Changes to legislation: *There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Cattle (Identification of Older Animals) (Scotland) Regulations 2001. 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

2001 No. 1

ANIMALS

ANIMAL HEALTH

The Cattle (Identification of Older Animals) (Scotland) Regulations 2001

Made - - - -	*8th January 2001*
Laid before the Scottish Parliament - - - -	*9th January 2001*

Coming into force in accordance with regulation 1

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 1972 Act, insofar as within devolved competence was transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act.

Citation, commencement and application

1.—(1) These Regulations may be cited as the Cattle (Identification of Older Animals) (Scotland) Regulations 2001 and, except as provided for in paragraph (2) below, shall come into force on 29th January 2001.

(2) For the purposes of regulations 5 and 6 below, these Regulations shall come into force on the second day after the day on which they are made.

(3) These Regulations apply to cattle in respect of which the Scottish Ministers are the competent authority in accordance with regulation 3 below.

Interpretation

2.—(1) In these Regulations–

"cattle" means bovine animals held, kept or handled in Scotland and includes the species*bison bison* and*bubalus bubalis*;

"cattle passport" has the same meaning as in the Cattle Identification Regulations 1998 [F2];

"Commission Regulation (EC) No. 2629/1997" means Commission Regulation (EC) No. 2629/1997 laying down detailed rules for the implementation of Council Regulation (EC) No. 820/97 as regards eartags, holding registers and passports in the framework of the system for the identification and registration of bovine animals [F3];

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

"identity of the animal" means the ear tag or tattoo number given in accordance with–

(a) the Bovine Animals (Records, Identification and Movement) Order 1995 [F4];

(b) the Bovine Animals (Identification, Marking and Breeding Records) Order 1990 [F5];

(c) the Tuberculosis (England and Wales) Order 1984 [F6];

(d) the Tuberculosis (Scotland) Order 1984 [F7]; or

(e) the Cattle Identification Regulations 1998;

"inspector" means a person appointed to be an inspector for the purposes of these Regulations by the Scottish Ministers or a local authority;

"keeper" means any person responsible for an animal, whether on a permanent or on a temporary basis, including during transportation or at a market but does not include any person who is only a keeper because that person is transporting the animal;

"local authority" means a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 [F8];

"Regulation (EC) No. 1760/2000" means Regulation (EC) No. 1760/2000 of the European Parliament and of the Council establishing a system for the identification and registration of bovine animals and regarding the labelling of beef and beef products and repealing Council Regulatio n (EC) No. 820/97[F9].

(2) Any document issued by the Scottish Ministers under these Regulations shall be in writing, may be made subject to conditions and may be suspended, amended or revoked by notice at any time.

(3) Paragraph (2) above does not apply to regulations 3 and 8 below.

F2 S.I. 1998/871 as amended by S.I. 1998/1796, 1998/2969 and 1999/1339.
F3 O.J. No. L 354, 30.12.97, p.19.
F4 S.I. 1995/12.
F5 S.I. 1990/1867, as amended by S.I. 1993/503.
F6 S.I. 1984/1943.
F7 S.I. 1984/2063.
F8 1994 c.39.
F9 O.J. No. L 204, 11.8.2000, p.1.

Competent authority and agency arrangements

3.—(1) The Scottish Ministers shall be the competent authority in relation to Scotland to whom reports shall be made in accordance with the second indent of Article 7.1 of Regulation (EC) No. 1760/2000 for cattle to which these Regulations apply.

(2) The Scottish Ministers may, with the agreement of another competent authority, arrange for any of their functions under Regulation (EC) No. 1760/2000, Commission Regulation (EC) No. 2629/1997 or under these Regulations to be exercised on their behalf by that other competent authority as agent for the Scottish Ministers.

(3) Such an arrangement shall be in writing and be signed by or on behalf of the Scottish Ministers and the competent authority concerned and may be subject to such conditions (including conditions as to financial arrangements) as may be agreed from time to time.

Notifications

4. All notifications under these Regulations shall be sent or delivered in such form and manner as the Scottish Ministers may from time to time require.

