SCOTTISH STATUTORY INSTRUMENTS

2011 No. 327

ANIMALS

ANIMAL HEALTH

The Pigs (Records, Identification and Movement) (Scotland) Order 2011

Made - - - -	*8th September 2011*
Laid before the Scottish Parliament - - - -	*12th September 2011*
Coming into force - -	*1st October 2011*

The Scottish Ministers make the following Order in exercise of the powers conferred by sections 1, 8(1) and 83(2) of the Animal Health Act 1981 [M1] and all other powers enabling them to do so.

Marginal Citations

M1 1981 c.22 ("1981 Act"). Section 8 was amended by paragraph 1 of schedule 2 to the Animal Health and Welfare (Scotland) Act 2006 (asp 11). The functions conferred upon "the Ministers" (as defined in section 86 of the 1981 Act) are now exercisable by the Scottish Ministers. They were transferred, insofar as within devolved competence, to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46).

Citation, commencement and extent

1.—(1) This Order may be cited as the Pigs (Records, Identification and Movement) (Scotland) Order 2011 and comes into force on 1st October 2011.

(2) This Order extends to Scotland only.

Interpretation

2.—(1) In this Order—

"CPH number" means the county parish holding number assigned to a holding by the Scottish Ministers;

"the Directive" means Council Directive 2008/71/EC on the identification and registration of pigs [M2];

"herdmark" means the number issued by the Scottish Ministers under article 4(2);

"holding" means any establishment, construction or, in the case of an open air farm, any place in which pigs are held, kept or handled;

"holding register" means the register **[**[F1]described in article 5**]**;

"identification mark" means an eartag or tattoo applied under article 7;

"keeper" means any person having care and control of pigs, whether on a temporary or permanent basis;

"local authority" means a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 [M3];

[F2]…

"pig" means any animal of the *Suidae* family, excluding feral pigs as defined in Article 2(b) of Council Directive 2001/89/EC of 23 October 2001 on Community measures for the control of classical swine fever **[**[F3], reading the related definition of "holding" in Directive 2001/89/EC as if—

((a)) the words "located in the territory of a member State," were omitted,

((b)) the words from "these fenced areas" to the end were omitted.**]**

(2) Expressions in this Order which appear in the Directive have the same meaning in this Order as they have for the purposes of the Directive.

(3) Any reference in this Order to anything done in writing includes a reference to an electronic communication which has been recorded and may subsequently be used for reference, as defined in section 15 of the Electronic Communications Act 2000 [M4].

Textual Amendments

F1 Words in art. 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), **28(2)(a)**; 2020 c. 1, Sch. 5 para. 1(1)

F2 Words in art. 2(1) 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), **28(2)(b)**; 2020 c. 1, Sch. 5 para. 1(1)

F3 Words in art. 2(1) inserted (31.12.2020) by The Animal Health (EU Exit) (Scotland) (Amendment) Regulations 2019 (S.S.I. 2019/71), regs. 1(1)(b), **28(2)(c)**; 2020 c. 1, Sch. 5 para. 1(1)

Marginal Citations

M2 OJ L 213, 8.8.2008, p.31.

M3 1994 c.39, amended by the Environment Act 1995 (c.25), section 120(1) and Schedule 22, paragraph 232(1).

M4 2000 c.7, amended by the Communications Act 2003 (c.21), **sections 406** and 411(2) and (3) and Schedule 17, paragraph 158.

Notifications etc.

[[F4]**3.** Any notice, walking licence, notification, authorisation or approval under this Order must be in writing, may be made subject to conditions and may be amended, suspended or revoked by notice in writing at any time.**]**

Textual Amendments

F4 Art. 3 substituted (4.11.2011) by The Pigs (Records, Identification and Movement) (Scotland) Amendment Order 2011 (S.S.I. 2011/351), arts. 1, **2**

Notification of holdings

4.—(1) A keeper of pigs on a holding, and any person who takes over keeping pigs on a holding, must notify the Scottish Ministers within one month of—

(a) that keeper's name and address;

(b) the address of the holding; and

(c) the number of herds on the holding.

