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SCOTTISH STATUTORY INSTRUMENTS

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**2012 No. 40**

**ANIMALS**

**The Prohibited Procedures on Protected Animals  
(Exemptions) (Scotland) Amendment Regulations 2012**

*Made - - - - 8th February 2012*

*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) of the Animal Health and Welfare (Scotland) Act 2006<sup>(1)</sup> and all other powers enabling them to do so.

In accordance with section 20(6) of that Act, they have consulted 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 these Regulations 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 2012 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 2010**

2.—(1) The Prohibited Procedures on Protected Animals (Exemptions) (Scotland) Regulations 2010<sup>(2)</sup> are amended as follows.

(2) In Schedule 1 (bovine animals) in column 2 (purpose), in the entry relating to ear tagging, for “Identification” substitute—

- “1. Identification; or
- 2. Screening or routine or random testing for disease.”.

(3) In Schedule 2 (pigs), in column 2 (purpose), in the entry relating to ear tagging, for “Identification” substitute—

- “1. Identification; or
- 2. Screening or routine or random testing for disease.”.

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(1) 2006 asp 11.

(2) S.S.I. 2010/387 amended by S.S.I. 2011/164.

(4) In Schedule 4 (sheep), in column 2 (purpose), in the entry relating to ear tagging, for “Identification” substitute—

- “1. Identification; or
2. Screening or routine or random testing for disease.”.

(5) In Schedule 5 (goats), in column 2 (purpose), in the entry relating to ear tagging, for “Identification” substitute—

- “1. Identification; or
2. Screening or routine or random testing for disease.”.

(6) In Schedule 7 (deer), in column 2 (purpose), in the entry relating to ear tagging, for “Identification” substitute—

- “1. Identification; or
2. Screening or routine or random testing for disease.”.

St Andrew’s House,Edinburgh  
8th February 2012

*RICHARD LOCHHEAD*  
A member of the Scottish Executive

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

Section 20 of the Animal Health and Welfare (Scotland) Act 2006 (“the 2006 Act”) provides that it is an offence for a person to carry out a prohibited procedure on a protected animal, unless the procedure is carried out for the purpose of medical treatment of the animal or is specified in regulations. The Prohibited Procedures on Protected Animals (Exemptions) (Scotland) Regulations 2010 (“the principal Regulations”) specify procedures which are not carried out for the purpose of medical treatment of an animal and to which section 20 of the 2006 Act does not apply.

These Regulations amend the principal Regulations to allow the ear tagging of bovine animals, pigs, sheep, goats and deer for the purpose of screening or routine or random testing for disease.

A business and 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.