

Draft Regulations laid before the Scottish Parliament under section 51(3) of the Animal Health and Welfare (Scotland) Act 2006 for approval by resolution of the Scottish Parliament.

DRAFT SCOTTISH STATUTORY INSTRUMENTS

2009 No.

ANIMALS

**The Prohibited Procedures on Protected Animals
(Exemptions) (Scotland) Amendment Regulations 2009**

Made - - - - 2009

Coming into force in accordance with regulation 1

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 20(5)(b) and (c) of the Animal Health and Welfare (Scotland) Act 2006⁽¹⁾ and all other powers enabling them to do so.

In accordance with section 20(6) of that Act, they have consulted with such persons appearing to them to represent relevant interests and such other persons as they consider appropriate.

In accordance with section 51(3) of that Act, a draft of this instrument has been laid before, and approved by resolution of, the Scottish Parliament.

Citation and commencement

1. These Regulations may be cited as the Prohibited Procedures on Protected Animals (Exemptions) (Scotland) Amendment Regulations 2009 and come into force on the day after the day on which they are made.

Amendment of the Prohibited Procedures on Protected Animals (Exemptions) (Scotland) Regulations 2007

2.—(1) The Prohibited Procedures on Protected Animals (Exemptions) (Scotland) Regulations 2007⁽²⁾ are amended as follows.

(2) In regulation 2 (interpretation) insert in the appropriate place—

““de-snooding” means the removal of the part of the male turkey’s wattle arising from the forehead and lying over the upper beak;”;

““non-farmed animal” means any animal not kept for the production of food, wool or skin or for use in the farming of land;”;

(1) 2006 asp 11.
(2) S.S.I. 2007/256.

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““the 2000 Regulations” means the Welfare of Farmed Animals (Scotland) Regulations 2000(3);”.

(3) For the table in Schedule 1 (bovine animals), substitute—

“Procedure	Purpose	Condition
Freeze branding	Identification	
Tattooing	Identification	
Ear tagging	Identification	
Micro chipping	Identification	
Vasectomy	Controlling reproduction or general animal management	
Castration	Controlling reproduction or general animal management	
Implantation of a subcutaneous contraceptive	Controlling reproduction or general animal management	May only be performed— (a) on non-farmed bovine animals; and (b) as part of a conservation programme.
Embryo and ovum transfer	Controlling reproduction or general animal management	
Nose ringing	Handler safety or herd welfare	
Dehorning	Handler safety or herd welfare	
Disbudding	Handler safety or herd welfare	
Supernumerary teat removal	Animal health”.	

(4) For the table in Schedule 2 (pigs), substitute—

“Procedure	Purpose	Condition
Tattooing	Identification	
Ear tagging	Identification	
Ear notching	Identification	
Micro chipping	Identification	
Vasectomy	Controlling reproduction or general animal management	
Implantation of a subcutaneous contraceptive	Controlling reproduction or general animal management	May only be performed— (a) on non-farmed pigs; and

“Procedure	Purpose	Condition
Castration	Controlling reproduction or general animal management	<p>(b) as part of a conservation programme.</p> <p>May only be performed by means which do not involve the tearing of tissues.</p> <p>If castration is carried out after the seventh day of life it shall only be performed under anaesthetic and additional prolonged analgesia.</p> <p>Where the person performing the procedure is not a veterinary surgeon that person must be trained in accordance with the 2000 Regulations.</p>
Embryo and ovum transfer	Controlling reproduction or general animal management	
Tusk trimming	Handler safety or herd welfare	Where the person performing the procedure is not a veterinary surgeon that person must be trained in accordance with the 2000 Regulations.
Docking	Handler safety or herd welfare	<p>May only be performed where–</p> <p>(a) the pig is a farmed pig kept on agricultural land;</p> <p>(b) other measures to improve environmental conditions or management systems have been taken in order to prevent tail biting but there is still</p>

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“Procedure	Purpose	Condition
		<p>evidence of injury to the tails of other pigs; and</p> <p>(c) the procedure is performed by the quick and complete severance of the part of the tail to be removed.</p> <p>If docking is carried out after the seventh day of life it shall only be performed under anaesthetic and additional prolonged analgesia.</p> <p>Where the person performing the procedure is not a veterinary surgeon that person must be trained in accordance with the 2000 Regulations.</p>
Uniform reduction of the corner teeth	Herd welfare	<p>May only be performed where—</p> <p>(a) the pig is a farmed pig kept on agricultural land;</p> <p>(b) the pig is less than 8 days old;</p> <p>(c) other measures to improve environmental conditions or management systems have been taken in order to prevent tail biting but there is still evidence of injury to sows' teats or to the ears or tails of other pigs; and</p> <p>(d) the reduction is performed</p>

“Procedure	Purpose	Condition
		by grinding or clipping leaving an intact smooth surface.
		Where the person performing the procedure is not a veterinary surgeon that person must be trained in accordance with the 2000 Regulations.
Nose ringing	General animal management	May only be performed on a pig which is not intended to be kept continuously in an indoor husbandry system.
		Where the person performing the procedure is not a veterinary surgeon that person must be trained in accordance with the 2000 Regulations.”.

