SCOTTISH STATUTORY INSTRUMENTS

2002 No. 38

ANIMALS

ANIMAL HEALTH

The Sheep and Goats Movement (Interim Measures) (Scotland) Order 2002

Made - - - - 4th February 2002

Coming into force on - - 18th February 2002

The Scottish Ministers, in exercise of the powers conferred by sections 1 and 8(1) of the Animal Health Act 1981(**1**) and of all other powers enabling them in that behalf, hereby make the following Order:

Citation, commencement and extent

1.—(1) This Order may be cited as the Sheep and Goats Movement (Interim Measures) (Scotland) Order 2002 and shall come into force on 18th February 2002.

(2) This Order extends to Scotland only.

Interpretation

2. In this Order–

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

"the 2000 Regulations" means the Sheep and Goats (Identification) (Scotland) Regulations 2000(**2**).

Restrictions on the movement of sheep and goats

3.—(1) Without prejudice to, and in addition to, the requirements of the 2000 Regulations, and subject to paragraph (2) and article 4 below, no person shall move a sheep or a goat from a holding, unless it is marked with a movement eartag comprising "S" followed by the flockmark or herdmark of the holding from which the sheep or goat is being moved.

(**1**) 1981 c. 22. See section 86(1) for the definition of "the Ministers". The functions of the Ministers of the Crown were transferred to the Scottish Ministers by section 53 of the Scotland Act 1998 (c. 46).

(**2**) S.S.I. 2000/418, amended, with effect from 18th February 2002 by S.S.I. 2002/39.

(2) Paragraph (1) above shall not apply where–

(a) the sheep or goat is identified by a number of not more than 6 digits which is unique to the sheep or goat to which it is applied, and that number is both entered on the sheep movement document required under regulation 13 of the 2000 Regulations and recorded under regulation 4 or 6 of those Regulations for movements of sheep and goats respectively;

the sheep or goat is moved from the holding of birth upon which it has been marked in accordance with regulation 7 of the 2000 Regulations;

(c) the sheep or goat is moved for the first time from a holding upon which it has been marked with an S-Mark in accordance with the 2000 Regulations;

(d) the sheep or goat is being imported from outside the European Union to a holding in Scotland;

(e) the sheep or goat is marked with a unique individual identification number in terms of the 2000 Regulations and is being moved for the purposes of movement to premises outside Great Britain;

(f) the sheep or goat is being moved from another member State to a holding in Scotland and is marked in accordance with Council Directive 92/102/EEC (on the identification and registration of animals)(**3**);

(g) the sheep or goat is being moved from another part of the British Islands and is marked in accordance with the legislation in force in that part of the British Islands.

(h) the sheep or goat is marked with a temporary mark in accordance with the 2000 Regulations and is being moved–

(i) direct to a slaughterhouse; or

(ii) direct to a market for sheep or goats intended for immediate slaughter;

(i) the sheep or goat is being moved to or from a holding for the purposes of veterinary treatment, tattooing, dipping or shearing;

(j) the movement of any sheep or goat between premises occupied by the same person or business;

(k) the movement between a holding and any land in respect of which a right of grazing in common with other proprietors is exercisable; or

the sheep or goat is moved to or from a holding where it is away wintered and returning to the premises from which it was away wintered.

(3) Any movement eartag applied under paragraph (1) above shall be of a type which complies with the requirements of regulation 14(1) to (3) of the 2000 Regulations.

Maximum number of eartags

4. No person shall apply a movement eartag under article 3(1) if the sheep or goat has been marked with 3 eartags under article 3 of this Order or the 2000 Regulations or any equivalent eartag which is required by legislation in force in another part of the British Islands.

Missing movement tags

5. If it appears to a keeper of sheep or goats that a sheep or a goat is missing an eartag, but the sheep or goat is otherwise marked in accordance with the 2000 Regulations, the keeper shall, if the keeper knows the flockmark and herdmark which was entered on the eartag which is missing, attach

(**3**) O.J. No. L 355, 5.12.92, p.32