(2) When the Scottish Ministers receive notification under paragraph (1), they must issue an alpha-numeric code for each herd of pigs on that holding.

(3) The keeper must notify the Scottish Ministers of any change to the information notified under paragraph (1) within one month.

Records

5.—(1) Within 48 hours of the movement of a pig on or off a holding, the keeper must record that movement in the holding register in accordance with this article.

(2) The **[**[F5]holding register is to include a movement record which**]** must—

(a) be completed in full by the keeper; and

(b) contain the—

(i) name and address of the keeper;

(ii) date of the movement;

(iii) holding from which the pig was moved;

(iv) holding to which the pig was moved;

(v) number of pigs; and

(vi) temporary mark or identification number, including the unique individual identification number for a movement specified in article 9 or 10.

(3) The keeper must record the number of pigs on the holding in the holding register.

(4) The keeper must keep these records for a minimum of 3 years.

Textual Amendments

F5 Words in art. 5(2) substituted (31.12.2020) by The Animal Health (EU Exit) (Scotland) (Amendment) Regulations 2019 (S.S.I. 2019/71), regs. 1(1)(b), **28(3)**; 2020 c. 1, Sch. 5 para. 1(1)

Eartags and tattoos

6.—(1) An eartag must be—

(a) legible during the pig's lifetime;

(b) made of either metal or plastic or a combination of metal and plastic;

(c) tamper-resistant;

(d) incapable of re-use;

(e) sufficiently heat-resistant that neither the eartag nor the information printed or stamped on it can be damaged by the processing of the carcase following slaughter; and

(f) designed to remain attached to the pig without harming it.

(2) A tattoo must be applied either by tattoo forceps, in which case it must be on an ear, or by slap-marking equipment, in which case it must be on a shoulder.

(3) As an alternative to applying a tattoo by the methods referred to in paragraph (2), a keeper may apply a tattoo to a shoulder by means of equipment which uses compressed air to drive the tattooing pins into the skin of the pig.

(4) A keeper may mark a pig with any further information, or add further information to the eartag or tattoo provided that the further information is clearly distinguished from the information required under this Order.

Marking of pigs moved off a holding

7.—(1) No person may move a pig off a holding unless it has—

(a) an eartag with the letters "UK" followed by the herdmark which identifies the holding from which it is being moved;

(b) a tattoo showing that herdmark (with or without the letters "UK"); or

(c) a slapmark showing a unique individual identifier being—

(i) the herdmark which identifies the holding of departure; or

(ii) an alpha numeric identifier allocated to the keeper by one of the marketing or processing groups [M5].

(2) In the case of a market—

(a) the pig may be moved off if it is marked with the herdmark which identifies the holding from which it arrived;

(b) if the pig is not identified when it arrives at a market, a keeper may apply the identification so that it is identified with the herdmark which identifies the holding from which it arrived, but if the keeper does not do so, it must be returned to the holding from which it came.

Marginal Citations

M5 There are currently three groups; namely, Vion (processing group), Scottish Pig Producers and Scotlean (marketing groups).

Exception for a pig less than 12 months old

8.—(1) Article 7 does not apply to a pig less than 12 months old provided that it is identified with a temporary mark that—

(a) either by itself or by reference to a document accompanying the pig during the movement, enables the holding from which the pig was last moved to be identified; and

(b) lasts until the pig reaches its destination.

(2) The exception in paragraph (1) does not apply in relation to a pig being moved—

(a) to a market;

(b) to a slaughterhouse;

(c) for the purposes of [F6]... export; or

(d) in accordance with article 10.

(3) A document accompanying the pig as referred to in paragraph (1)(a) must contain details of the—

(a) holding of birth;

(b) name and address of the owner;

(c) holding from which the pig was moved; and

(d) holding to which the pig has moved.

Textual Amendments

F6 Words in art. 8(2)(c) 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), **28(4)**; 2020 c. 1, Sch. 5 para. 1(1)

Additional identification requirements for export movements

9. No person may move a pig off a holding for the purposes of [F7]... export unless it is marked in accordance with article 7(1)(a) or (b) and with a unique individual identification number.