(5) For the table in Schedule 3 (birds), substitute—

“Procedure	Purpose	Condition
Micro chipping	Identification	
Beak trimming	Flock welfare	May only be performed on poultry.
		May only be performed—
		(a) if carried out as a single procedure, provided no more than a one third part of both the upper and lower beaks, measured from the tip towards the entrance to the nostrils, is removed;
		or
		(b) provided no more than a one third part of the upper beak only, measured as above, is removed.

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“Procedure	Purpose	Condition
		In either case any subsequent haemorrhage from the beak must be arrested by cauterization.
		Beak trimming may only be performed where a veterinary surgeon considers the beak trimming to be necessary to prevent feather pecking or cannibalism and measures to improve the environmental conditions have been taken.
		Beak trimming of laying hens may only be performed on birds aged 10 days or less kept in flocks of 350 or more birds.
		Beak trimming of laying hens may only be performed until 31st December 2010.
De-snooding	General animal management	
Cutting of the toes	General animal management	May only be performed on poultry other than laying hens.
Dubbing	General animal management	May only be performed on domestic fowl other than laying hens.
Pinioning	General animal management	May be performed on any bird other than poultry.
Laparoscopy	General animal management	
Castration, ovidectomy and vasectomy	Controlling reproduction or general animal management	May only be performed— (a) on non-farmed birds; and (b) as part of a conservation programme.
Implantation of a subcutaneous contraceptive	Controlling reproduction or general animal management	May only be performed— (a) on non-farmed birds; and (b) as part of a conservation programme.
Wing tagging	Identification	May only be performed on— (a) farmed birds for breeding or testing for the presence of disease; (b) non farmed birds for conservation or research.
Web tagging	Identification	May only be performed on—

“Procedure	Purpose	Condition
		(a) farmed birds for breeding or testing for the presence of disease;
		(b) non farmed birds for conservation or research.”.

(6) For the table in Schedule 4 (sheep), substitute–

“Procedure	Purpose	Condition
Tattooing	Identification	
Ear tagging	Identification	
Ear notching	Identification	
Micro chipping	Identification	
Vasectomy	Controlling reproduction or general animal management	
Castration	Controlling reproduction or general animal management	
Laparoscopic insemination	Controlling reproduction or general animal management	
Embryo and ovum transfer	Controlling reproduction or general animal management	May only be performed– (a) on non-farmed sheep; and (b) as part of a conservation programme.
Implantation of a subcutaneous contraceptive	Controlling reproduction or general animal management	
Dehorning	Handler safety or flock welfare	
Disbudding	Handler safety or flock welfare	
Docking	Animal health	May only be performed where– (a) the sheep is a farmed sheep kept on agricultural land; and (b) sufficient tail is retained to cover the vulva in the case of female sheep and the anus in the case of male sheep.”.

(7) For the table in Schedule 5 (goats), substitute–

“Procedure	Purpose	Condition
Tattooing	Identification	

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“Procedure	Purpose	Condition
Ear tagging	Identification	
Ear notching	Identification	
Micro chipping	Identification	
Vasectomy	Controlling reproduction or general animal management	
Castration	Controlling reproduction or general animal management	
Laparoscopic insemination	Controlling reproduction or general animal management	
Implantation of a subcutaneous contraceptive	Controlling reproduction or general animal management	May only be performed— (a) on non-farmed goats; and (b) as part of a conservation programme.
Embryo and ovum transfer	Controlling reproduction or general animal management	
Dehorning	Handler safety or herd welfare	
Disbudding	Handler safety or herd welfare”.	

(8) For the table in Schedule 6 (equine animals), substitute—

“Procedure	Purpose	Condition
Freeze branding	Identification	
Hot branding	Identification	May only be performed subject to, and in accordance with, any authorisation granted or review determined by the Scottish Ministers under regulations 4 and 5 respectively.
Tattooing	Identification	
Micro chipping	Identification	
Vasectomy	Controlling reproduction or general animal management	
Castration	Controlling reproduction or general animal management	
Implantation of a subcutaneous contraceptive	Controlling reproduction or general animal management	
Embryo and ovum transfer	Controlling reproduction or general animal management”.	

