

2006 No. 73

ANIMALS

ANIMAL HEALTH

**The Sheep and Goats (Identification and Traceability) (Scotland)
Regulations 2006**

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The Scottish Ministers in exercise of the powers conferred by section 2(2) of the European Communities Act 1972^(a) and of all other powers enabling them in that behalf, hereby make the following Regulations:

PART 1

Introductory Provisions

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Sheep and Goats (Identification and Traceability) (Scotland) Regulations 2006 and shall come into force on 20th March 2006.

(2) These Regulations extend to Scotland only.

Interpretation

2.—(1) In these Regulations—

“Annex” means the Annex to the Council Regulation;

“baseline F eartag” means an eartag applied under the Council Regulation, these Regulations, any provision giving effect to the Council Regulation in England, Wales or Northern Ireland or previous United Kingdom Orders or Regulations, bearing the individual identification code described in regulation 8(3)(a) to (d);

“baseline S eartag” means an eartag applied under the Council Regulation, these Regulations, any provision giving effect to the Council Regulation in England, Wales or Northern Ireland or previous United Kingdom Orders or Regulations, bearing the individual identification code described in regulation 7(1)(b)(i) to (iii);

“baseline UK eartag” means an eartag applied under the Council Regulation, these Regulations, any provision giving effect to the Council Regulation in England, Wales or Northern Ireland or previous United Kingdom Orders or Regulations, bearing the individual identification code described in regulation 6(3)(a) to (c);

“the Council Directive” means Council Directive 92/102/EEC of 27th November 1992 on the identification and registration of animals^(b) as amended by the Council Regulation;

“the Council Regulation” means Council Regulation (EC) No. 21/2004 of 17th December 2003 establishing a system for the identification and registration of ovine and caprine animals and amending Regulation (EC) No. 1782/2003 and Directives 92/102/EEC and 64/432/EEC^(c);

“CPH”, in the forms in Schedules 1 and 2, means the number assigned to a holding by the Scottish Ministers for the purpose of identifying its geographical location;

“flockmark” means the number allocated by the Scottish Ministers to a holding on which sheep are kept;

“herdmark” means the number allocated by the Scottish Ministers to a holding on which goats are kept;

“holding of import” means the holding to which animals imported from a third country are first moved for the purposes of livestock farming;

“identification code” means the alpha numeric code applied or to be applied to a means of identification in accordance with the Council Regulation, these Regulations, any provision giving effect to the Council Regulation in England, Wales, Northern Ireland or another

(a) 1972 c.68. Section 2(2) was amended by the Scotland Act 1998 (c.46), Schedule 8, paragraph 15(3). The functions conferred upon the Minister of the Crown under section 2(2) of the 1972 Act, insofar as within devolved competence, were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998.

(b) O.J. No. L 355, 5.12.1992, p.32.

(c) O.J. No. L 5, 9.1.2004, p.8.

member State, previous United Kingdom Orders or Regulations or any provision giving effect to Council Directive 92/102/EEC in another member State;

“inspector” means a person appointed to be an inspector 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(a);

“movement eartag” means an eartag applied under these Regulations, previous United Kingdom Orders or Regulations, bearing the identification code described in regulation 10(1)(b)(i) and (ii);

“movement document” means the movement document required by Article 6 of the Council Regulation;

“previous Scottish Orders or Regulations” means–

- (a) the Sheep and Goats Identification (Scotland) Regulations 2000(b);
- (b) the Sheep and Goats Movement (Interim Measures) (Scotland) Order 2002(c);

“previous United Kingdom Orders or Regulations” means–

- (a) the Sheep and Goats Identification (Scotland) Regulations 2000;
- (b) the Sheep and Goats Movement (Interim Measures) (Scotland) Order 2002;
- (c) the Sheep and Goats Identification (England) Order 2000(d);
- (d) the Sheep and Goats Identification and Movement (Interim Measures) (England) Order 2002(e);
- (e) the Sheep and Goats Identification and Movement (Interim Measures) (England) (No. 2) Order 2002(f);
- (f) the Sheep and Goats Identification and Movement (Interim Measures) (Wales) Regulations 2002(g);
- (g) the Sheep and Goats Identification and Movement (Interim Measures) (Wales) Order 2002(h);
- (h) the Sheep and Goats Identification and Movement (Interim Measures) (Wales) (No. 2) Order 2002(i);
- (i) the Identification and Movement of Sheep and Goats Order (Northern Ireland) 1997(j);
- (j) the Identification and Movement of Sheep and Goats Order (Northern Ireland) 2004(k);

