
SCOTTISH STATUTORY INSTRUMENTS

2007 No. 256

**The Prohibited Procedures on Protected Animals
(Exemptions) (Scotland) Regulations 2007**

Citation and commencement

1. These Regulations may be cited as the Prohibited Procedures on Protected Animals (Exemptions) (Scotland) Regulations 2007 and shall come into force on the day after the day on which they are made.

Interpretation

2. In these Regulations—

“agricultural land” means land used for agriculture (within the meaning of the Agriculture (Scotland) Act 1948⁽¹⁾) which is so used for the purposes of a trade or business;

“bovine animal” means any animal of genera *Bos*, *Bison* or *Bubalus*;

“deer park” means an area enclosed by a deer-proof barrier where deer of any species are kept for public display;

“disbudding” means the removal of the horn bud;

“dock” means the amputation of one or more coccygeal vertebrae of the tail of an animal;

“domestic fowl” means a domesticated member of the species *Gallus gallus*;

“dubbing” means the removal of all or part of the comb of a bird;

“equine animal” means any animal of genus *Equus* including hybrids;

“exempted procedure” means a procedure which is specified in Schedules 1 to 12 to these Regulations in relation to the particular type of protected animal⁽²⁾ on which the procedure is performed;

“farmed deer” means deer of any species which are kept on agricultural land enclosed by a deer proof barrier or on a deer park;

“farmed pig” means a pig kept, fattened or bred for the production of food;

“farmed sheep” means a sheep kept, fattened or bred for the production of food or wool;

“laying hen” means a domestic fowl which is kept or to be kept for the production of eggs not intended for hatching;

“pinioning” means the disabling of the wing of a bird by the removal of the metacarpal bone and phalanges of one wing;

“poultry” means any bird reared or kept in captivity for the production of meat or eggs for consumption, or of other products, for restocking supplies of game or for the purpose of any breeding programme for the production of such categories of birds;

(1) 1948 c. 45.

(2) “protected animal” is defined in section 17 of the Animal Health and Welfare (Scotland) Act 2006.

“specified condition” means a condition specified in Schedules 1 to 12 to these Regulations in relation to the performance of the exempted procedure on the type of animal concerned;

“specified purpose” means a purpose specified in Schedules 1 to 12 to these Regulations for which the exempted procedure may be performed on the type of animal concerned; and

“veterinary surgeon” means any person who is qualified to carry out acts of veterinary surgery as defined by the Veterinary Surgeons Act 1966(3).

Exempted procedures

3. Section 20 of the Animal Health and Welfare (Scotland) Act 2006 does not apply where—
- (a) the procedure is an exempted procedure carried out for a specified purpose;
 - (b) any specified condition is complied with; and
 - (c) the procedure is carried out in accordance with good practice.

Authorisations to hot brand equine animals

4.—(1) The Scottish Ministers may authorise any person to hot brand equine animals subject to such conditions as they consider appropriate and may vary or revoke such authorisation as they see fit.

- (2) An application for authorisation must specify—
- (a) the name and address of the applicant and all persons for whom an authorisation to carry out the hot branding of equine animals is sought;
 - (b) details of where, when and for what purpose the identification of equine animals by hot branding is to be carried out; and
 - (c) details of the numbers and types of equine animals to be hot branded.

(3) Any decision to refuse or revoke an authorisation, or to apply or vary conditions attached to an authorisation, shall be communicated by the Scottish Ministers to the applicant in writing, giving the reasons for such refusal, revocation, condition or variation together with details of the right of the applicant to have that decision reviewed by persons appointed by the Scottish Ministers in accordance with regulation 5.

Review

5.—(1) An applicant who has had their application for authorisation refused, or their authorisation revoked or subjected to any condition or variation may, within 21 days of notification by the Scottish Ministers of that decision, apply to the Scottish Ministers to have that decision reviewed.

(2) Where an application is made under paragraph (1) the Scottish Ministers shall appoint such persons (who may include members of the staff of the Scottish Administration) as they consider appropriate to review the decision.

(3) The persons appointed to review the decision may conduct the review in such form and manner, including considering representations by both parties, as they see fit and shall prepare and send a report to the Scottish Ministers with their recommendation as to how to determine the review.

- (4) The Scottish Ministers, having regard to the report sent to them under paragraph (3), shall—
- (a) determine the review; and
 - (b) give to the person who requested the review—
 - (i) written notification of their determination and their reasons for it; and

(ii) if the person so requests, a copy of the report sent to them under paragraph (3).

(5) Any reference in this regulation or regulation 4 to anything done in writing or produced in written form includes a reference to an electronic communication as defined in section 15(1) of the Electronic Communications Act 2000⁽⁴⁾, which has been recorded and is consequently capable of reproduction.

(6) An electronic communication may only be sent to a person where the recipient has consented to that method of communication.

Revocations

6. The instruments specified in column 1 of Schedule 13 to these Regulations are revoked to the extent set out in the corresponding entry in column 3 of that Schedule.

St Andrew's House,
Edinburgh
20th March 2007

ROSS FINNIE
A member of the Scottish Executive

(4) 2000 c. 7. Section 15(1) was amended by paragraph 158 of Schedule 17 to the Communications Act 2003 (c. 21).