

Scottish Statutory Instrument 2002 No. 39

The Sheep and Goats Identification (Scotland) Amendment Regulations 2002

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SCOTTISH STATUTORY INSTRUMENTS

2002 No. 39

ANIMALS

ANIMAL HEALTH

The Sheep and Goats Identification (Scotland) Amendment Regulations 2002

<i>Made</i>	<i>4th February 2002</i>
<i>Laid before the Scottish Parliament</i>	<i>5th February 2002</i>
<i>Coming into force on</i>	<i>18th February 2002</i>

The Scottish Ministers, in exercise of the powers conferred by section 2(2) of the European Communities Act 1972[1] and of all other powers enabling them in that behalf, hereby make the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Sheep and Goats Identification (Scotland) Amendment Regulations 2002 and shall come into force on 18th February 2002.

Amendment to the Sheep and Goats Identification (Scotland) Regulations 2000

2. - (1) The Sheep and Goats Identification (Scotland) Regulations 2000^[2] are amended in accordance with the following paragraphs of this regulation.

(2) In regulation 2 (interpretation)-

(a) after the definition of "flockmark", there is inserted-

" "the foot-and-mouth disease Controlled Area measures introduced in 2001" means any condition of a movement licence issued before 18th February 2002 under or by virtue of the Foot-and-Mouth Disease Order 1983^[3] (as varied in relation to Scotland by article 4 of the Foot-and-Mouth Disease Declaratory (Controlled Area) (Scotland) Order 2001(d)) or a requirement of those Orders;"

(3) In regulation 4 (records concerning sheep)-

(a) after paragraph (2)(c)(iv), there is inserted-

" (v) the mark applied under regulations 7, 7A, 8 or 15 below or in accordance with the foot-and-mouth disease Controlled Area measures introduced in 2001, provided that any tagging is in accordance with the conditions or requirements of those measures;"

(b) after paragraph (2), there is inserted-

" (2A) Where a keeper moves a sheep-

(a) within one of the categories exempt from the requirement to apply a movement tag in article 3(2) of the Sheep and Goats Movement (Interim Measures) (Scotland) Order 2002^[4];

(b) from a show; or

(c) is a ram moved for breeding purposes for the purposes of article 4(f) of the Disease Control (Interim Measures) (Scotland) Order 2002^[5],

that mark, or number shown on the mark, shall be the mark, or number shown on a mark recorded for the purposes of paragraph (2)(c) above."

(4) In regulation 6 (records concerning goats)-

(a) after paragraph (2)(c)(iv), there is inserted-

" (v) the mark applied under regulations 7, 7A, 8 or 15 below, or in accordance with the foot-and-mouth disease Controlled Area measures introduced in 2001 provided that any tagging is in accordance with the conditions or requirements of those measures;"

(b) after paragraph (2), there is inserted-

" (2A) Where a keeper moves a goat-

- (a) within one of the categories exempt from the requirement to apply a movement tag in article 3(2) of the Sheep and Goats Movement (Interim Measures) (Scotland) Order 2002;
- (b) from a show; or
- (c) is a billy goat moved for breeding purposes for the purposes of article 4(f) of the Disease Control (Interim Measures) (Scotland) Order 2002,

that mark, or number shown on the mark, shall be the mark, or number shown on a mark recorded for the purposes of paragraph (2)(c) above."

(5) After regulation 6, there is inserted-

" Notification of movements of sheep and goats after 18th February 2002

6A. - (1) Where the occupier of a holding of destination is handed a movement document accompanying a sheep or goat which is required by regulation 13 below, the occupier of that holding shall notify the information contained in that document to the Scottish Ministers, in such form and manner as the Scottish Ministers may require, within 3 days of the date upon which the sheep or goat arrives on that holding.

(2) Paragraph (1) above shall not apply in the case of any stray sheep or goat which is being returned to the holding from which it has strayed, where that holding is known to the keeper.

(3) Where the operator of an abattoir is handed a movement document accompanying a sheep or goat which is required by regulation 13 below, the operator of that abattoir shall notify the information contained in that document to the Scottish Ministers, in such form and manner as the Scottish Ministers may require, within 3 days of the date upon which the sheep or goat arrives at that abattoir."

