STATUTORY INSTRUMENTS

1972 No. 1309 (S.95)

AGRICULTURE

LIVESTOCK INDUSTRIES

The Licensing of Bulls (Scotland) Regulations 1972

Made - - -	*11th August* 1972
Laid before Parliament	*30th August* 1972
Coming into Operation	*1st September* 1972

In exercise of the powers conferred upon me by sections 1, 2, 4, 5, 6, 10 and 11 of the Improvement of Live Stock (Licensing of Bulls) Act 1931(**a**), as amended by section 6 of the Agriculture (Miscellaneous Provisions) Act 1944(**b**) and extended by section 16(4) of the Agriculture (Miscellaneous Provisions) Act 1963(**c**), and as amended and extended by section 8 of, and Schedule 3 to, the Agriculture (Miscellaneous Provisions) Act 1972(**d**), and of all other powers enabling me in that behalf, and with the approval of the Treasury as to fees, and on the joint recommendation of the Royal College of Veterinary Surgeons and the British Veterinary Association as to regulation 13(2) hereof, I hereby make the following regulations:—

Citation, commencement and extent

1. These regulations, which may be cited as the Licensing of Bulls (Scotland) Regulations 1972, shall come into operation on 1st September 1972 and shall apply to Scotland.

Revocation

2. The Regulations specified in Schedule 2 to these regulations are hereby revoked, but such revocation shall not affect the validity of any notice duly served thereunder or any proceedings duly undertaken by virtue of those regulations, which shall have effect as if served under or undertaken by virtue of the corresponding provisions of these regulations.

Interpretation

3.—(1) In these regulations, unless the context otherwise requires—

"the Act" means the Improvement of Live Stock (Licensing of Bulls) Act 1931;

"general permit" means any permit other than a special permit;

"licence" means a licence under the Act to keep a bull for breeding purposes;

"a member of the Veterinary Panel" means a veterinary surgeon who is a member of a panel appointed for the purposes of Schedule 3 to the Agriculture (Miscellaneous Provisions) Act 1972 by the Royal College of Veterinary Surgeons and the British Veterinary Association acting jointly;

(**a**) 1931 c. 43.
(**b**) 1944 c. 28.
(**c**) 1963 c. 11.
(**d**) 1972 c. 62.

"the Minister" means the Minister of Agriculture, Fisheries and Food;

"permit" means a permit under the Act to keep a bull for any purpose other than breeding purposes;

"special permit" means a permit which, by virtue of the proviso to section 4(4) of the Act (which authorises the granting of permits in respect of bulls kept for zoological or experimental purposes), does not include a condition that the bull to which it relates shall not be allowed to serve a cow.

(2) Any reference in these regulations to a form denoted by a number shall be construed as a reference to the form so numbered in Schedule 1 to these regulations or a form substantially to the like effect.

(3) The Interpretation Act 1889(a) shall apply for the interpretation of these regulations as it applies for the interpretation of an Act of Parliament. and as though these regulations and the regulations hereby revoked were Acts of Parliament.

Prescribed age of bull

4. For the purposes of section 1 of the Act (which prohibits the keeping of a bull that has attained the prescribed age unless a licence or permit is in force in respect of it) the prescribed age shall be the age of ten months.

Applications for licences and permits

5. An application for a licence shall be in Form 1 and shall be accompanied by a certificate in Form 2 signed by a member of the Veterinary Panel and the application shall contain, in the case of a bull of the Friesian breed, a sketch plan of the natural markings of the bull showing separately the bull as viewed from the left hand and right hand sides and its head as viewed from the front. An application for a permit shall be in Form 3.

Time for making applications

6.—(1) Subject to the provisions of paragraph (2) hereof, the prescribed time for making an application for a licence or a permit shall be as follows:—

(*a*) in the case of a licence, not later than seven days before the bull attains the prescribed age;

(*b*) in the case of a permit, within such time as may be applicable according to the following Table—

Where a licence or permit in respect of the bull has not at any time been applied for.	Not later than twenty-eight days before the bull attains the prescribed age.
Where a licence in respect of the bull has been refused or revoked.	Before the expiration of fourteen days from the date of the refusal or revocation or, if a referee's inspection is duly applied for, within fourteen days after the Secretary of State notifies the applicant that he has confirmed the refusal or revocation in accordance with the referee's report.

(a) 1889 c. 63.

Where a permit in respect of the bull has been granted and has not expired.	Not later than fourteen days before the expiry of that permit.