“R eartag” means a red eartag applied under the Council Regulation, these Regulations, any provision giving effect to the Council Regulation in England, Wales or Northern Ireland or previous United Kingdom Orders or Regulations, bearing the individual identification code described in regulation 13(2)(c)(i) to (iv);

“R tattoo” means a tattoo bearing the individual identification code described in regulation 14(3)(b)(i) to (iii);

“register” means the register required to be kept by Article 5 of the Council Regulation;

“slaughterhouse” means an establishment approved as a slaughterhouse in accordance with Article 3 of Regulation (EC) No. 854/2004(l);

(a) 1994 c.39.

(b) S.S.I. 2000/418, amended by S.S.I. 2002/39 and 2002/531.

(c) S.S.I. 2002/38, amended by S.S.I. 2002/221.

(d) S.I. 2000/2027, amended by S.I. 2001/281, revoked by S.I. 2002/240.

(e) S.I. 2002/240, amended by S.I. 2002/764 and 2002/1349, revoked by S.I. 2002/2153.

(f) S.I. 2002/2153, amended by S.I. 2003/29, 2003/502 and 2003/1728, revoked by S.I. 2005/3100.

(g) S.I. 2002/274 (W..30), amended by S.I. 2002/811 (W..91), revoked by S.I. 2002/1354 (W.131).

(h) S.I. 2002/1357 (W.133), revoked by S.I. 2002/2302 (W.227).

(i) S.I. 2002/2302 (W.227), amended by S.I. 2003/167 (W.27), 2003/946 (W.127) and 2003/1966 (W.221).

(j) S.R. (NI) 1997/173, revoked by S.R. (NI) 2004/491.

(k) S.R. (NI) 2004/ 491, revoked by S.R. (NI) 2005/535.

(l) O.J. No. L 139, 30.4.04, p.206. The revised text of the Regulation is contained in a corrigendum (O.J. No. L 226. 25.6.04, p.83).

“temporary grazing” means a holding on to which a keeper moves an animal for a limited period of time for the purpose of feeding or pasture;

“unique number” means a number allocated by the Scottish Ministers which is unique to an animal in a flock or herd and contains 6 digits; and

“X eartag” means an eartag applied under the Council Regulation, these Regulations, any provision giving effect to the Council Regulation in England, Wales or Northern Ireland or previous United Kingdom Orders or Regulations, bearing the individual identification code described in regulation 9(2)(b)(i) to (iv).

(2) Expressions in these Regulations which appear in the Council Regulation have the same meaning in these Regulations as they have for the purposes of the Council Regulation.

(3) Any reference in these Regulations to anything done in writing or produced in written form, other than under regulation 23, includes a reference to an electronic communication which has been recorded and may subsequently be used for reference, as defined in the Electronic Communications Act 2000(a).

Individual identification code

3.—(1) All references in these Regulations to the “individual identification code” of an animal, other than an animal bearing more than one eartag or tattoo with a number identifying the animal individually, are references to the code on—

- (a) the first means of identification attached to the animal in accordance with the Council Regulation; or
- (b) the eartag or tattoo by means of which an animal born on or before 9th July 2005 has been individually identified in accordance with these Regulations, any provision giving effect to the Council Regulation in England, Wales or Northern Ireland or another Member state, previous United Kingdom Orders or Regulations or any provision giving effect to the Council Directive in another member State.

(2) In the case of an animal bearing more than one eartag or tattoo with a number identifying the animal individually, the “individual identification code” is the code on—

- (a) in the case of an animal not from Northern Ireland—
 - (i) any eartag or tattoo attached to the animal which bears the letters “UK” and a number identifying the animal individually; or
 - (ii) the eartag or tattoo identifying the animal individually which was most recently applied, in the case of animals not having the identification referred to in head (i);
- (b) in the case of an animal from Northern Ireland, the eartag attached to the left ear of the animal.

Competent authority

4. The Scottish Ministers are the competent authority for the purposes of the Council Regulation.

Authorisations

5.—(1) Subject to paragraph (2), any authorisations, approvals or permissions issued under the Council Regulation or these Regulations shall be in writing, may be made subject to conditions and may be amended, suspended or revoked by notice in writing at any time.

(2) Authorisation, approval or permission may be issued otherwise than in writing where this is necessary to prevent pain or suffering to an animal.