(6) In regulation 7 (marking sheep and goats born in Scotland)-

(a) for paragraph (1)(a) and (b), there is substituted-

- " (a) in the case of an eartag, the letters "UK" followed by the flockmark or herdmark of the holding of birth, followed by a number of not more than 6 digits which is unique to the sheep or goat to which it is applied; or
- (b) in the case of a tattoo, the flockmark or herdmark of the holding of birth, followed by a number of not more than 6 digits which is unique to the sheep or goat to which it is applied."; and

(b) after paragraph (3), there is inserted-

" (3A) Paragraph (1) above shall not apply where a sheep or goat has been tagged in accordance with the foot-and-mouth disease Controlled Area measures introduced

in 2001, provided that any tagging is in accordance with those conditions or requirements."

(7) After regulation 7, there is inserted-

" Marking sheep and goats in Scotland on the holding on which they are kept after 18th February 2002

7A. - (1) In any case where no mark has been applied to a sheep or a goat in Scotland on or after 18th February 2002 under regulation 7 above, or regulations 8, 11 or 15 below, the keeper shall mark it before it leaves the holding upon which it is being kept with an eartag or tattoo consisting of the letter "S" followed by the flockmark or herdmark of the holding on which the sheep or goat is kept at the time it is marked followed by a number of not more than 6 digits which is unique to the sheep or goat to which it is applied.

(2) In the case of the movement off a holding of a sheep or a goat, which has not been marked in accordance with this regulation, it shall be a defence in any proceedings under this regulation for the person moving the sheep or goat to prove(

(a) that it was moved from the holding to be tattooed or to receive veterinary treatment; and

(b) that it was returned to the holding immediately after being tattooed or so treated.

(3) Paragraph (1) above shall not apply where an sheep or goat has been tagged in accordance the foot-and-mouth disease Controlled Area measures introduced in 2001, provided that any tagging is in accordance with those conditions or requirements."

(8) For regulation 8(1)(a) and (b) (marking sheep and goats brought into Scotland from outside the European Union), there is substituted-

" (a) in the case of an eartag, the letters "UK" followed by the flockmark or herdmark of the holding of the place of destination, followed by a number of not more than 6 digits which is unique to the sheep or goat to which it is applied, followed by the letter "F"; or

(b) in the case of a tattoo, the flockmark or herdmark of the holding of the place of destination, followed by a number of not more than 6 digits which is unique to the sheep or goat to which it is applied, followed by the letter "F".

(9) In regulation 12 (marking requirements for the movement of sheep and goats to a destination within Great Britain)-

(a) for paragraphs (1) and (2), there is substituted-

" (1) Any person moving a sheep or goat with a unique individual identification number or which has been tagged in accordance with regulations 7, 7A, 8 above or regulation 15 below from a holding in Scotland to a destination within Great Britain may apply a temporary mark to it.

(2) In the case where a sheep or goat is moved within the categories of exemption from the requirement to apply a movement tag under article 3(2)(h) of the Sheep and Goats Movement (Interim Measures) (Scotland) Order 2002, the requirement to mark it with a temporary mark shall be obligatory."; and

(b) paragraph (4) is omitted.

(10) In regulation 13 (documentation required for movement of sheep and goats to a destination within Great Britain)-

(a) after paragraph (1), there is inserted-

" (1A) The document referred to in paragraph (1) above shall be in the form which the Scottish Ministers may from time to time require.

(1B) Where the sheep or goat moved is marked in accordance with regulations 7, 7A, 8 above or regulation 15 below or in accordance with the foot-and-mouth disease Controlled Area measures introduced in 2001 provided that any tagging is in accordance with the conditions or requirements of those measures, that mark, or where the sheep or goat has a unique individual identification number, that number, may be entered on the document."

