
SCOTTISH STATUTORY INSTRUMENTS

2009 No. 414

**The Sheep and Goats (Records, Identification
and Movement) (Scotland) Order 2009**

PART 1

Introductory provisions

Citation, commencement and extent

1.—(1) This Order may be cited as the Sheep and Goats (Records, Identification and Movement) (Scotland) Order 2009 and comes into force on 31st December 2009.

(2) This Order extends to Scotland only.

Commencement Information

II [Art. 1](#) in force at 31.12.2009, see [art. 1\(1\)](#)

Interpretation

2.—(1) In this Order—

“Annex” means the Annex to the Council Regulation;

“the Council Regulation” means Council Regulation (EC) No. 21/2004 of 17th December 2003 establishing a system for the identification and registration of ovine and caprine animals and amending Regulation (EC) No. 1782/2003 and Directives [92/102/EEC](#) and [64/432/EEC\(1\)](#)^[F1], as last relevantly amended by Council Regulation (EU) No 517/2013];

“critical control point” means a holding or a third party approved by the Scottish Ministers under section C.2 of the Annex;

“export” means sending to ^[F2]a] Member State or a third country;

“flockmark” means the number allocated by the Scottish Ministers to a holding on which sheep are kept;

“herdmark” means the number allocated by the Scottish Ministers to a holding on which goats are kept;

“identification code” means the code applied or to be applied to a means of identification in accordance with the Council Regulation, this Order, any provision giving effect to the Council Regulation in England, Wales ^[F3]or Northern Ireland, or any provision giving effect to Council Regulation (EC) No. 21/2004 of 17th December 2003 establishing a system for the identification and registration of ovine and caprine animals and amending Regulation (EC)

(1) O.J. No. L 5, 9.1.2004, p.8, amended by Council Regulation (EC) No. 1791/2006 (O.J. No. L 363, 20.12.2006, p.1), Commission Regulation (EC) No. 1560/2007 (O.J. No. L 340, 22.12.2007, p.25), Commission Regulation (EC) No. 933/2008 (O.J. No. L 256, 24.9.2008, p.5) and Commission Regulation (EC) No. 759/2009 (O.J. No. L 215, 20.8.2009, p.3).

No. 1782/2003 and Directives 92/102/EEC and 64/432/EEC as it has effect in EU law in a Member State, or previous United Kingdom Orders or Regulations;

“identification device” means an eartag, electronic eartag, pastern tag, electronic pastern tag or bolus approved by the Scottish Ministers;

“inspector” means a person appointed to be an inspector for the purposes of this Order by the Scottish Ministers or a local authority;

“local authority” means a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994(2);

“means of identification” means an identification device or a tattoo;

“movement document” means the movement document required by Article 6 of the Council Regulation;

“previous United Kingdom Orders or Regulations” means—

- (a) the Sheep and Goats Identification (Scotland) Regulations 2000(3);
 - (b) the Sheep and Goats Movement (Interim Measures) (Scotland) Order 2002(4);
 - (c) the Sheep and Goats Identification (England) Order 2000(5);
 - (d) the Sheep and Goats Identification and Movement (Interim Measures) (England) Order 2002(6);
 - (e) the Sheep and Goats Identification and Movement (Interim Measures) (England) (No. 2) Order 2002(7);
 - (f) the Sheep and Goats Identification and Movement (Interim Measures) (Wales) Regulations 2002(8);
 - (g) the Sheep and Goats Identification and Movement (Interim Measures) (Wales) Order 2002(9);
 - (h) the Sheep and Goats Identification and Movement (Interim Measures) (Wales) (No. 2) Order 2002(10);
 - (i) the Identification and Movement of Sheep and Goats Order (Northern Ireland) 1997(11);
 - (j) the Identification and Movement of Sheep and Goats Order (Northern Ireland) 2004(12);
 - (k) the Sheep and Goats (Records, Identification and Movement) Order (Northern Ireland) 2005(13);
 - (l) the Sheep and Goats (Records, Identification and Movement) (Wales) Order 2006(14);
 - (m) the Sheep and Goats (Identification and Traceability) (Scotland) Regulations 2006(15);
 - (n) the Sheep and Goats (Records, Identification and Movement) (England) Order 2007(16);
- and

(2) 1994 c.39, amended by the Environment Act 1995 (c.25), section 120(1) and Schedule 22, paragraph 232(1).

(3) S.S.I. 2000/418, amended by S.S.I. 2002/39 and 531 and revoked by S.S.I. 2006/73.

(4) S.S.I. 2002/38, amended by S.S.I. 2002/221 and revoked by S.I. 2006/73.

(5) S.I. 2000/2027, amended by S.I. 2001/281 and revoked by S.I. 2002/240.