(2) Notwithstanding the provisions of the foregoing paragraph, in the case of a bull which is or is to be imported or brought into Scotland and which at the date of entry into Scotland has attained or will have attained the prescribed age or will attain that age within twenty one days from that date, an application for a licence or permit shall be made not later than fourteen days after the date of entry.

Forms of licences and permits

7. A licence shall be in Form 4 and a permit shall be in Form 5.

Duplicate of licences and permits

8. Any application for a duplicate of a licence or permit that has been lost or destroyed shall be in Form 6.

Change of place at which permit bulls may be kept

9. Where it is a condition of a permit that the bull to which it relates shall be kept at a specified place, any application made under section 4(2) of the Act for the substitution in the permit of some other place for the place theretofore specified shall be made in writing by the owner of the bull.

Notice of suspension

10. Any notice of suspension served under section 4(3) of the Act (making it a condition of a licence that the bull to which it relates shall not for a specified period be allowed to serve a cow) shall be served on any person for the time being having the bull in his possession or custody.

Application for referee's inspection

11.—(1) Any application made under section 5(1) of the Act for a referee's inspection of a bull, consequent on the refusal or revocation of a licence or on the service of a notice of suspension as respects that bull, shall be in Form 7, and shall be made before the expiration of a period of fourteen days from the date of the refusal or revocation or the service of the notice, as the case may be.

(2) Any notice of the result of his application given to an applicant by the Secretary of State shall be given in writing.

Fees

12.—(1) Fees of the following amounts shall be payable to the Secretary of State in respect of licences, special permits, and inspections by referees—

(*a*) in respect of a licence to keep a bull (excluding the professional fees of the member of the Veterinary Panel for inspecting and certifying the bull payable by the applicant for a licence)	£1·00
(*b*) in respect of a special permit	£8·00
(*c*) in respect of a duplicate of any licence or permit ...	£0·70

(*d*) in respect of an inspection by a referee—

(i) except as otherwise prescribed below, for each bull	£22·00
(ii) where two bulls owned by the same person are to be inspected by the same referee at the same premises at the same time, for each bull	£19·00
(iii) where three or more bulls owned by the same person are to be so inspected at the same time, for each bull	£18·00

Provided that no fee shall be payable in respect of a licence or special permit to keep a bull where at the time of application therefor a licence or special permit issued by the Minister in respect of England and Wales is in force in relation to the bull.

(2) The prescribed fee shall be remitted direct to the Secretary of State with the corresponding application except in the case of application for a licence.

(3) If, before the inspection referred to in regulation 11(1) hereof takes place, the application for a referee's inspection is withdrawn by the applicant, the Secretary of State may return the fee to him.

Prescribed inspection marks

13.—(1) The provisions of paragraph 2 of this regulation shall have effect for the purposes of paragraph 1(2) of Schedule 3 to the Agriculture (Miscellaneous Provisions) Act 1972 (which provides for the marking of bulls by members of the Veterinary Panel with a prescribed mark and in a prescribed manner).

(2) The mark prescribed for a bull that is to be marked is the letter V inside a square and the bull shall be marked with it in or on the right ear, or if that is impracticable, on some other appropriate place.

Service of notices and other documents

14.—(1) Any notice required or authorised by or under the Act to be given or served by the Secretary of State may be given or served by delivering it to the person to or on whom it is to be given or served, or by sending it to him by post in a letter addressed to him at his last known place of abode or business.

(2) Any application, notice or other document required or authorised by or under the Act to be made, given or sent by any person to the Secretary of State shall be made, given, sent by post or otherwise delivered in a letter addressed to the Secretary, Department of Agriculture and Fisheries for Scotland, at any office of the Department in Scotland.

Prescribed mark for identification purposes

15.—(1) This regulation shall have effect for the purposes of section 10(1)(*b*) of the Act (which empowers an officer of the Secretary of State to mark any bull with a prescribed mark in a prescribed manner).

(2) If an officer of the Secretary of State has reason to suppose that any bull apparently over the prescribed age is unlicensed and not the subject of any special or general permit he may mark the bull with the identification mark prescribed in the following paragraph.

(3) The mark prescribed for a bull that is being marked by an officer of the Secretary of State for the purpose of identification shall be a combination of any two letters of the alphabet or a combination of figures or both such combinations and the bull shall be marked with that mark in or on one of its ears or, if that is impracticable, on some other appropriate place.