Textual Amendments

F7 Words in art. 9 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), **28(5)**; 2020 c. 1, Sch. 5 para. 1(1)

Additional identification requirements for certain movements

10. No person may move a pig off a holding—

(a) to a show or exhibition;

(b) with a walking licence;

(c) for breeding purposes with the intention of returning the pig to the holding from which it was moved; or

(d) for the purposes of collection of semen at a porcine semen centre,

unless it is marked in accordance with article 7 and with a unique individual identification number.

Identification of pigs moved on to a holding from outside the European Union

11.—(1) Any person importing a pig from outside the European Union must apply an eartag or tattoo to the pig containing the following information, in the following order—

(a) the letters “UK”;

(b) the herdmark of the herd into which the imported pig is introduced;

(c) any other information, if the keeper wishes to apply such information; and

(d) the letter “F”.

(2) The eartag or tattoo must be applied to the pig within a period of 30 days commencing on the day of its arrival at the holding of destination and, in any event, before it is moved from that holding.

(3) A person importing a pig from outside the European Union need not apply a new identification mark in accordance with paragraph (1) where a pig is moved directly to a slaughterhouse and is slaughtered within a period of 30 days commencing on the day of arrival.

Notification requirements for movement of pigs

12.—(1) Subject to paragraphs (3) and (4), when moving pigs, the keeper must notify information to the Scottish Ministers, either prior to the movement or on the day of the movement, specifying—

(a) the address, including postcode and CPH number of the holdings from and to which the pigs are being moved;

(b) the date of the movement;

(c) the number of pigs;

(d) the identification mark of each of the pigs moved (in the case of a movement specified in article 9 or 10, this must include the unique individual identification number required by that article); and

(e) in the case of a movement from a market, the lot numbers of the pigs being moved.

(2) The keeper at the holding of destination must notify the information specified in paragraph (1) to the Scottish Ministers, within a period of 3 days commencing on the day of the arrival of the pigs.

(3) When a keeper moves a pig to a show without knowing to which holding the pig will be moved after the show, the keeper must notify the information specified in paragraph (1) to the Scottish Ministers, within a period of 3 days commencing on the day of the move from the show.

(4) Any person transporting pigs to or from a market or collection centre must carry a document containing the information specified in paragraph (1) which is signed by the keeper if the movements are not being reported electronically.

(5) For the purposes of paragraphs (1) to (3), notification must be made in such form and manner as is from time to time approved by the Scottish Ministers.

Walking licence for pet pigs

13. The Scottish Ministers may grant a walking licence to a keeper of a pet pig allowing the keeper to take the pig for a walk off the holding without complying with articles 5 and 12, but the person walking the pig must carry a copy of the licence throughout the walk.

Veterinary treatment

14. Any provision in this Order requiring the application of a means of identification to a pig before it is moved from a holding does not apply if the movement is for the purposes of veterinary treatment.

Approved holdings

15.—(1) The Scottish Ministers may, for the purpose of movements of pigs intended for breeding or rearing, approve holdings—

(a) from which pigs may be moved; and

(b) on to which pigs may be moved.

(2) A movement of pigs between holdings approved under this article does not trigger the standstill period in the Disease Control (Interim Measures) (Scotland) Order 2002 [M6].

Marginal Citations

M6 S.S.I. 2002/34, amended by S.S.I. 2002/221 and 369, 2003/228 and 2007/387, 400 and 423.

Removing or defacing an identification mark

16. No person may, unless authorised by the Scottish Ministers, remove or deface an eartag or tattoo applied under this Order.

Replacement of an identification mark

17.—(1) Subject to paragraph (2), no person may, unless authorised by the Scottish Ministers, replace an identification mark applied or attached under this Order.

(2) A keeper must replace an identification mark if it has—

(a) become illegible;

(b) been removed for welfare reasons; or

(c) been lost.

