
SCOTTISH STATUTORY INSTRUMENTS

2000 No. 418

The Sheep and Goats Identification (Scotland) Regulations 2000

PART V
GENERAL

Powers of inspectors

18.—(1) An inspector—

- (a) appointed by the Scottish Ministers shall for the purposes of ascertaining whether there is or has been any contravention of regulation 5 above; or
- (b) appointed by a local authority shall for the purposes of ascertaining whether there is or has been any contravention of any regulation other than regulation 5 above,

have the powers set out in paragraph (2) below.

(2) The powers are—

- (a) to enter at all reasonable hours any land or premises (other than domestic premises not being used in connection with these Regulations) with or without persons assigned to assist the inspector; in this regulation “premises” includes any place, installation, vehicle, ship, vessel, boat, craft, hovercraft or aircraft;
- (b) to collect, pen and inspect any sheep and goat, and to require the keeper to arrange for its collection, penning and securing;
- (c) to require production of and examine any records in whatever form, and to take copies of those records;
- (d) to remove and retain any documents and records required to be kept under these Regulations;
- (e) to have access to, and inspect and check the operation of, any computer and any associated apparatus or material which is or has been used in connection with any such records mentioned in sub-paragraphs (c) and (d) above, and to require any person having charge of, or otherwise concerned with the operation of, the computer, apparatus or material to afford such assistance as that person may reasonably require;
- (f) to require, where records are kept by means of a computer, those records to be produced in a visible and legible form in which they may be taken away.

Offences

19.—(1) Any person who fails to comply with any requirement of regulations 3 to 17 above shall be guilty of an offence.

(2) If any person—

- (a) obstructs an authorised person in the exercise of a power conferred by regulation 18 above;
- or

(b) fails without reasonable excuse to give such an authorised person any assistance or information which that person may reasonably require for the purposes of the functions referred to in regulation 18 above,
that person shall be guilty of an offence.

Penalties

20.—(1) A person guilty of an offence under paragraph (1) of regulation 19 above shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(2) Any person guilty of an offence under paragraph (2) of regulation 19 above shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Time limits for prosecutions

21.—(1) Proceedings for an offence under regulation 19 may be commenced within the period of 12 months from the date on which the offence was committed.

(2) Subsection (3) of section 136 of the Criminal Procedure (Scotland) Act 1995⁽¹⁾ (date of commencement of proceedings) shall apply for the purposes of this regulation as it does for the purposes of that section.

Offences by bodies corporate

22. Where an offence under these regulations which has been committed by a Scottish partnership or a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any partner, director, manager, secretary or similar officer of the body corporate, or any person who was purporting to act in any such capacity, that person as well as the partnership or body corporate shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Amendment to the Sheep Annual Premium Regulations 1992

23.—(1) The Sheep Annual Premium Regulations 1992⁽²⁾ shall be amended in accordance with the following paragraphs.

(2) In paragraph 5(a) of regulation 5 the words “article 5 of the Sheep and Goats (Records, Identification and Movement Order 1996 (“the 1996 Order”))” shall be substituted by the words “regulation 5 of the Sheep and Goats Identification (Scotland) Regulations 2000”.

(3) For regulation 8A the following regulation shall be substituted:—

“Failure to comply with the Sheep and Goats Identification (Scotland) Regulations 2000

8A. Where at any time during a marketing year a producer fails to comply with regulation 5 of the Sheep and Goats Identification (Scotland) Regulations 2000, the relevant competent authority may withhold or recover on demand the whole or any part of any premium payable or as the case may be paid to the producer in respect of that marketing year.”.

(1) 1995 c. 46.

(2) S.I.1992/2677, amended by S.I. 1994/2741, S.I. 1995/2779, S.I. 1996/49 and S.I. 1997/2500.

Revocations and transitional and savings provisions

24. Subject to the following provisions of this regulation the Sheep and Goats (Records, Identification and Movement) Order 1996(3) (“the Order”) is revoked.

(2) Any requirement to retain records kept under regulation 4, 5 or 6 of the Order shall continue to apply to such records.

(3) The powers of inspectors under regulation 18 above and the offence provisions at regulation 19(2) above shall apply in relation to such records and their retention as they apply in relation to records kept under these Regulations.

(4) The Order shall continue to apply for the purposes of the legal process of such charges as may be brought for contravening the provisions to retain records under regulation 4, 5 or 6 of the Order.