(a) 2000 c.7.

PART 2

Application of identification

Baseline eartags: animals born after 9th July 2005

6.—(1) The keeper of an animal born after 9th July 2005 shall comply with Article 4(1) and (2)(a) of the Council Regulation and this regulation.

(2) The period determined for the purposes of Article 4(1) of the Council Regulation is—

- (a) 9 months from its date of birth, in the case of an animal kept in extensive or free range farming conditions; and
- (b) 6 months from its date of birth, in the case of any other animal.

(3) For an animal born after 9th July 2005, the individual identification code for the first means of identification (“baseline UK eartag”) for the purposes of Section A.2 of the Annex is the following information in the following order:—

- (a) the letters “UK”;
- (b) the flockmark or herdmark of the holding of birth; and
- (c) a unique number.

Baseline eartags: animals born on or before 9th July 2005

7.—(1) Subject to paragraph (2), the keeper of an animal born on or before 9th July 2005—

- (a) which has not moved from its holding of birth, shall apply to the animal before it is moved from that holding a baseline UK eartag;
- (b) which is on a holding other than its holding of birth, shall apply to the animal before it is moved from that holding an eartag bearing an individual identification code with the following information in the following order (“baseline S eartag”):—
 - (i) the letter “S”;
 - (ii) the flockmark or herdmark of the flock or herd from which the animal is being moved; and
 - (iii) a unique number.

(2) Paragraph (1)(b) shall not apply to an animal bearing a means of identification with an individual identification code applied under any provision giving effect to the Council Regulation in England, Wales or Northern Ireland, previous United Kingdom Orders or Regulations or any provision giving effect to the Council Directive in another member State.

Baseline eartags: animals imported from third countries

8.—(1) The keeper of an animal imported from a third country shall comply with Article 4(1) and (4) of the Council Regulation and this regulation.

(2) The period determined for the purposes of Article 4(4) of the Council Regulation is 14 days.

(3) For an animal imported from a third country, the individual identification code for the first means of identification (“baseline F eartag”) for the purposes of Section A.2 of the Annex is the following information in the following order:—

- (a) the letters “UK”;
- (b) the flockmark or herdmark of the holding of import;
- (c) a unique number; and
- (d) the letter “F”.

Second means of identification: animals involved in intra-Community trade

9.—(1) The keeper of an animal born after 9th July 2005 and involved in intra-Community trade shall comply with Article 4(2)(b) of the Council Regulation and this regulation.

(2) The second means of identification to be applied to an animal involved in intra-Community trade for the purposes of Section A.4 of the Annex shall be for the purposes of section A4 of the Annex—

- (a) an eartag bearing the same individual identification code as that on the identification applied in accordance with Article 4(1) and (2)(b) of the Council Regulation; or
- (b) an eartag bearing an individual identification code with the following information in the following order (an “X eartag”):—
 - (i) the letters “UK”;
 - (ii) the flockmark or herdmark of the holding from which an animal is being moved;
 - (iii) a unique number; and
 - (iv) the letter “X”.

(3) The keeper of an animal born on or before 9th July 2005 and involved in intra-Community trade shall apply a second means of identification to that animal in the form of—

- (a) an eartag bearing the individual identification code on the eartag already attached to the animal; or
- (b) an X eartag.

Movement eartags

10.—(1) Subject to paragraph (3)—

- (a) the keeper of an animal born after 9th July 2005 which is to be moved from a holding shall comply with the system introduced under Article 4(2)(c) of the Council Regulation (as a replacement for the system of a second means of identification in Article 4(2)(b) of the Council Regulation); and
- (b) for the purposes of that replacement system, the identification to be applied to an animal born after 9th July 2005 which is to be moved from a holding shall be an eartag bearing an identification code with the following information in the following order (a “movement eartag”):—
 - (i) the letter “S”; and
 - (ii) the flockmark or herdmark of the holding from which the animal is being moved.

(2) Subject to paragraph (3), the keeper of an animal born on or before 9th July 2005 which is to be moved from a holding shall apply to that animal a movement eartag.