(3) Any person replacing an identification mark must either—

(a) apply an identical identification mark; or

(b) apply a new identification mark and cross-refer the new identification mark with the original identification mark in the holding register.

Production of documents and records

18. An inspector may require any document or record made, produced or kept under this Order to be produced on demand and a copy or printout of it to be made.

Movement restrictions

19. An officer of the Scottish Ministers or an inspector may by notice in writing served on any keeper of pigs on a holding, prohibit or restrict the movement of any pig on to or off that holding, except under the authority of a licence, if the officer is satisfied that it is necessary for the enforcement of this Order.

False information

20. No person may furnish information which that person knows to be false or misleading to any person acting in the execution of this Order.

Offences by bodies corporate, Scottish partnerships and unincorporated associations

21.—(1) Where—

(a) an offence under this Order has been committed by a body corporate or a Scottish partnership or other unincorporated association; and

(b) it is proved that the offence was committed with the consent or connivance of, or was attributable to any neglect on the part of—

(i) a relevant individual; or

(ii) an individual purporting to act in the capacity of a relevant individual,

the individual as well as the body corporate, Scottish partnership or unincorporated association, is guilty of the offence and is liable to be proceeded against and punished accordingly.

(2) In paragraph (1), "relevant individual" means—

(a) in relation to a body corporate—

(i) a director, manager, secretary or other similar officer of the body;

(ii) where the affairs of the body are managed by its members, a member;

(b) in relation to a Scottish partnership, a partner; and

(c) in relation to an unincorporated association other than a Scottish partnership, a person who is concerned in the management or control of the association.

Enforcement

22.—(1) This Order is enforced by the local authority.

(2) The Scottish Ministers may direct, in relation to cases of a particular description or any particular case, that the Scottish Ministers will enforce this Order instead of the local authority.

Revocations and savings

23.—(1) Articles 3, 4, 5, 6, 12 and 15 of, and Schedules 1 and 7 to, the Pigs (Records, Identification and Movement) Order 1995 [M7] are revoked.

(2) Notwithstanding the revocations in paragraph (1), articles 3, 4, 5, 6, 12 and 15 and Schedules 1 and 7 of that Order continue to have effect in relation to records kept, notifications made, licences granted, notices served and any proceedings under article 16 of that Order, relating to obligations imposed by the revoked provisions, commenced before the coming into force of this Order.

Marginal Citations

M7 S.I. 1995/11, amended by S.I. 1995/2922 and S.S.I. 2002/34.

St Andrew's House,
Edinburgh

RICHARD LOCHHEAD
A member of the Scottish Executive

EXPLANATORY NOTE

(This note is not part of the Order)

This Order implements Council Directive 2008/71/EC on the identification and registration of pigs.

Article 4 requires a person keeping pigs on a holding to notify the Scottish Ministers and article 5 requires records to be kept.

Articles 6 to 11 require pigs to be marked with eartags, tattoos or temporary marks, and specify what information they must contain, which varies in different circumstances.

Articles 12, 13 and 15 deal with documentation necessary when pigs are moved. Article 14 provides that a pig does not need to be identified if it is being moved for veterinary treatment.

Articles 16 and 17 provide for removing and replacing an identification mark.

Articles 18 to 21 provide for production of documents and records, movement restrictions, false information and offences by bodies corporate. The Order is enforced by the local authority (article 22).

Article 23 revokes articles 3 to 6, 12 and 15 of, and Schedules 1 and 7 to, the Pigs (Records, Identification and Movement) Order 1995 and contains saving provisions.

Breach of this Order is an offence under section 73 of the Animal Health Act 1981, punishable in accordance with section 75 of that Act.

A business and regulatory impact assessment has been prepared and placed in the Scottish Parliament Information Centre. Copies may be obtained from the Scottish Government Rural and Environment Directorate, Animal Health and Welfare Division, Saughton House, Broomhouse Drive, Edinburgh EH11 3XD.

Changes to legislation:
There are currently no known outstanding effects for the The Pigs (Records, Identification and Movement) (Scotland) Order 2011.