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SCOTTISH STATUTORY INSTRUMENTS

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**2017 No. 133**

**ANIMALS**

**ANIMAL HEALTH**

**The Cattle Identification (Scotland)  
Amendment Regulations 2017**

<i>Made</i>	- - - -	<i>26th April 2017</i>
<i>Laid before the Scottish Parliament</i>	- - - -	<i>28th April 2017</i>
<i>Coming into force</i>	- -	<i>27th May 2017</i>

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 2(2) of the European Communities Act 1972(1) and all other powers enabling them to do so.

**Citation and commencement**

1. These Regulations may be cited as the Cattle Identification (Scotland) Amendment Regulations 2017 and come into force on 27th May 2017.

**Amendment of the Cattle Identification (Scotland) Regulations 2007**

2. The Cattle Identification (Scotland) Regulations 2007(2) are amended in accordance with the following regulations.

**Amendment of regulation 2**

3. In regulation 2 (interpretation)—

(a) in paragraph (1)—

(i) before the definition of “cattle passport”, insert—

““additional holding” means a holding other than a keeper’s principal holding which—

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(1) 1972 c.68. Section 2(2) was amended by the Scotland Act 1998 (c.46) (“the 1998 Act”), schedule 8, paragraph 15(3) (which was amended by the Legislative and Regulatory Reform Act 2006 (c.51) (“the 2006 Act”), section 27(4). Section 2(2) was also amended by the 2006 Act, section 27(1)(a) and by the European Union (Amendment) Act 2008 (c.7), section 3(3) and schedule, Part 1. The functions conferred upon the Minister of the Crown under section 2(2), insofar as within devolved competence, were transferred to the Scottish Ministers by virtue of section 53 of the 1998 Act.

(2) S.S.I. 2007/174, amended by S.S.I. 2007/312, S.S.I. 2011/412 and S.I. 2011/1043.

- (a) is used or intended to be used on more than one occasion by the keeper for holding, keeping or handling animals, whether or not that holding is also used or intended to be used by any other keeper for any of those purposes; and
  - (b) prior to the first use of the holding by the keeper for any of the purposes mentioned in paragraph (a), the keeper has notified the Scottish Ministers and, following notification, has received their consent, so to use that holding;” and
- (ii) for the definition of “Regulation (EC) No. 1760/2000”, substitute—
- ““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 Regulation (EC) No 820/97(3);” and
- (b) in paragraph (3), after “authorisation,” insert “consent,”.

#### **Amendment of regulation 11**

4. In regulation 11 (power to restrict movements)—
- (a) omit “the second paragraph of”; and
  - (b) for “22(1)”, substitute “22(2)(a), (b), (c), (e), (f) and (g)”.

#### **Amendment of regulation 12**

5. In regulation 12(1) (slaughter of animals without identification and traceability), after “Commission Regulation (EC) No. 494/98,”, insert “or under Article 22(2)(d) of Regulation (EC) No. 1760/2000,”.

#### **Amendment of schedule 1**

6. In schedule 1 (ear tags)—
- (a) in paragraph 1(1), for “and (2)”, substitute “or Article 4a(1)”;
  - (b) in paragraph 1(2)—
    - (i) for “said Article 4(2)”, substitute “said Article 4a”; and
    - (ii) in head (b), for “509/199”, substitute “509/1999”;
  - (c) after paragraph 1(3), insert—
 

“(4) Any keeper whose animal is born on an additional holding must apply ear tags to that animal indicating the unique numeric identity either of the principal holding of that keeper or of the additional holding on which that animal was born.”;
  - (d) in paragraph 2(1), for “4(3)”, substitute “4b”;
  - (e) after paragraph 2(1), insert—
 

“(1A) The period determined for the purposes of the first subparagraph of Article 4b(2) is—

    - (a) within the period of 20 days beginning with the day on which the veterinary checks referred to in Article 4b(1) are completed; or

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(3) OJ No L 204, 11.8.2000, p.1, as last amended by Regulation (EU) No 653/2014 (OJ No L 189, 27.6.2014, p.33) and amended and partially repealed by Regulation (EU) 2016/429 subject to savings and transitional provisions (OJ L 84, 31.3.2016, p.84).

- (b) before the animal leaves the holding of destination, whichever is sooner.”;
- (f) in paragraph 2(2), for “indent 2 of Article 4(3)”, substitute “the third subparagraph of Article 4b(1)”;
- (g) in paragraph 4(1), for “4(2)”, substitute “4a(1)”;
- (h) in paragraph 5(1)—
  - (i) for “Article 4(5)”, substitute “the first subparagraph of Article 4d.”; and
  - (ii) after “removed”, insert “, modified”;
- (i) in paragraph 5(3)(a)(ii), for “Article 4(1)”, substitute “Articles 4(1) and 4a”;
- (j) in paragraph 6(3), for “Article 4(1)”, substitute “Article 4”; and
- (k) in paragraph 8(1), omit “as if”.