(3) Paragraphs (1) and (2) shall not apply—

- (a) to the movement of an animal from a holding at which a baseline UK eartag, a baseline S eartag, a baseline F eartag, an R eartag or a tattoo identifying the animal individually was attached to that animal under the Council Regulation, these Regulations or previous Scottish Orders and Regulations;
- (b) to the movement of an animal involved in intra-Community trade;
- (c) to the movement of an animal which is already marked with 3 eartags under—
 - (i) the Council Regulation, these Regulations or any provision giving effect to the Council Regulation in England, Wales, Northern Ireland or another member State; or
 - (ii) previous United Kingdom Orders or Regulations or any provision giving effect to the Council Directive in another member State;
- (d) to the movement of an animal to or from a show or exhibition;
- (e) to the movement of an animal returning to its holding from temporary grazing;

- (f) to the movement of an animal returning to its holding from a holding to which it was moved for the purpose of dipping or shearing;
- (g) to the movement of a ram or goat to or from a holding to which it is moved for the purpose of breeding;
- (h) to the movement of an animal to another holding in the United Kingdom if the keeper at the holding from which the animal is being moved records the individual identification code of that animal in–
 - (i) the register at that holding; and
 - (ii) the movement document;
- (i) to the movement of an animal from a market or slaughterhouse; or
- (j) to the movement of an animal from a holding when that animal bears a movement eartag applied under these Regulations or previous Scottish Orders or Regulations as a result of an earlier movement from the holding.

Animals intended for slaughter

11. For the purposes of Article 4(3) of the Council Regulation the identification method in Section A.7 of the Annex shall not be used.

PART 3

Removal and replacement of identification

Removal and replacement of means of identification

12.—(1) No person shall remove, unless for the purpose of preventing unnecessary pain or suffering to an animal, or replace, any means of identification attached to an animal otherwise than in accordance with Article 4(6) of the Council Regulation.

(2) Subject to regulation 22(1), any identification which has been removed or lost or become illegible shall be replaced as soon as possible and, in any event, before the animal leaves the holding on which the replacement identification is to be applied.

Replacement eartags

13.—(1) Subject to regulations 14(1), 16(1) and 22(1), where the individual identification code of an eartag or tattoo which has been removed or lost or become illegible is known, the keeper, other than a slaughterhouse operator, shall apply to the animal a replacement eartag bearing that individual identification code.

(2) Where the individual identification code of an eartag or tattoo which has been removed or lost or become illegible is not known and–

- (a) the animal is on its holding of birth, the keeper shall apply to the animal a baseline UK eartag;
- (b) in the case of an animal imported from a third country, the animal is on its holding of import, the keeper shall apply to the animal a baseline F eartag;
- (c) the animal is on a holding other than its holding of birth or, in the case of an animal imported from a third country, its holding of import, the keeper shall apply a red replacement eartag bearing an individual identification code with the following information in the following order (an “R eartag”):–
 - (i) the letters “UK”;
 - (ii) the flockmark or herdmark of the holding from which an animal is being moved;
 - (iii) a unique number; and

- (iv) the letter “R”.

Replacement tattoos

14.—(1) Regulation 13 shall not apply where a replacement tattoo is applied to the animal in accordance with paragraph (2) or (3).

(2) Where the identification code of a tattoo which has been lost or become illegible is known the keeper may apply to the animal a replacement tattoo bearing that identification code.

(3) Where the identification code of a tattoo which has been lost or become illegible is not known and—

- (a) the animal is on its holding of birth, the keeper may apply to the animal a replacement tattoo bearing an individual identification code with the following information in the following order:—
 - (i) the flockmark or herdmark of the holding of birth; and
 - (ii) a number of not more than 6 digits which is unique to the animal to which it is applied (and which has been created by the keeper of the holding at which it is applied);
- (b) the animal is on a holding other than its holding of birth, the keeper may apply a tattoo with an individual identification code with the following information in the following order (an “R tattoo”):—
 - (i) the flockmark or herdmark of the holding the animal is on when the tattoo is applied;
 - (ii) a number of not more than 6 digits which is unique to the animal to which it is applied (and which has been created by the keeper of the holding at which it is applied); and
 - (iii) the letter “R”.

Animals involved in intra-Community trade

15. No animal bearing an R eartag, R tattoo or an eartag or tattoo with the letter “R” applied under the Council Regulation, these Regulations, any provision giving effect to the Council Regulation in England, Wales or Northern Ireland or previous United Kingdom Orders or Regulations shall be consigned for intra-Community trade.

Replacement of movement eartags

16.—(1) Regulation 13 shall not apply to the replacement of movement eartags.