Transitional provisions

16.—(1) The following conditions shall apply to the inspection, marking, licensing or rejection of a bull in respect of which an application for a licence made to the Secretary of State before the date of commencement of the present regulations remains undetermined as at such date:—

(*a*) The bull shall be inspected by an officer of the Secretary of State and for this purpose the Secretary of State may require the owner of the bull to make it available for inspection at any place or time that has been notified to the owner, and the owner shall provide all reasonable facilities and assistance for the purpose of the inspection and marking of the bull:

Provided that a bull that has previously been inspected on behalf of the Secretary of State for any other purpose may, if the Secretary of State thinks fit, be exempted from the inspection prescribed by this regulation.

(*b*) If, after inspection, the bull is found suitable for a licence, it shall be marked by an officer of the Secretary of State with a design consisting of a thistle in or on its right ear, or, if that is impracticable, on some other appropriate place.

(*c*) If, after inspection, the bull is found unsuitable for a licence, it shall be marked by an officer of the Secretary of State with the letter R in or on its left ear or, if that is impracticable, on some other appropriate place.

(*d*) Any bull that has been inspected and marked pursuant to this article may also be marked by an officer of the Secretary of State for identification purposes with the identification mark prescribed in regulation 15(3) of these regulations.

(2) A licence granted under these transitional provisions shall be in Form 8. A licence granted as a result of a successful appeal against the refusal of the Secretary of State to grant a licence shall, if the appeal arose out of an application for a licence made before the present regulations came into force, also be in Form 8.

(3) An applicant for a licence whose application has been made before the date of commencement of the present regulations and whose bull has not been inspected by an officer of the Secretary of State may if he so desires withdraw his application, in which case the Secretary of State may refund the fee paid by the applicant. Such withdrawal shall be without prejudice to the applicant's right to apply for a licence under and subject to the conditions of these regulations.

Gordon Campbell,
One of Her Majesty's
Principal Secretaries of State.

St. Andrew's House,
Edinburgh,
9th August 1972.

We approve.

V. H. Goodhew,
Hugh Rossi,
Two of the Lords Commissioners
of Her Majesty's Treasury.

11th August 1972.

Regulation 3(2) SCHEDULE 1

Regulation 5 FORM 1

No.

DEPARTMENT OF AGRICULTURE AND FISHERIES FOR SCOTLAND
Improvement of Live Stock (Licensing of Bulls) Act 1931 *(as amended)*
Licensing of Bulls (Scotland) Regulations 1972

APPLICATION FOR A LICENCE TO KEEP A BULL

Date of birth day month 19 year

Earmarks
Breed Society Mark

Breeding*

Mark allotted or approved under
TB Order 1964

I hereby apply for a licence in respect of the bull described above, and I hereby certify the foregoing particulars to be correct.

I am the owner†/agent for the owner of the bull†.

FULL NAME OF APPLICANT (IN BLOCK LETTERS)

Address

Telephone Number

Date Signature

*For a pure-bred enter breed. For a cross-bred enter "cross-bred" and give the genetic make up (e.g. $\frac{7}{8}$ Charolais × $\frac{1}{8}$ Friesan) insofar as this is known.

†Delete as appropriate.

Regulation 5 FORM 2

VETERINARY CERTIFICATE

1. I have inspected this bull and to the best of my knowledge and belief the particulars given in the attached application as to date of birth and breeding are correct.

2. I hereby certify that

(*a*) the earmarks quoted in the application are correct;

†(*b*) the markings on the bull are in accordance with the sketch plan contained in the application;

(*c*) this bull had not previously been marked with the inspection mark prescribed by the Secretary of State on the joint recommendation of the Royal College of Veterinary Surgeons and the British Veterinary Association;

(*d*) I have marked this bull with the prescribed inspection mark in the prescribed manner;

(*e*) I am a member of the panel appointed jointly by the Royal College of Veterinary Surgeons and the British Veterinary Association for the purposes of inspecting bulls under the Act;

3A*. In my professional opinion, at the time of examination this bull was suitable for a licence under the Act as it was not:

(*a*) of defective or inferior conformation and likely to beget defective or inferior progeny; or

(*b*) permanently affected with any contagious or infectious disease; or

(*c*) permanently affected with any other disease rendering the bull unsuitable for breeding purposes.

3B*. In my professional opinion this bull is not suitable for a licence under the Act for the following reasons:

Signed Date

Veterinary Surgeon

FULL NAME (BLOCK LETTERS)
PRACTICE AND ADDRESS

†Delete if the bull is not of the Friesian breed.

*Delete paragraph 3A or 3B as appropriate.