### **Amendment of schedule 2**

- 7. In schedule 2 (notification)—
  - (a) in paragraph 3—
    - (i) in sub-paragraph (1)(b), omit “in accordance with Article 6(4) of Regulation (EC) No. 1760/2000”;
    - (ii) in sub-paragraph (2)(b)(ii), omit “in accordance with Article 6(4) of Regulation (EC) No. 1760/2000”; and
    - (iii) in sub-paragraph (3)(b)(i), omit “in accordance with Article 6(4) of Regulation (EC) No. 1760/2000”.

### **Amendment of schedule 3**

- 8. In schedule 3 (cattle passports etc.)—
  - (a) in paragraph 3(1), for “the first paragraph of Article 4(3)”, substitute “Article 4b”;
  - (b) for paragraph 14(2), substitute—
    - “(2) But sub-paragraph (1) does not apply to moving an animal between a principal holding and an additional holding.
    - (3) A person who fails to comply with sub-paragraph (1) commits an offence.”;
  - (c) for paragraph 15(2), substitute—
    - “(2) But sub-paragraph (1) does not apply to transporting an animal between a principal holding and an additional holding.
    - (3) A person who fails to comply with sub-paragraph (1) commits an offence.”;
  - (d) in paragraph 16—
    - (i) after sub-paragraph (1), insert—
      - “(1A) But sub-paragraph (1) does not apply to a person transporting an animal between a principal holding and an additional holding.”; and
    - (ii) in sub-paragraph (2), for “36”, substitute “48”.

### **Amendment of schedule 4**

- 9. In schedule 4 (records)—
  - (a) for paragraph 1(2)(ii) and (iii), substitute—

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*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

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- “(ii) in the case of animals born on the holding for which the register is kept, the identification code of the dam (in the case of embryo transfer, that of the surrogate dam and, if known, genetic dam).”;
- (b) in paragraph 1(4)(a) and (e), where it occurs in both heads, for “36” substitute “48”.

St Andrew's House, Edinburgh  
26th April 2017

*FERGUS EWING*  
A member of the Scottish Government

## EXPLANATORY NOTE

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

These Regulations amend the Cattle Identification (Scotland) Regulations 2007 (“the principal Regulations”) consequent to amendments made by Regulation (EU) No 653/2014 of the European Parliament and of the Council amending Regulation (EC) No 1760/2000 as regards electronic identification of bovine animals and labelling of beef.

These Regulations also adjust requirements placed on keepers in the principal Regulations relating to the ear tagging of bovine animals, and the passports of bovine animals when they are moved, in situations where keepers regularly use a holding in addition to their principal holding.

Regulation 3(a) inserts a definition of “additional holding”, being a holding other than a principal holding that is regularly used by a keeper of bovine animals for holding, keeping or handling animals, where the use of such a holding has been notified to the Scottish Ministers.

Regulation 3(b) substitutes the definition of “Regulation (EC) No. 1760/2000” in regulation 2(1) of the principal Regulations.

Regulations 4, 5, 6 and 7 amend references in the principal Regulations to Regulation (EC) No 1760/2000.

Regulation 6(c) places a requirement on a keeper of bovine animals to tag the ear of such an animal born on an additional holding.

Regulation 6(e) provides that bovine animals arriving from third countries must be tagged either within 20 days of the completion of veterinary checks, or before they leave the holding of destination, whichever is sooner.

Regulation 8 removes—

- the requirement to amend a cattle passport and transfer an identification document when moving a bovine animal between a principal holding and an additional holding;
- the requirement to ensure an identification document accompanies a bovine animal between such holdings; and
- the requirement to pass the identification document to the keeper at the destination, when moving bovine animals between such holdings; and

Regulation 8 also requires the keeper of a holding on which a bovine animal arrives, to complete the required details in the cattle passport within 48 hours of the arrival of that animal.

Regulation 9 restricts the requirement to include the identification code of a dam on the register, to situations in which the animal is born on that holding. It also changes the requirement placed on keepers in the principal Regulations by requiring that a register must record a bovine animal movement within 48 hours of that movement, and a change of ear tag identification code within 48 hours of its application.

No business and regulatory impact assessment has been prepared for these Regulations as no impact upon business, charities or voluntary bodies is foreseen.