
SCOTTISH STATUTORY INSTRUMENTS

2011 No. 412

**The Cattle Identification (Scotland)
Amendment Regulations 2011**

Amendment to the Cattle Identification (Scotland) Regulations 2007

2.—(1) The Cattle Identification (Scotland) Regulations 2007⁽¹⁾ are amended as follows.

(2) In regulation 2 (interpretation), in the definition of “Commission Regulation (EC) No. 494/98”, after “animals”, insert “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⁽²⁾”.

(3) After regulation 10 (powers of inspectors), insert—

“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.”.

(4) For regulation 12 (slaughter of animals without identification), substitute—

“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, 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.

(1) S.S.I. 2007/174, amended by S.S.I. 2007/312 and S.I. 2011/1043.
(2) OJ L 303, 19.11.2010, p.1.

(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.”.

(5) In Schedule 2 (notification), for paragraph 3, substitute—

“Notification of death

3.—(1) When an animal is killed in a slaughterhouse, the occupier of the slaughterhouse shall within 7 days of its death—

- (a) notify the Scottish Ministers of its death, in such form and manner as is from time to time approved by them, in accordance with Article 7(1) of Regulation (EC) No. 1760/2000; and
- (b) return the cattle passport for that animal to the Scottish Ministers in accordance with Article 6(4) of Regulation (EC) No. 1760/2000.

(2) When an animal is killed elsewhere than a slaughterhouse and its body is sent to a slaughterhouse for dressing—

- (a) the keeper at the time the animal is killed shall—
 - (i) enter the details of its death in the cattle passport;
 - (ii) ensure that the cattle passport for that animal accompanies the body of the animal to the slaughterhouse; and
 - (iii) ensure that the body of the animal is delivered to the slaughterhouse within such time as to enable the occupier of the slaughterhouse to comply with head (b); and
- (b) the occupier of the slaughterhouse shall within 7 days of the animal’s death—
 - (i) notify the Scottish Ministers of its death, in such form and manner as is from time to time approved by them, in accordance with Article 7(1) of Regulation (EC) No. 1760/2000; and
 - (ii) return the cattle passport for that animal to the Scottish Ministers in accordance with Article 6(4) of Regulation (EC) No. 1760/2000.

(3) In any other case when an animal dies, the keeper shall within 7 days of its death—

- (a) notify the Scottish Ministers of its death, in such form and manner as is from time to time approved by them, in accordance with Article 7(1) of Regulation (EC) No. 1760/2000; and
- (b) either—
 - (i) return the identification document for that animal to the Scottish Ministers in accordance with Article 6(4) of Regulation (EC) No. 1760/2000; or
 - (ii) where no identification document for that animal is available, provide reasons when notifying under head (a) for the non-compliance with head (b)(i).

(4) Subject to paragraph (5), failure to comply with this paragraph is an offence.

(5) Failure to comply with sub-head (i) or (ii) of sub-paragraph (2)(b) is not an offence where it is shown that the occupier of the slaughterhouse had reasonable excuse for not complying with that sub-head.”.