(2) Where the identification code of a movement eartag has been removed or lost or become illegible and the identification code of that eartag is known, the keeper, unless that keeper is a slaughterhouse operator, shall apply to the animal a replacement movement eartag bearing the same identification code as the eartag it is replacing.

PART 4

Documentation and recording of information

Holding registers

17.—(1) The keeper of an animal, other than a person concerned only in transporting animals, shall comply with—

- (a) Article 4(4), second paragraph, and Article 5(1) of the Council Regulation;
- (b) Article 5(3) of the Council Regulation; and
- (c) Article 5(5) of the Council Regulation.

(2) In accordance with Article 5(2) of the Council Regulation and in addition to the requirements of Articles 4(4), second paragraph, 5(1), 5(3) and 5(5) of the Council Regulation—

- (a) the keeper on a holding from which an animal is moved or to which an animal is moved shall record in the register the number of animals moved;
- (b) the keeper on a holding from which an animal is moved to a slaughterhouse shall record in the register the address of that slaughterhouse;
- (c) the keeper on a holding to which an animal is moved from a market shall record in the register the lot number allocated under regulation 21(2) on the movement document accompanying the animal;
- (d) the keeper of an animal which is moved from a holding and which already bears 3 eartags under the Council Regulation, these Regulations, any provision giving effect to the Council Regulation in England, Wales, Northern Ireland or another member State, previous United Kingdom Orders or Regulations or any provision giving effect to the Council Directive in another member State, shall record in the register the individual identification code of that animal;
- (e) the keeper of an animal which is to be moved to or from a show or exhibition shall record in the register the individual identification code of that animal;
- (f) the keeper of a ram or goat which is moved to or from a holding to which it is moved for the purpose of breeding shall record in the register the individual identification code of that animal; and
- (g) the keeper of an animal bearing identification with an individual identification code which is moved to or from a veterinary practice or clinic for the purpose of emergency veterinary treatment shall record in the register the individual identification code of that animal.

(3) Any information relating to the movement of an animal or to the replacement of identification that is to be recorded in a register in accordance with the Council Regulation or these Regulations shall be recorded within 36 hours of said movement or replacement.

(4) For the purposes of Article 5(3) of the Council Regulation the register shall be—

- (a) in the form set out in Schedule 1; and
- (b) available for a minimum period of 6 years from the end of the calendar year in which the last entry was made.

(5) The derogation in Article 5(4) of the Council Regulation does not apply.

Movement documents

18.—(1) The keeper of an animal shall comply with Article 6 of the Council Regulation and keep and complete the movement document in accordance with this regulation.

(2) Subject to regulation 23, the movement document shall—

- (a) be in the form set out in Schedule 2;
- (b) be completed in full by the appropriate keeper, as specified in that form; and
- (c) contain, in addition to information meeting the requirements of Section C of the Annex—
 - (i) the flock number or herd number of the holding from which the animal is moved;
 - (ii) the date of arrival at the holding of destination;
 - (iii) the address of the holding of destination;
 - (iv) where an animal already bears 3 eartags under the Council Regulation, these Regulations, any provision giving effect to the Council Regulation in England, Wales or Northern Ireland or previous UK Orders or Regulations, the individual identification code of that animal;
 - (v) where an animal is moved to or from a show or exhibition, the individual identification code of that animal; and

(vi) where a ram or goat is moved to or from a holding to which it is moved for the purpose of breeding, the individual identification code of that animal.

(3) A copy of the movement document shall be kept at the holding from which an animal is moved and at the holding of destination for a period of at least 3 years from the date of the movement it records.

(4) The derogation in Article 6(4) of the Council Regulation does not apply.

Inventory

19. For the purposes of Article 7(2) of the Council Regulation, a keeper who keeps animals permanently shall, before 1st February each year, make an inventory of the number of animals on that keeper's holding as at 1st January of that year.

Central database

20.—(1) In accordance with Article 8(2) of the Council Regulation, the keeper of an animal shall provide to the Scottish Ministers, in such manner and form as they may specify, the information required for the purposes of Articles 7(2) and 8(1) of the Council Regulation—

- (a) within 30 days in the case of information relating to the keeper or the holding; and
- (b) within 3 days in the case of information relating to movement of animals.

(2) Paragraph (1)(a) shall not apply in respect of information provided to the Scottish Ministers under regulation 3 of the Sheep and Goats Identification (Scotland) Regulations 2000(a).

PART 5

Markets

Traceability

21.—(1) An operator of a market shall have in place a system to ensure that, at all times that an animal is at the market, the holding from which the animal was moved to the market can be ascertained.

