

SPECIFIC CONCORDAT

Introduction

This document and its appendix is a Specific Concordat between the British Cattle Movement Service and the Scottish Executive Rural Affairs Department, as referred to in paragraph 2 of the Main Concordat between the Ministry of Agriculture, Fisheries and Food and the Scottish Executive, in respect of the British Cattle Movement Service. The principles set out in the Main Concordat apply to this Specific Concordat. This document elaborates on the Main Concordat. The appendix is an integral part of the concordat.

The following abbreviations will be used throughout this document:

- MAFF The Ministry of Agriculture, Fisheries and Food;
- BCMS the British Cattle Movement Service;
- SE the Scottish Executive;
- SERAD the Scottish Executive Rural Affairs Department;
- CTS Cattle Tracing System.

Purpose

BCMS has an obligation to the Scottish Ministers in respect of its services to Scottish customers, and to SERAD. This document seeks to describe the working arrangements agreed between BCMS and SE for the operation of the CTS in Scotland (including enforcement).

This document is only part of the agreement between SERAD / BCMS / MAFF. The legal requirements are covered by the Cattle (Identification of Older Animals) (Scotland) Regulations 2001. A legal agreement is required to underpin the new legislation. This is to be produced shortly in consultation with MAFF and BCMS. The content of this concordat will be reviewed to take into account the new legal agreement.

Definitions

For the purpose of the Concordat

- Scottish holding is defined as one which has been allocated, or one which satisfies the criteria for, allocation of a valid Scottish county / parish / holding number.
- Scottish cattle are defined as those present on a Scottish holding.
- Scottish keepers are defined as those who keep cattle on a Scottish holding.
- Scottish passports are defined as those issued in respect of cattle registered to keepers on Scottish holdings.

Legislation

The relevant legislation currently applicable to this Specific Concordat is:

- European Council Regulation 1760/00 (replacing EC Regulation 820/97);
- European Commission Regulation 2629/97, 2630/97 and 494/98;
- Part III of the Cattle Identification Regulations 1998;
- The Cattle Database Regulation 1998;
- The Scotland Act 1998; and
- The Cattle (Identification of Older Animals) (Scotland) Regulations 2001

Working Collaboration

SERAD is a member of the BCMS Management Board. SERAD also participates in functionally specific project boards (e.g. the CTS board) and expects and is expected to provide input to ad hoc working groups.

BCMS and SERAD recognise that open communication is essential to business practices and both parties commit to maintaining openness through dialogue.

BCMS and SERAD will each respect the confidential nature of any information exchanged between them, where the need for such confidence is expressed.

COMPLAINTS HANDLING

Third Parties

SERAD agrees that complaints from a Scottish customer about the operation of BCMS should, in the first instance, be directed to the Director of the BCMS.

SERAD agrees to provide the Director with any relevant information that SERAD may hold or have access to, to enable BCMS to answer the complaint.

Complaints about policy issues relating to the function of BCMS will be dealt with by SERAD where the issue is of particular relevance to Scotland, or the complaint is from a Scottish customer.

BCMS agrees to provide SERAD with any relevant information that BCMS may hold or have access to, to enable the SERAD to answer the complaint, and to bring the complaint to SERAD's attention at an early stage.

Between the Parties

BCMS and SERAD commit themselves to conduct business through normal administrative channels. Where a dispute cannot be resolved in this way, the guidelines set out in the Main Concordat between MAFF and SE may be applied.

BCMS and SERAD agree that a reasonable amount of time should be given when requesting information or comments.

In addition, BCMS agrees to:

- offer SERAD participation on the BCMS Industry Forum on the same basis as the other UK agricultural Departments;
- provide SERAD with the opportunity to assist with the development of; to comment on; and to approve any strategy document, advisory or promotional material, which may have implications for Scotland;
- issue cattle passports or Certificates of Registration (CORs) to all Scottish keepers who submit a valid application;
- record details of movements and deaths of all cattle registered on , or moving to or from, Scottish holdings, when valid notification is received;
- record details of amendments to Scottish Passports and CORs;
- provide a telephone enquiry helpline;
- ensure prompt operation of the Ear Tag Allocation System (ETAS) for Scottish keepers who make applications for ear tags;
- provide SERAD with copies of BCMS' annual reports (including reports by auditors), accounts (on a monthly basis) and reports on performance against agreed targets;
- provide up-to-date information on volumes of work undertaken for SERAD and BCMS' costs (running and specific) at monthly intervals;
- provide to SERAD, on request, information about BCMS' operation;
- oversee enforcement of relevant Scottish legislation;
- provide SERAD with a selection of cases for Cattle Identification Inspections using agreed criteria, or agree an alternative approach;
- operate its business in Scotland in accordance with agreed procedures, exercising no discrimination in levels of service to its Scottish customers, except when these arise from the implementation of particular practices agreed with SERAD;
- make available to SERAD data to assist in subsidy payment and control, and to undertake to provide additional information if required;
- assess individual cases for further investigation by SERAD HQ, using agreed criteria

In addition, SERAD agrees to:

- respond promptly to BCMS requests for comments on, or approval of, documents and strategy;
- advise BCMS of any substantive information or developments which might effect the operation of BCMS;
- provide BCMS with information and updates on enforcement activities, as agreed in the appendix;
- provide support for the enforcement of the relevant legislation (including carrying out Cattle Identification Inspections, investigations, and to forward information in support of potential prosecutions to the Procurator Fiscal where appropriate) in Scotland, including, whenever reasonable, the carrying out of ad hoc inspections;
- provide to BCMS, on request, information and advice about SERAD policy.

