

2009 No.

ANIMALS, ENGLAND

ANIMAL HEALTH

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

Made - - - - - *[] December 2009*

Coming into force - - - *31st December 2009*

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The Secretary of State makes the following Order in exercise of powers conferred by sections 1, 8(1), and 83(2) of the Animal Health Act 1981(a) and now vested in him(b).

PART 1 Introduction

Title, application and commencement

1. This Order—
 - (a) may be cited as the Sheep and Goats (Records, Identification and Movement) (England) Order 2009;
 - (b) applies in England; and
 - (c) comes into force on 31st December 2009.

Interpretation

- 2.—(1) In this Order—

“animal” means any animal of the ovine or caprine species;

“Council Directive 92/102/EEC” means Council Directive 92/102/EEC on the identification and registration of animals(c);

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- (a) 1981 c.22 to which there are amendments not relevant to this Order.
 - (b) Functions conferred under the 1981 Act on “the Minister” and “the Ministers” are now exercisable by the Secretary of State. Functions of “the Ministers” were transferred, so far as exercisable by the Secretaries of State for Scotland and Wales, to the Minister of Agriculture, Fisheries and Food by the Transfer of Functions (Agriculture and Food) Order 1999 (SI 1999/3141). Functions of the Minister of Agriculture, Fisheries and Food were then further transferred to the Secretary of State by the Ministry of Agriculture, Fisheries and Food (Dissolution) Order 2002 (S.I. 2002/794). The functions of the Secretary of State under the Animal Health Act 1981 are, so far as are exercisable in relation to Wales, vested in the Welsh Ministers. Those functions were transferred to the National Assembly for Wales constituted by the Government of Wales Act 1998 (c. 38) by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) article 2; see the entry in Schedule 1 for the Animal Health Act 1981 (c. 22). By virtue of paragraphs 30 and 32 of Schedule 11 to the Government of Wales Act 2006 (c. 32), they were transferred to the Welsh Ministers immediately after the end of the initial period as defined by section 161(5) of that Act. The functions of the Secretary of State under the Animal Health Act 1981 (c. 22) are, so far as they are exercisable in relation to Scotland, vested in the Scottish Ministers by section 53 of the Scotland Act 1998 (c. 46).
 - (c) OJ No L 355, 5.12.92, p.32.

“the Council Regulation” means Council Regulation (EC) No. 21/2004 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**(a)**;

“export” means sending to another member State or a third country;

“flockmark” means the number allocated by the Secretary of State in respect of a flock of sheep on a holding;

“herdmark” means the number allocated by the Secretary of State in respect of a herd of goats on a holding;

“holding” has the meaning given in Article 2 of the Council Regulation;

“identification code” means the code set out on a means of identification as required under this Order;

“identification device” means an eartag, electronic eartag, pastern tag, electronic pastern tag or bolus approved by the Secretary of State in accordance with article 5;

“identification mark” means a method of identification applied in another member State, a means of identification or an older means of identification;

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

“keeper” has the meaning given in Article 2 of the Council Regulation;

“local authority” means—

(a) where there is, within the meaning of the Local Government Changes for England Regulations 1994**(b)**, a unitary authority for a local government area, that authority;

(b) where there is not a unitary authority—

(i) in a metropolitan district, the council of that district;

(ii) in a non-metropolitan county, the council of that county; or

(iii) in each London borough, the council of that borough;

(iv) in the city of London, the Common Council;

“market operator” means a person responsible for managing the reception or the sale of animals in a market or a duly authorised representative of such a person;

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

“method of identification” means an eartag, pastern tag or tattoo applied in another member State or a third country;

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

“the previous Orders” means—

(a) the Sheep and Goats (Registration, Identification and Movement)(England) Order 2007**(c)**;

(b) the Sheep and Goats (Registration, Identification and Movement)(England) Order 2005**(d)**;

(c) the Sheep and Goats Identification and Movement (Interim Measures) (England) (No. 2) Order 2002**(e)**;

(d) the Sheep and Goats Identification and Movement (Interim Measures) (England) Order 2002**(f)**;

(a) OJ No L 5, 9.1.04, p. 8 to which there are amendments not relevant to this Order.