FORM 3 Regulation 5

DEPARTMENT OF AGRICULTURE AND FISHERIES FOR SCOTLAND

Improvement of Live Stock (Licensing of Bulls) Act 1931 (*as amended*)
Licensing of Bulls (Scotland) Regulations 1972

APPLICATION FOR A PERMIT TO KEEP AN UNLICENSED BULL

Date of birth 19 *Earmarks*
day month year Breed Society Mark
Breeding (see Note 1) Mark allotted or approved under TB Order 1964

Full postal address of premises at which bull is to be kept

I hereby apply for a *special/general permit see Notes 1, 2 to keep the unlicensed bull described above until 19 for the purpose of

I enclose *cheque/postal order/money order for £8 (see Note (3)) in payment of the prescribed fee.

I am the *owner/agent for the owner of the bull.

Full name of applicant (in BLOCK LETTERS)

Address

Telephone No.

Date 19 . Signature

*Strike out words that do not apply.

NOTES:

1. The breeding of the bull need not be given when a permit is applied for except in a case where exemption from section 4(4) of the Improvement of Live Stock (Licensing of Bulls) Act 1931, i.e. where the bull is kept in a zoological collection or otherwise in the interests of the science of zoology and kept solely for experimental purposes, is to be given. In such a case when a special permit is applied for the breed of the bull should be entered if it is pure bred; for a cross-bred the word "cross-bred" should be entered and the genetic make up (e.g. ⅞ Charolais \ ⅛ Friesian) should be given (insofar as this is known).

2. A general permit is a permit which includes a condition that the bull must not be allowed to serve any cow of heifer. This type of permit is issued when a bull is to be kept entire to be fattened for slaughter.

3. The prescribed fee for a special permit is £8. A fee is not required for a general permit.

4. This application should be returned to the Secretary, Department of Agriculture and Fisheries for Scotland, Livestock Improvement Branch, Chesser House, Gorgie Road, Edinburgh EH11 3AW.

Regulation 7

FORM 4

No.

DEPARTMENT OF AGRICULTURE AND FISHERIES FOR SCOTLAND

Improvement of Live Stock (Licensing of Bulls) Act 1931 *(as amended)*
Licensing of Bulls (Scotland) Regulations 1972

BULL LICENCE

This is to certify that the bull described in the application attached is licensed under the Improvement of Live Stock (Licensing of Bulls) Act 1931 (as amended).

Date 19 . Assistant Secretary.

Regulation 7

FORM 5

No.

DEPARTMENT OF AGRICULTURE AND FISHERIES FOR SCOTLAND

Improvement of Live Stock (Licensing of Bulls) Act 1931 *(as amended)*
Licensing of Bulls (Scotland) Regulations 1972

*SPECIAL/GENERAL PERMIT TO KEEP AN UNLICENSED BULL

Date of birth 19 . *Earmarks*
day month year Breed Society Mark

Breeding Mark allotted or approved under TB Order 1964

The Secretary of State hereby permits the unlicensed bull described above belonging to

to be kept at

until

for the purpose of

subject to the following conditions:

Date 19 . Assistant Secretary.

*Strike out words that do not apply.

NOTE:

For general permits the breeding of the bull should not be quoted.

FORM 6 Regulation 8

DEPARTMENT OF AGRICULTURE AND FISHERIES FOR SCOTLAND

Improvement of Live Stock (Licensing of Bulls) Act 1931 (*as amended*)
Licensing of Bulls (Scotland) Regulations 1972

APPLICATION FOR A DUPLICATE OF A LICENCE OR PERMIT

Date of birth 19 . *Earmarks*
day month year Breed Society Mark

Breeding* Mark allotted or approved under TB Order 1964

Full name of applicant (in BLOCK LETTERS)

Full postal address

I certify that the †licence/permit numbered..... and issued on or about ..... to keep the bull described above has been lost or destroyed and I hereby apply for a duplicate.

I enclose †cheque/postal order/money order for 70p in payment of the prescribed fee.

Date 19 . Signature

*For a pure-bred bull enter breed. For a cross-bred bull enter "cross-bred" and give the genetic make-up (e.g. $\frac{7}{8}$ Charolais × $\frac{1}{8}$ Friesan) insofar as this is known.

†Strike out works that do not apply.

This application should be returned to the Secretary, Department of Agriculture and Fisheries for Scotland, Livestock Improvement Branch, Chesser House, Gorgie Road, Edinburgh EH11 3AW.