(2) The system shall provide for the division of animals into batches, each of which shall have allocated to it a lot number which is unique to that batch.

(3) The operator of the market shall enter the lot number of the last batch to which the animal belonged before leaving the market—

- (a) in the register; and
- (b) on the movement document.

Replacement identification

22.—(1) Regulations 12(2) and 13 shall not apply to an operator of a market.

(2) Where the means of identification of an animal on its way to or at a market has been removed or lost or become illegible, the keeper at the holding of destination of that animal shall apply replacement identification to the animal in accordance with regulation 12 or 13 as soon as possible and, in any event, before the animal is moved from that holding.

(a) S.S.I. 2000/418, amended by S.S.I. 2002/39 and 2002/531.

Electronic movement documents

23. A market operator may complete an electronically generated movement document in a form other than that set out in Schedule 2, provided that it—

- (a) contains the information described in Section C of the Annex and the lot number allocated under regulation 21(2);
- (b) contains the address of the holding of destination; and
- (c) is printed and signed by the market operator.

PART 6

Eartags

Approved eartags

24.—(1) No eartag shall be applied under the Council Regulation or these Regulations other than an eartag approved by the Scottish Ministers.

(2) For the purpose of paragraph (1) the Scottish Ministers shall only approve eartags which are—

- (a) made of non-degradable material;
- (b) tamper-proof;
- (c) easy to read;
- (d) designed to remain attached to an animal without being harmful to it;
- (e) incapable of re-use; and
- (f) permanently marked with the information required by the Council Regulation or these Regulations and designed to remain so throughout an animal's life.

Supplementary information

25. In accordance with the second paragraph of Section A.2 of the Annex, at the request of a keeper, a manufacturer of approved eartags may add supplementary information to an eartag if the supplementary information is distinct from the identification code and the identification code remains legible at all times.

Red eartags

26. No person shall attach a red eartag to an animal, other than an R eartag applied under the Council Regulation or these Regulations.

Application of flockmarks and herdmarks

27. No person shall attach or apply to an animal an eartag or tattoo bearing a flockmark or herdmark, other than for the purpose of complying with the Council Regulation or these Regulations, unless authorised to do so by the Scottish Ministers.

Emergency veterinary treatment

28. Any provision in the Council Regulation or these Regulations requiring the application of an eartag or tattoo to an animal before it is moved from a holding shall not apply if the movement is for the purpose of emergency veterinary treatment.

Prevention of pain and suffering

29. Any provision in the Council Regulation or these Regulations requiring the application of an eartag or tattoo to an animal shall not apply where applying the means of identification would cause unnecessary pain or suffering to the animal.

Alteration of eartags etc

30. No person shall alter, obliterate or deface the information on any eartag or tattoo applied to an animal under—

- (a) the Council Regulation;
- (b) these Regulations or any provision giving effect to the Council Regulation in England, Wales, or Northern Ireland or another member State;
- (c) previous UK Orders or Regulations; or
- (d) the Council Directive (in the case of an animal marked in another member State in accordance with that Directive).

PART 7

Miscellaneous

Powers of inspectors

31.—(1) An inspector may, on producing, if required to do so, some duly authenticated document showing the authority of that inspector, enter at all reasonable hours any land or premises (other than premises used only as a dwelling) for the purpose of administering and enforcing the Council Regulation and these Regulations; and in this regulation “premises” includes any vehicle or container.

(2) An inspector may—

- (a) collect, pen and inspect any animal, and require the keeper to arrange for its collection, penning and securing;
- (b) require production of and examine any records in whatever form, and take copies of those records;
- (c) remove and retain any documents and records required to be kept under these Regulations;
- (d) have access to, and inspect and check the operation of, any computer and any associated apparatus or material which is or has been used in connection with any such records mentioned in sub-paragraphs (b) and (c), and require any person having charge of, or otherwise concerned with the operation of, the computer, apparatus or material to afford such assistance as the inspector may reasonably require;
- (e) require, where records are kept by means of a computer, those records to be produced in a visible and legible form in which they may be taken away;
- (f) require production of any unused eartags and record their numbers;
- (g) remove and retain any unused eartags;
- (h) mark any animal or other thing for identification purposes; and
- (i) take with him any representative of the European Commission acting for the purpose of the Council Regulation or any other person he considers necessary for the enforcement of these Regulations.