(b) S.I. 1994/867 to which there are amendments not relevant to this Order.

(c) S.I. 2007/3493.

(d) S.I. 2005/3100, amended by S.I. 2006/2987.

(e) S.I. 2002/2153, amended by S.I. 2003/29, S.I. 2003/502 and S.I. 2003/1728.

(f) S.I. 2002/240, amended by S.I. 2002/764 and S.I. 2002/1349.

- (e) the Sheep and Goats Identification (England) Order 2000(a);
- (f) the Sheep and Goats (Records, Identification and Movement) (Wales) Order 2006(b);
- (g) the Sheep and Goats Identification and Movement (Interim Measures) (Wales) (No. 2) Order 2002(c);
- (h) the Sheep and Goats Identification and Movement (Interim Measures) (Wales) Order 2002(d);
- (i) the Sheep and Goats Identification and Movement (Interim Measures) (Wales) Regulations 2002(e);
- (j) the Sheep and Goats (Registration, Identification and Movement) Order (Northern Ireland) 2005(f);
- (k) the Identification and Movement of Sheep and Goats Order (Northern Ireland) 2004(g);
- (l) the Identification and Movement of Sheep and Goats Order (Northern Ireland) 1997(h);
- (m) the Sheep and Goats (Identification and Traceability) (Scotland) Regulations 2006(i);
- (n) the Sheep and Goats Movement (Interim Measures) (Scotland) Order 2002(j); or
- (o) the Sheep and Goats Identification (Scotland) Regulations 2000(k);

“register” means the register required by Article 5 of the Council Regulation;

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

“unique number” means a number that is unique to an animal in a flock or herd and contains no more than 5 digits.

(2) Expressions not defined in paragraph (1) which are used in this Order and which are also used in the Council Regulation have the same meaning in this Order as they have in that Regulation.

Competent authority

3. The Secretary of State is the competent authority for the purposes of the Council Regulation.

Authorisations

4. Any authorisations or approvals issued under this Order or the Council Regulation must be in writing, may be made subject to conditions and may be amended, suspended or revoked by notice at any time.

PART 2

Identification devices

Approval of identification devices

5. The Secretary of State must approve identification devices and electronic reading devices used to comply with this Order.

- (a) S.I. 2000/2027, amended by S.I. 2001/281.
- (b) S.I. 2006/1036 (W. 106) amended by S.I. 2006/2926 (W.261).
- (c) S.I. 2002/2302 (W. 227), amended by S.I. 2003/167 (W. 27), S.I. 2003/946 (W. 127) and S.I. 2003/1966 (W. 211).
- (d) S.I. 2002/1357 (W. 133).
- (e) S.I. 2002/274 (W. 30), amended by S.I. 2002/811 (W. 91).
- (f) S.R. 2005/353 (NI) amended by S.R. (NI) 2006/508.
- (g) S.R. (NI) 2004 No. 491
- (h) S.R. (NI) 1997 No. 173, amended by S.R. (NI) 1998 No. 393.
- (i) S.S.I. 2006/73 amended by S.S.I. 2006/594.
- (j) S.S.I. 2002/38, amended by S.S.I. 2002/221.
- (k) S.S.I. 2000/418, amended by S.S.I. 2002/531 and S.S.I. 2002/39.

Additional tags and identification devices with additional information

6.—(1) At the request of a keeper, a manufacturer of identification devices may, subject to article 6(2), add supplementary information to an identification device or replacement device provided that—

- (a) the supplementary information is distinct from the identification code; and
- (b) the identification code remains legible and clearly distinguishable at all times.

(2) A keeper may apply an additional tag to an animal but it must not contain the letters “UK” or bear a flockmark or herdmark, unless authorised by the Secretary of State.

Removal of metal eartags

7. No person may remove a metal eartag from the ear of an animal unless it is necessary to do so for the welfare of that animal.

Colour of identification devices

8.—(1) All electronic identification devices, other than boluses, must be yellow and no keeper may apply a yellow identification device that is not electronic.

(2) No person may attach a red identification device to any animal, other than a replacement identification device.

(3) Where a keeper re-identifies an animal and that animal is not on its holding of birth, or the keeper does not know the holding of birth, they shall use a red replacement identification device but the requirement to use a red identification device does not apply to the use of boluses.