(6) S.I. 2002/240, amended by S.I. 2002/764 and 1349 and revoked by S.I. 2002/2153.

(7) S.I. 2002/2153, amended by S.I. 2003/29 and 502 and revoked by S.I. 2005/3100.

(8) S.I. 2002/274 (W.30), amended by S.I. 2002/811 (W.91) and revoked by S.I. 2002/1354 (W.131).

(9) S.I. 2002/1357 (W.133), revoked by S.I. 2002/2302 (W.227).

(10) S.I. 2002/2302 (W.227), amended by S.I. 2003/167 (W.27), 946 (W.127) and 1966 (W.211) and revoked by S.I. 2006/1036 (W.106).

(11) S.R. (N.I.) 1997 No. 173, amended by S.R. (N.I.) 1998 No. 393.

(12) S.R. (N.I.) 2004 No. 491.

(13) S.R. (N.I.) 2005 No. 535 as amended by S.R. (N.I.) 2006 No. 508.

(14) S.I. 2006/1036 (W. 106), amended by S.I. 2006/2926 (W.261) and revoked by S.I. 2008/130 (W.17).

(15) S.S.I. 2006/73, amended by S.S.I. 2006/594, 2007/559 and 2008/368 and revoked by S.S.I. 2009/415.

(16) S.I. 2007/3493.

(o) the Sheep and Goats (Records, Identification and Movement) (Wales) Order 2008(17);
“register” means the register required to be kept by Article 5 of the Council Regulation;

“slaughterhouse” means an establishment approved as a slaughterhouse in accordance with Article 3 of Regulation (EC) No. 854/2004 of the European the Scottish Parliament and of the Council of 29 April 2004 laying down specific rules for the organisation of official controls on products of animal origin intended for human consumption(18)^{F4}, as last amended by Commission Implementing Regulation (EU) 2018/981];

“slaughterhouse operator” means a person carrying out the business of a slaughterhouse or the duly authorised representative of such a person; and

“unique number” means a number allocated by the Scottish Ministers which is unique to an animal in a flock or herd and contains up to 6 digits.

(2) Expressions in this Order which appear in the Council Regulation have the same meaning in this Order as they have for the purposes of the Council Regulation.

(3) Any reference in this Order to anything done in writing or produced in written form, other than under article 28, includes a reference to an electronic communication which has been recorded and may subsequently be used for reference, as defined in the Electronic Communications Act 2000(19).

Textual Amendments

- F1** Words in art. 2(1) inserted (28.2.2019) by [The Environment, Food and Rural Affairs \(Miscellaneous Amendments and Revocations\) \(Scotland\) Regulations 2018 \(S.S.I. 2018/391\)](#), regs. 1(1), **33(2)**
- F2** Word in art. 2(1) substituted (31.12.2020) by [The Animal Health \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2019 \(S.S.I. 2019/71\)](#), regs. 1(1)(b), **25(2)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F3** Words in art. 2(1) substituted (31.12.2020) by [The Animal Health \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2019 \(S.S.I. 2019/71\)](#), regs. 1(1)(b), **25(2)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F4** Words in art. 2(1) inserted (28.3.2019) by [The Animal Health \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2019 \(S.S.I. 2019/71\)](#), regs. 1(1)(a), **10**

Commencement Information

- I2** [Art. 2](#) in force at 31.12.2009, see [art. 1\(1\)](#)

Competent authority

3. The Scottish Ministers are the competent authority for the purposes of the Council Regulation.

Commencement Information

- I3** [Art. 3](#) in force at 31.12.2009, see [art. 1\(1\)](#)

Authorisations

4.—(1) Subject to paragraph (2), any authorisations, approvals or permissions issued under the Council Regulation or this Order must be in writing, may be made subject to conditions and may be amended, suspended or revoked by notice in writing at any time.

(17) [S.I. 2008/130 \(W.17\)](#).

(18) O.J. No. L 139, 30.4.04, p.206.

(19) [2000 c.7](#), amended by the Communications Act 2003 (c.21), sections 406 and 411(2) and (3) and Schedule 17, paragraph 158.

Changes to legislation: There are currently no known outstanding effects for the The Sheep and Goats (Records, Identification and Movement) (Scotland) Order 2009, PART 1. (See end of Document for details)

(2) An authorisation, approval or permission may be issued otherwise than in writing where this is necessary to prevent suffering to an animal.

Commencement Information

I4 [Art. 4](#) in force at 31.12.2009, see [art. 1\(1\)](#)

Changes to legislation:

There are currently no known outstanding effects for the The Sheep and Goats (Records, Identification and Movement) (Scotland) Order 2009, PART 1.