Movement restrictions

32.—(1) An officer of the Scottish Ministers may, by notice in writing served on any keeper of animals on a holding, prohibit or restrict the movement of any animal 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 the Council Regulation or these Regulations.

(2) Such notice shall remain in force until withdrawn by a further notice in writing served on the keeper of the animals to which that notice relates.

Obstruction

33.—(1) No person shall—

- (a) intentionally obstruct any person acting in the execution of the Council Regulation or these Regulations;
- (b) without reasonable cause, fail to give to any person acting in the execution of these Regulations any assistance or information which that person may reasonably require for the purpose of carrying out the functions of that person under these Regulations; or
- (c) furnish to any person acting in the execution of these Regulations any information which that person so furnishing knows to be false or misleading.

(2) Nothing in paragraph 1(b) above shall be construed as requiring any person to answer any question if to do so might incriminate that person.

Offences

34.—(1) Any person who contravenes or fails to comply with—

- (a) any provision of regulations 6 to 23, 24(1), 26, 27, 30 or 33; or
- (b) any notice issued under regulation 32(1),

shall be guilty of an offence.

(2) Where an offence under these Regulations which has been committed by a body corporate or partnership is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or similar officer of the body corporate, or any person who was purporting to act in any such capacity (or in the case of a partnership, a partner or a person who was purporting to act as such), that officer or person as well as the body corporate or partnership shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

(3) Where the affairs of a body corporate are managed by its members, the provisions of paragraph (2) shall apply in relation to the acts and defaults of a member in connection with the member's functions of management as if the member were a director of the body corporate.

Penalties

35.—(1) Subject to paragraph (2), any person found guilty of an offence under regulation 34(1) shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(2) Any person found guilty of an offence of contravening or failing to comply with regulation 33(1) shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Enforcement

36.—(1) Subject to paragraph (2), these Regulations shall be enforced by the local authority.

(2) The Scottish Ministers may direct, in relation to cases of a particular description or a particular case, that any duty imposed on a local authority under paragraph (1) shall be discharged by the Scottish Ministers and not by the local authority.

Revocations

37. The enactments specified in the first column of Schedule 3 to these Regulations are revoked to the extent specified in the corresponding entry in the third column of that Schedule.

St Andrew's House,
Edinburgh
23rd February 2006

ROSS FINNIE
A member of the Scottish Executive

SCHEDULE 1

Regulation 17

HOLDING REGISTER FLOCK/HERD REGISTER

Address of Holding	Postcode
CPH Number	
Flock / Herd Number (of this CPH)	
Species (Sheep or Goats)	
Type of Production (e.g. milk, meat)	
Name of Registered Keeper	
Address of Keeper (if different from above)	Postcode

SCHEDULE 2

Regulation 18

MOVEMENT DOCUMENT

SHEEP AND GOAT MOVEMENT DOCUMENT

1. DEPARTURE LOCATION – KEEPER ACTION

Return from wintering

DEPARTURE CPH ___ ___ / ___ ___ ___ / ___ ___ ___

Show move

FLOCK/HERD UK ___ ___ ___ ___ DEPARTURE DATE _____
(of above)

DEPARTURE ADDRESS _____

HOME ADDRESS OF KEEPER (if different from above) _____

<i>Number of animals</i>	<i>Sheep or Goats</i>	<i>Other Info (e.g. mngt)</i>	<i>Individual Number (for certain moves only)</i>
Total			

DESTINATION CPH ___ ___ / ___ ___ ___ / ___ ___ ___

DESTINATION ADDRESS _____

I declare that the above details are correct

Phone Number _____

Keeper's signature _____

Print Name _____

2. RECEIVING LOCATION - KEEPER ACTION

ARRIVAL DATE _____ NUMBER RECEIVED _____

I declare that the above details are correct/as amended (delete as appropriate).