(9) For the table in Schedule 7 (deer), substitute—

“Procedure	Purpose	Condition
Tattooing	Identification	
Ear tagging	Identification	
Ear notching	Identification	
Micro chipping	Identification	
Vasectomy	Controlling reproduction or general animal management	
Castration	Controlling reproduction or general animal management	
Implantation of a subcutaneous contraceptive	Controlling reproduction or general animal management	May only be performed— (a) on non-farmed deer; and (b) as part of a conservation programme.
Embryo and ovum transfer	Controlling reproduction or general animal management	
Antler removal	Handler safety or herd welfare	May only be performed where— (a) the deer is a farmed deer; and (b) the velvet is frayed and the greater part of it shed.”.

(10) For the table in Schedule 8 (cats), substitute—

“Procedure	Purpose	Condition
Ear tipping	Identification	May only be performed on feral cats.
Micro chipping	Identification	
Tattooing	Identification	
Vasectomy	Controlling reproduction or general animal management	
Castration	Controlling reproduction or general animal management	
Spaying	Controlling reproduction or general animal management	
Implantation of a subcutaneous contraceptive	Controlling reproduction or general animal management”.	

(11) For the table in Schedule 9 (dogs), substitute—

“Procedure	Purpose	Condition
Micro chipping	Identification	

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“Procedure	Purpose	Condition
Tattooing	Identification	
Vasectomy	Controlling reproduction or general animal management	
Castration	Controlling reproduction or general animal management	
Spaying	Controlling reproduction or general animal management	
Embryo and ovum transfer	Controlling reproduction or general animal management	
Implantation of a subcutaneous contraceptive	Controlling reproduction or general animal management	
Amputation of dew claws	General animal management”.	

(12) For the table in Schedule 10 (fish), substitute—

“Procedure	Purpose	Condition
Chemical branding	Identification	
Freeze branding	Identification	
Pit tagging	Identification	
Micro chipping	Identification	
Removal or perforation of parts of the fins, adipose fins or fin rays	Identification	
Removal of fish scales	Age determination or stock management	
Implantation of a subcutaneous contraceptive	Controlling reproduction or general animal management”.	

(13) For the table in Schedule 11 (reptiles), substitute—

“Procedure	Purpose	Condition
Micro chipping	Identification	
Laparoscopy	General animal management	
Implantation of a subcutaneous contraceptive	Controlling reproduction or general animal management”.	

(14) For the table in Schedule 12 (any other kind of animal), substitute—

“Procedure	Purpose	Condition
Micro chipping	Identification	
Tattooing	Identification	

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“Procedure	Purpose	Condition
Vasectomy	Controlling reproduction	
Castration	Controlling reproduction	
Spaying	Controlling reproduction	
Embryo and ovum transfer	Controlling reproduction	
Implantation of a subcutaneous contraceptive	Controlling reproduction or general animal management”.	

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A member of the Scottish Executive

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Prohibited Procedures on Protected Animals (Exemptions) (Scotland) Regulations 2007 (“the principal Regulations”) by adding and removing permitted procedures and the requirements that apply to them as set out in the new tables to be substituted in the Schedules to the principal Regulations.

The spaying of cattle, sheep, pigs, goats, deer and horses is no longer a permitted procedure and has been removed from the principal Regulations. A number of procedures for the control of animal reproduction and identification have been added to the principal Regulations; namely, ovum transfer, laparoscopic insemination, implantation of a subcutaneous contraceptive, castration, ovidectomy and vasectomy and wing and web tagging of birds.

The principal Regulations specify the procedures to which the offences in section 20(1) and (2) of the Animal Health and Welfare (Scotland) Act 2006 do not apply. Those provisions of that Act make it an offence to carry out, or to cause, or, in specified circumstances, permit another person to carry out, a prohibited procedure on a protected animal. A prohibited procedure is one that involves the interference with the sensitive tissues or bone structure of the animal, otherwise than for the purpose of its medical treatment (see section 20(4) of that Act). A protected animal is one which is of a kind which is commonly domesticated in the British Islands or under the control of man on a permanent or temporary basis or not living in a wild state (see section 17(1) of that Act).

A full regulatory impact assessment has not been produced for this instrument as it has no impact on the costs of business, charities or the voluntary sector.