.

(10) S.I. 1995/12, relevant amending instruments are S.I. 1996/1686, S.I. 1997/1901 and S.I. 1998/871.

(11) S.I. 1990/1867, amended by S.I. 1993/503. Revoked by S.I. 1995/12 and 1997/1901.

(12) 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.

(13) S.I. 1984/2063, relevant amending instrument is S.I. 1990/1908. Revoked by S.S.I. 2005/434.

(14) O.J. No. L 204, 11.8.2000, p.1; to which there are amendments not relevant to these Regulations.

- (3) Any approval, authorisation, 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(15), that has been recorded and is consequently capable of being reproduced.

### **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.

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(15) 2000 c. 7; amended by paragraph 158 of Schedule 17 to the Communications Act 2003 (c. 21).