Keeper's signature _____

Print Name _____

3. HAULAGE DETAILS

NAME OF DRIVER _____ VEHICLE REGISTRATION _____

HAULAGE COMPANY _____ PERMIT NUMBER _____

SMD 2006 Pink - Farm Records Yellow - Receiving Keeper Records White - Forward to SAMU

Sheep & Goat (Identification & Traceability) (Scotland) Regulations 2005

No. 000001

SCHEDULE 3

Regulation 37

REVOCATIONS

<i>Column 1 – enactment</i>	<i>Column 2 - references</i>	<i>Column 3 – extent</i>
The Sheep and Goats Identification (Scotland) Regulations 2000	S.S.I. 2000/418	The whole Regulations.
The Sheep and Goats Movement (Interim Measures) (Scotland) Order 2002	S.S.I. 2002/38	The whole Order.
The Sheep and Goats Identification (Scotland) Amendment Regulations 2002	S.S.I. 2002/39	The whole Regulations.
The Disease Control and Animal Movements (Interim Measures) (Scotland) Amendment Order 2002	S.S.I. 2002/221	Article 4.
The Sheep and Goats Identification (Scotland) Amendment (No. 2) Regulations 2002	S.S.I. 2002/531	The whole Regulations.
The Disease Control (Interim Measures) (Scotland) Amendment Order 2003	S.S.I. 2003/228	The whole Order.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision for the administration and enforcement of Council Regulation (EC) No. 21/2004 (establishing a system for the identification and registration of ovine and caprine animals and amending Regulation (EC) No. 1782/2003 and Directives 92/102/EEC and 64/432/EEC) (“the Council Regulation”).

They also make provision under Section A.5 of the Annex to the Council Regulation for the administration and enforcement of the national system of identification and tracing which has been approved by the European Commission as a replacement for the system for a second means of identification required under the Council Regulation (“the national system”).

Application of identification

Regulation 6 provides for the application of a first means of identification to an animal born after 9th July 2005, in accordance with the Council Regulation (baseline UK eartags).

Regulation 7 provides for the application of identification to an animal born on or before 9th July 2005, in accordance with the national system (baseline UK eartags or baseline S eartags).

Regulation 8 provides for the application of a first means of identification to an animal imported from a third country, in accordance with the Council Regulation (baseline F eartags).

Regulation 9 provides for the application of a second means of identification to an animal involved in intra-Community trade, in accordance with the Council Regulation and the national system (baseline UK eartags or X eartags).

Regulation 10 provides for the application of identification to an animal when it is moved from a holding, in accordance with the national system (movement eartags).

Removal and replacement of identification

Regulation 12 provides that identification shall not be removed or replaced otherwise than in accordance with the Council Regulation and these Regulations.

Regulations 13 and 14 provide for the application of replacement identification in accordance with the Council Regulation and the national system.

Regulation 15 prohibits the consignment for intra-Community trade of an animal which bears replacement identification with an identification code which does not show its holding of birth, in accordance with the national system.

Regulation 16 provides that movement eartags need only be replaced where the original identification code is known in accordance with the national system.

Documentation and recording of information

Regulations 17 to 20 provide for the keeping of holding registers, the completion of movement documents, the taking of an annual inventory of animals and for the provision of information to the Scottish Ministers, in accordance with the Council Regulation and the national system

Markets

Regulation 21 contains requirements for traceability systems in markets.

Regulation 22 provides that the obligation to replace identification on an animal in a market is on the keeper of the holding to which the animal is moved and not the operator of the market, in accordance with the national system.

Regulation 23 provides for the use of electronic movement documents in markets.

Eartags

Regulations 24 and 25 provide for the approval of eartags by the Scottish Ministers and allow for eartags to bear supplementary information, in accordance with the Council Regulation. Regulation 26 provides that no red eartags may be applied to animals, other than R eartags, in accordance with the national system.

Regulation 27 provides that no means of identification bearing a flockmark or herdmark shall be applied other than for the purpose of the Council Regulation or these Regulations or unless authorised by the Scottish Ministers, in accordance with the Council Regulation and the national system.

Regulation 28 provides that any provision requiring the application of identification before an animal is moved shall not apply if the movement is for the purpose of emergency veterinary treatment.

Regulation 29 provides that any provision requiring the application of identification shall not apply where it would cause unnecessary pain or suffering to an animal.

Miscellaneous

Regulation 32 provides that an inspector may restrict or prohibit the movement of animals where this is necessary for enforcement purposes.

Regulation 34 provides that it is an offence to fail to comply with certain provisions of these Regulations and regulation 35 contains the penalties for failure to comply.

Regulation 36 provides for the enforcement of these Regulations.

Regulation 37 and Schedule 3 revoke the regulations and orders replaced by these Regulations.

A full Regulatory Impact Assessment has not been produced for this instrument because it has no impact on the costs of business.

2006 No. 73

ANIMALS

ANIMAL HEALTH

**The Sheep and Goats (Identification and Traceability) (Scotland)
Regulations 2006**

£4.00

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