Funding

Where SERAD requests services from BCMS that are additional to and different from those set out in this document, any payments to be made in respect of these services will be agreed between the parties and set out in separate agreements which may be added to this Concordat.

Review

Meetings to review the workings of the Specific Concordat will be held at least once a year.

BCMS will arrange a meeting with SERAD every 6 months, though a meeting may be requested by either party at any time.

Changes to the Specific Concordat

If the status of the BCMS, as an organisation within MAFF, changes (e.g. to become an agency) a new Specific Concordat will be drawn up within 6 months of that change.

Each party will give the other 2 months notice of a desire to change the Specific Concordat. Each will then consult the other.

Either party must give 6 months notice if they wish to withdraw from the Specific Concordat.

Duration

This specific Concordat will last for 3 years, beginning from the date that the agreement comes into effect.

Signatures

For BCMS:

DAVID EVANS

DIRECTOR

For SERAD:

DR J R WILDGOOSE

CAPM

Date: 2 April 2001

Date: 30 March 2001

ANNEX A

	ACTIVITY	TIMESCALE	TO BE CARRIED OUT BY
Cattle Identification Inspections	Agreement on basis of selection programme	by March 31st	BCMS / SERAD
	Run the selection programme	by April 30th	BCMS
	Issue of list of selected holdings	by April 30th	BCMS
	Distribution of lists of selected holdings to Area Offices	by April 21st	SERAD
	Oversee passing of lists to local authorities	by April 30th	BCMS
	Proposed programme for inspections (inspection profile) to be copied to BCMS	by April 30th	SERAD
	Notice of any amendment to the inspection profile to be given to BCMS	monthly	SERAD
	All selected holdings to be subjected to cattle identification inspection in line with agreed area office instructions	by end of inspection cycle - February 28th	SERAD
	CII guidance to be agreed and issued	as required	SERAD/BCMS
	Input to Agricultural Officer training to be given if required	as required	BCMS
	BCMS to advise number of ad-hoc inspections requested and number outstanding at each area office on a cumulative basis	monthly	BCMS
	Urgent ad-hoc inspections to be carried out within 5 days of request assuming resources not exhausted	within 5 working days	SERAD
	Remaining ad-hoc inspections to be carried out within a month of request	within a month	SERAD
	Results of urgent ad-hoc inspections to be given to BCMS	within 2 working days of inspections	SERAD

ANNEX A

	ACTIVITY	TIMESCALE	TO BE CARRIED OUT BY
Cattle Identification Inspections (continued)	Results of remaining (non-urgent) ad-hoc inspections to be forwarded to BCMS	within 8 working days of inspections	SERAD
	Provide 'Inspection Report Forms 1 and 2' booklets to SERAD Inspecting Officers	On request	BCMS
	Inspection reports (Form 1) to be sent to BCMS	within 2 working days of end of inspection	SERAD
	Inspection report (Form 2) to be sent to BCMS	within 8 working days of inspection	SERAD
	Monthly statistics showing inspections carried out and results to be provided	monthly	BCMS
	Details of holdings failing CIIs to be provided	monthly	BCMS
	BCMS to be informed when movement restrictions are imposed or lifted	within 2 working days of imposition	SERAD
	BCMS to report on movement restrictions imposed, lifted and outstanding	monthly	BCMS
Appeals Against Refusal of Passports	Appeals procedure regarding appeals against refusal of late passport applications to be operated along agreed principles	continuous	BCMS/SERAD with BCMS Director having delegated authority
General Enforcement	In the event that SERAD issues a movement licence, BCMS to be consulted/advised before issue	continuous	SERAD
	BCMS to be kept informed of progress of prosecution and investigations in Scotland	continuous	SERAD
	BCMS to be informed of any compulsory slaughters under the Cattle Identification Regulations	continuous	SERAD

ANNEX A

	ACTIVITY	TIMESCALE	TO BE CARRIED OUT BY
General Enforcement (continued)	SERAD to respond to requests for information/policy input	within normal service guidelines	SERAD
	Provide Inspecting Officers with Movement Restriction notice pads CPPS27, CPPS27A, CPPS28, CPPS28A, CPPS28 Annex, CPPS30, CPPS30A, CPPS31, CPPS31A	On request	SERAD
	Provide electronic copy of Movement Restriction Notice CPPS29 and CPPS29A to Inspecting Officers.	On request	SERAD
	BCMS to provide guidance on enforcement matters from GB perspective	within normal service guidelines	BCMS
General Service Levels	Issue of Passport following receipt of a valid and complete application or an electronic application	99% within 10 working days (90% within 5 working days)	BCMS
	Issue of amended passport or Certificate of Registration (COR)	100% within 10 working days (90% within 5 working days)	BCMS
	Issue of replacement passport or COR on receipt of valid application	95% within 10 working days	BCMS
	Issue of passport application forms - from date of correct registration of a double tag order on CTS	98% within 5 working days	BCMS
	Update database following valid and complete notification of cattle movement	100% within 10 working days (95% within 2 working days)	BCMS

ANNEX A

	ACTIVITY	TIMESCALE	TO BE CARRIED OUT BY
General Service Levels (Continued)	Update database following valid and complete notification of death of cattle	100% within 10 working days	BCMS
	Provide a telephone helpline - 5 and a half days per week. Calls that are answered within 5 rings once connected. Any changes to this should be agreed by both parties.	80% - under review at BCMS Management Board	BCMS
	Reply to written correspondence/enquiries (including e-mails)	15 working days - under review at the BCMS Management Board	BCMS