Registration of cattle born before 1st July 1996

5.—(1) A keeper of cattle held in Scotland which–

(a) were born before 1st July 1996; and

(b) are not already registered with the Scottish Ministers, the Minister of Agriculture, Fisheries and Food or the National Assembly for Wales on a voluntary basis,

shall register them with the Scottish Ministers before 29th January 2001.

(2) The keeper shall provide to the Scottish Ministers the following information in such form and manner as the Scottish Ministers may from time to time require:–

(a) its identity;

(b) its sex;

(c) its date of birth (if the exact date of birth is not known, the approximate date if known);

(d) its breed; and

(e) its country of origin, if known.

(3) The Scottish Ministers shall issue a certificate of registration and movement cards in relation to each animal registered under paragraph (1) above.

(4) The keeper shall keep the certificate of registration, but if–

(a) the animal is sold, the keeper shall give the certificate to the buyer; and

(b) the animal dies or is slaughtered, the keeper shall send the certificate to the Scottish Ministers in accordance with regulation 9 below.

Notification of location of cattle not previously registered for movement purposes

6.—(1) The keeper of all cattle issued with cattle passports without movement cards and not already registered with the Scottish Ministers, the Minister of Agriculture, Fisheries and Food or the National Assembly for Wales whether on a voluntary basis or otherwise shall, before 29th January 2001, notify the Scottish Ministers of the holding on which they are kept.

(2) Notification under this regulation shall be in such form and manner as the Scottish Ministers may from time to time require.

(3) The Scottish Ministers shall issue a movement card in respect of each animal notified under paragraph (1) above.

Movement of cattle born before 28th September 1998

7.—(1) This regulation shall apply to all cattle born before 28th September 1998 which have been issued with movement cards.

(2) The notification of movement (in accordance with the second indent of Article 7.1 of Regulation (EC) No. 1760/2000) in the case of cattle to which this regulation applies shall be–

(a) by the keeper attaching to the movement card of the animal concerned a bar code label identifying the keeper's holding as provided for that purpose by the Scottish Ministers (or, if that is not practicable, by the keeper writing on the movement card the holding number, the address of the holding and the name of the keeper);

(b) by the keeper indicating on the movement card whether the movement is on or off a holding (or, in the case of a keeper who is a market operator, by that operator indicating on the movement card that the animal has moved through the market);

(c) by the keeper entering the date of the movement on the movement card;

(d) by the keeper signing it; and

(e) by the keeper posting it to the Scottish Ministers within 7 days of the movement.

(3) If an animal to which this regulation applies is transferred to a new keeper, the previous keeper shall give all unused movement cards relating to that animal to the new keeper.

(4) No person shall move cattle on to or off a holding on or after 29th January 2001 unless that person notifies the Scottish Ministers of the movement on a movement card in accordance with paragraph (2) above.

Electronic notification of movement

8.—(1) Where the Scottish Ministers authorise any person to notify movement by electronic means, that authorisation–

(a) shall be in writing;

(b) may be made subject to conditions;

(c) may be amended, suspended or revoked by notice in writing at any time; and

(d) shall specify the format in which the data shall be transmitted and the method of transmission.

(2) Notification by electronic means shall be made within the period specified for postal notification.

(3) The Scottish Ministers shall maintain a register of persons authorised under this regulation which shall be available to any person on request.

(4) The Scottish Ministers may make a reasonable charge for the provision of information from the register kept under this regulation.

Notification of death

9. In the case of cattle born before 1st July 1996, the keeper shall notify death in accordance with the second indent of Article 7.1 of Regulation (EC) No. 1760/2000 by recording the date of death and the holding on which the animal died on the registration certificate issued by the Scottish Ministers for that animal and sending it to the Scottish Ministers within 7 days of the date of death.

Powers of inspectors

10.—(1) An inspector shall, on producing, if required to do so, some duly authenticated document showing that person's authority, have the right at all reasonable hours to enter any land or premises (other than domestic premises not being used in connection with these Regulations) for the purposes of ascertaining whether there is or has been any contravention of these Regulations; and in this regulation "premises" includes any place, installation, vehicle, ship, vessel, boat, craft, hovercraft or aircraft.

(2) An inspector shall have powers to carry out all checks and examinations necessary for the enforcement of Title I of Regulation (EC) No. 1760/2000, and in particular may–