Changes to legislation: *There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Registration of Establishments Keeping Laying Hens (Scotland) Regulations 2003. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

SCOTTISH STATUTORY INSTRUMENTS

2003 No. 576

ANIMALS

The Registration of Establishments Keeping Laying Hens (Scotland) Regulations 2003

Made - - - -	*26th November 2003*
Laid before the Scottish Parliament - - - -	*27th November 2003*
Coming into force - -	*31st December 2003*

The Scottish Ministers, in exercise of the powers conferred by section 2(2) of the European Communities Act 1972 [F1] and of all other powers enabling them in that behalf, hereby make the following Regulations:

F1 1972 c. 68. Section 2(2) was amended by the Scotland Act 1998 (c. 46), **Schedule 8**, paragraph 15(3). The function conferred upon the Minister of the Crown under section 2(2) of the European Communities Act 1972, insofar as within devolved competence, was transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998.

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Registration of Establishments Keeping Laying Hens (Scotland) Regulations 2003 and shall come into force on 31st December 2003.

(2) These Regulations extend to Scotland only.

Interpretation

2.—(1) In these Regulations–

"the Directive" means Commission Directive 2002/4/EC[F2] on the registration of establishments keeping laying hens covered by Council Directive 1999/74/EC[F3];

"establishment" means any premises, including land and buildings, at which laying hens are kept;

"laying hens" means hens of the species *Gallus, gallus* which have reached maturity and are kept for production of eggs not intended for hatching;

"register" means the register of establishments kept by the Scottish Ministers by virtue of regulation 4 below.

(2) Any reference in these Regulations to anything done in writing or produced in written form includes a reference to an electronic communication as defined in the Electronic Communications Act 2000 [F4], which has been recorded and is consequently capable of being reproduced.

F2 O.J. No. L 30, 31.1.2002, p.44.
F3 O.J. No. L 203, 3.8.1999, p.53.
F4 2000 c. 7.

Application

3. These Regulations shall apply to establishments other than–

(a) those having fewer than 350 laying hens;

(b) those rearing breeding laying hens.

Register of establishments and provision of distinguishing number

4.—(1) The Scottish Ministers shall set up and maintain a register of establishments.

(2) The Scottish Ministers shall within 21 days of receipt of an application made under regulation 5 below allocate to every establishment which is registered on the register a distinguishing number in accordance with paragraph 2 of the Annex to the Directive and intimate that number in writing to the owner or keeper who made the application.

Procedure for application for registration

5.—(1) An application for registration shall be made in writing by the owner or the keeper of an establishment, in such form as the Scottish Ministers may require and shall contain the information set out in paragraph 1 of the Annex to the Directive.

(2) Any change to the information submitted in the application for registration under paragraph (1) above shall be notified to the Scottish Ministers by the person who submitted the application for registration in such form as the Scottish Ministers may require within 28 days of the change to that information.

Exchange of information

6. The Scottish Ministers shall afford access to the register to–

(a) the Food Standards Agency for the purposes of tracing eggs put on the market for human consumption; and

(b) local authorities for the purpose of tracing eggs put on the market for human consumption and, where a direction has been made by the Scottish Ministers under regulation 13(2) below, for the purpose of enforcement of these Regulations.

Removal from Register

7.—(1) If an establishment ceases to be used for the keeping of laying hens, the Scottish Ministers shall remove that establishment from the register and shall notify the person registered as the owner and, where appropriate, the person registered as the keeper of that establishment of their decision to do so.

(2) If the person who submitted the application for registration fails to notify changes of information in terms of regulation 5(2), the Scottish Ministers may remove the relevant establishment

from the register and shall notify the person registered as the owner, and, where appropriate, the person registered as the keeper of that establishment of their decision to do so.

Prohibition on operation or bringing into use of establishments

8.—(1) It shall be an offence for a person to continue to use an establishment for the keeping of laying hens after 31 December 2003 unless an application has been made by that date to the Scottish Ministers for registration in accordance with regulation 5 above in respect of that establishment.

(2) It shall be an offence for a person to commence to use premises as an establishment for the keeping of laying hens after 31 December 2003 unless those premises have been registered in accordance with the provisions of these Regulations, and that person has received a distinguishing number under regulation 4(2) above.

Review of decisions

9.—(1) Any person affected by any decision made by the Scottish Ministers under these Regulations may, no later than 14 days following the date of that decision, apply in writing to the Scottish Ministers in such form and in such manner as they think fit to have that decision reviewed by persons appointed by the Scottish Ministers, but an application for review under this paragraph shall not have the effect of suspending the decision which is the subject of the application for review.

(2) Where an application is made under paragraph (1) above, the Scottish Ministers shall appoint such persons as they consider appropriate to review the decision and the persons so appointed shall review the decision and may consider any document or evidence produced by the affected person or the Scottish Ministers and may hear any representations from the affected person (in person or through a representative) and on behalf of the Scottish Ministers.

(3) Following that review, the persons appointed under paragraph (2) above shall report to the Scottish Ministers with their findings on the matter and their recommendations as to the determination of the application for review and the Scottish Ministers may, having considered that report–

(a) confirm their decision;

(b) amend their decision in any respect; or

(c) revoke their decision in its entirety and, if appropriate, substitute a new decision.

(4) In coming to a decision in accordance with paragraph (3) above, the Scottish Ministers must have regard to the finding and recommendation reported to them by the persons appointed under paragraph (2) above and give their decision in writing.

Powers of authorised officers

10.—(1) An officer authorised by the Scottish Ministers or a local authority subject to a direction of the Scottish Ministers under regulation 13(2) below shall, on producing if required to do so some duly authenticated document showing the authority of that officer, have the right at all reasonable hours to enter any land or premises (other than dwelling houses not being used in connection with these Regulations) for the purposes of ascertaining whether there is or has been on or in respect of the land or premises any contravention of these Regulations.

(2) Such an officer shall have powers to carry out all checks and examinations necessary for the enforcement of these Regulations, and in particular may examine documentary or data processing material.

Obstruction, reasonable assistance and information

11.—(1) Any person who–