FORM 7 Regulation 11(1)

DEPARTMENT OF AGRICULTURE AND FISHERIES FOR SCOTLAND

Improvement of Live Stock (Licensing of Bulls) Act 1931 (*as amended*)
Licensing of Bulls (Scotland) Regulations 1972

APPLICATION FOR A REFEREE'S INSPECTION

Date of birth 19 . *Earmarks*
day month year Breed Society Mark

Breeding† Mark allotted or approved under TB Order 1964

Full name of applicant (in BLOCK LETTERS)

Full postal address

Whereas the Secretary of State has *refused to grant/revoked/served a notice of suspension of a licence to keep the bull described above, now therefore I require a referee's inspection of the bull in accordance with Section 5 of the Improvement of Live Stock (Licensing of Bulls) Act 1931.

The bull will be kept during the next 28 days at

I enclose *cheque/postal order/money order for *£22·00 / £19·00 / £18·00 (see Note) in payment of the prescribed fee.‡

Date 19 . Signature

†For a pure-bred enter breed. For a cross-bred enter "cross-bred" and give the genetic make-up (e.g. $\frac{7}{8}$ Charolais × $\frac{1}{8}$ Friesan) insofar as this is known.

*Strike out words that do not apply.

‡This will be returned if the refusal, revocation or notice of suspension is not confirmed.

NOTE:

1. The prescribed fees payable for referee's inspection are:—
   (i) for the inspection of one bull ... ... £22·00
   (ii) for the inspection of two bulls in the same ownership, provided the inspection of each bull is to be carried out by the same referee on the same premises and at the same time, for each bull ... ... £19·00
   (iii) for the inspection of three or more bulls in the same ownership, provided the inspection of each bull is carried out by the same referee on the same premises and at the same time, for each bull ... ... £18·00

2. This application should be returned to:—
   The Secretary
   Department of Agriculture and Fisheries for Scotland
   Livestock Improvement Branch
   Chesser House
   Gorgie Road
   Edinburgh
   EH11 3AW.

Regulation 16

FORM 8

DEPARTMENT OF AGRICULTURE AND FISHERIES FOR SCOTLAND

Improvement of Live Stock (Licensing of Bulls) Act 1931 *(as amended) Licensing of Bulls (Scotland) Regulations* 1972

BULL LICENCE No.

Date of birth 19 . *Earmarks*
day month year

Breeding

This is to certify that the bull described above is licensed under the improvement of Live Stock (Licensing of Bulls) Act 1931.

Date 19 . Assistant Secretary.

Regulation 2

SCHEDULE 2

Column 1 Regulations revoked	Column 2 References
The Licensing of Bulls (Scotland) Regulations 1952.	S.I. 1952/1046 (1952 I, p. 158).
The Improvement of Livestock (Licensing of Bulls) (Scotland) Amendment Regulations 1960.	S.I. 1960/579 (1960 I, p. 184).
The Improvement of Livestock (Licensing of Bulls) (Scotland) Amendment Regulations 1961.	S.I. 1961/2163 (1961 III, p. 3892).
The Improvement of Livestock (Licensing of Bulls) (Scotland) Amendment Regulations 1964.	S.I. 1964/122 (1964 I, p. 217).
The Improvement of Livestock (Licensing of Bulls) (Scotland) Amendment Regulations 1966.	S.I. 1966/728 (1966 II, p. 1690).
The Improvement of Livestock (Licensing of Bulls) (Scotland) Amendment Regulations 1969.	S.I. 1969/1154 (1969 II, p. 3418).

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

By virtue of section 8 and of Schedule 3 to the Agriculture (Miscellaneous Provisions) Act 1972 licensing of bulls by reference to pedigree and certain other standards of suitability is abolished and the Secretary of State for Scotland is empowered to make Regulations requiring an application for a licence under the Improvement of Live Stock (Licensing of Bulls) Act 1931 to be accompanied by a veterinary certificate as to the bull's suitability for a licence on the basis of conformation and freedom from disease.

These Regulations therefore revoke previous Regulations governing the licensing of bulls in Scotland. Applications for a bull licence must now be accompanied by a veterinary certificate in the form prescribed by the Regulations. The veterinary surgeon who gives the certificate, must be a member of the panel defined in the Regulations and must also mark the bull with the prescribed inspection mark. The Regulations prescribe an identification mark with which an officer of the Secretary of State for Scotland can mark a bull if it is apparently over the prescribed age for licensing and unlicenced. To facilitate the licensing of bulls in respect of which applications made under the previous Regulations had not been determined at the date the present Regulations came into force, the Regulations contain transitional provisions. New forms of licence and application are prescribed. The Regulations also prescribe the fees payable in respect of applications made thereunder.