(1C) In the event that a sheep or goat is moved-

(a) within the category of exemption from the requirement to apply a movement tag under article 3(2)(a) of the Sheep and Goats Movement (Interim Measures) (Scotland) Order 2002;

(b) from a show; or

(c) is a ram or billy goat moved for breeding purposes for the purposes of article 4(f) of the Disease Control (Interim Measures) (Scotland) Order 2002,

the requirement to enter a mark as referred to in paragraph (1A)(b) above on the document referred to in paragraph (1) above shall be obligatory.";

(b) after paragraph (2), there is inserted-

" (2A) On arrival at an abattoir, the keeper of the sheep or goat shall ensure that the document required under paragraph (1) above is handed to the operator of the abattoir."; and

(c) for paragraph (3), there is substituted-

" (3) Paragraphs (1) and (2) above shall not apply in the case of-

(a) movement between holdings where both holdings are occupied by the same person, and are contiguous or adjacent;

- (b) movement between a holding and any land in respect of which a right of grazing in common with other proprietors is exercisable; or
- (c) movement for the purposes of veterinary treatment, tattooing, dipping or shearing."

(11) In regulation 15 (removal and replacement of eartags and tattoos)-

(a) for paragraph 15(3), there is substituted-

" (3) When replacing an eartag or tattoo pursuant to this regulation, the keeper shall re-mark the sheep or goat with an eartag or tattoo with the original number if known."; and

(b) for paragraph 15(4)(a) and (b), there is substituted-

- (a) an eartag coloured red and consisting of the letters "UK" followed by the flockmark or herdmark of the holding of the premises of the holding on which it is being tagged followed by a number of not more than 6 digits which is unique to the sheep or goat to which it is applied followed by the letter "R"; or
- (b) a tattoo consisting of the flockmark or herdmark of the premises of the holding on which it is being tagged followed by a number of not more than 6 digits which is unique to the sheep or goat to which it is applied followed by the letter "R".

(12) At the end of regulation 16, there is inserted "or the Sheep and Goats Movement (Interim Measures) Order 2002".

ROSS FINNIE
A member of the Scottish Executive

St. Andrew's House, Edinburgh
5th February 2002

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Sheep and Goats Identification (Scotland) Regulations 2000 ("the principal Regulations").

They amend the marking requirements in the principal Regulations in relation to sheep and goats born on holdings in Scotland, sheep and goats moved from holdings in Scotland, sheep and goats imported to holdings in Scotland and subsequently moved, and where tags applied in accordance with such markings are replaced, to require that an individual number is inserted into the mark so applied. They add a new S-mark for unmarked movement from holdings in Scotland (regulation 2(7)), however such a mark is not to be applied where a

mark has been applied for the purposes of foot-and-mouth disease tagging.

They amend the records requirements in relation to sheep and goats to provide that the details including the individual numbers may be recorded by keepers of sheep or goats, and must be recorded in certain circumstances (regulation 2(3) and (4)).

The regulations permitting temporary marks, and documentation requirements, are amended accordingly.

The notification of movements of sheep and goats to the Scottish Ministers is required by the occupier of the holding of destination and the operator of an abattoir under certain circumstances within 3 days of the arrival of those sheep and goats (regulation 2(5)).

The Regulations remove the exemption from the documentation requirements in regulation 13 of the principal Regulations for movements between holdings occupied by the same persons where those holdings are not contiguous, and adds tattooing to those exemptions (regulation 2(10)).

They restrict the circumstances where a sheep or goat mark may be replaced (regulation 2(11)).

These Regulations may be read with the Sheep and Goats Movement (Interim Measures) (Scotland) Order 2002, and tagging as required by that Order is permitted (regulation 2(12)).

The provisions of these Regulations are in accordance with Council Directive 92/102/EEC.

A Regulatory Impact Assessment has not been prepared for these Regulations.

Notes:

[1] 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.[back](#)

[2] S.S.I. 2000/418.[back](#)

[3] S.I. 1983/1950, as amended by S.I. 1993/3119, S.I. 1995/2922 and further amended, as regards Scotland, by S.S.I. 2001/52, 55, 101 and 390.(d) S.S.I. 2001/111, as amended by S.S.I. 2001/131, 146, 150, 159, 170, 181, 187, 204, 246, 290 and 481.[back](#)

[4] S.S.I. 2002/38.[back](#)

[5] S.S.I. 2002/34.[back](#)

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