(4) Where an animal is identified by means of a bolus and a second identification device that second device shall be black and a black identification device may only be used in combination with a bolus.

(5) The characters on all identification devices must be a different colour to the background of the device and must be clearly legible.

Destruction of identification devices

9. The operator of a slaughterhouse must destroy in a secure manner which prevents reuse all identification devices on animals entering a slaughterhouse. Secure destruction includes the rendering of any identification device.

PART 3

Identification of animals not identified before 31 December 2009.

Identification of animals not identified before the 31st December 2009

10.—(1) This article applies to—

- (a) sheep born before 31st December 2009 which are not identified before that date and are on their holding of birth;
- (b) sheep born on or after 31st December 2009;
- (c) goats born before 31st December 2009 which are not identified before that date and are on their holding of birth whose keepers chose to identify them electronically; and
- (d) goats born on or after 31st December 2009 whose keepers chose to identify them electronically.

(2) A keeper must comply with Article 4(1) (first paragraph), Article 4(2)(a) and (b) and Article 9(3) of the Council Regulation and this article unless the alternative identification method set out in article 11 is authorised.

(3) For the purpose of Article 4(1) of the Council Regulation, the time limits for identifying an animal are—

- (a) 9 months from the date of birth, in the case of an animal kept in extensive or free range farming conditions; or
- (b) 6 months from the date of birth, in the case of any other animal.

(4) No animal may be identified by the use of a bolus in combination with a tattoo.

(5) The identification code on a means of identification for the purposes of Section A.2. of the annex to the Council Regulation must be—

- (a) the letters “UK” or, on an electronic identification device, the numbers “0826”; and
- (b) a 12 digit number prescribed by the Secretary of State;

and must be identical on the first and second means of identification.

Identification of animals intended for slaughter

11.—(1) For animals intended for slaughter before the age of 12 months and not intended for export, the identification method in Section A.7 of the Annex to the Council Regulation is authorised.

(2) The identification code for the purposes of Section A.7 of the Annex to the Council Regulation must be the letters “UK” followed by the flockmark or herdmark. No visible additional information may be included on this eartag.

(3) Any animal identified in accordance with paragraph (1) may not subsequently be re-identified in accordance with article 10 unless it is still on its holding of birth.

(4) Where it is intended to slaughter an animal identified under paragraph (1) after the age of 12 months or to export that animal it must be identified in accordance with article 10 and the original eartag removed.

(5) No animal identified according to paragraph (1) may be re-identified if re-identification would require the removal of a metal tag.

PART 4

Removal or replacement of means of identification of animals identified under Part 3

Application of part 4

12. This part applies to all animals identified under Part 3.

Removal or replacement of means of identification

13.—(1) No person may contravene or fail to comply with Article 4(6)(first paragraph) of the Council Regulation, unless in accordance with articles 14 and 15.

(2) A keeper must replace a lost or illegible means of identification, in accordance with articles 14 and 15, as soon as possible after the original means of identification is removed or discovered to be lost or illegible, but in any event—

- (a) no later than 28 days after it was removed or discovered to be lost or illegible, and
- (b) before the animal is moved from the holding.

(3) It is a defence for any person charged with an offence of contravening or failing to comply with paragraphs 1 and 2 to prove that—

- (a) the means of identification was removed to prevent unnecessary pain to an animal; and
- (b) a replacement means of identification bearing the same identification code was applied to the animal as soon as possible.

Replacement of the means of identification for animals identified according to article 10

14.—(1) Where an animal identified according to article 10 loses one means of identification the keeper shall either replace the missing means of identification with one bearing the same 12 digit number or remove the remaining identification device, re-identify the animal according to article 10 and cross reference the old and the new 12 digit numbers in the holding register.

(2) Where an animal identified according to article 10 loses both means of identification the keeper shall re-identify it according to article 10 and cross reference the old and new 12 digit numbers, if known, in the holding register. If the animal is no longer on its holding of birth, or it is not known whether the animal is still on its holding of birth, the keeper must use a red means of identification.

Replacement of the means of identification for animals identified according to article 11

15.—(1) Where an animal identified according to article 11 loses its eartag and is on its holding of birth the keeper shall replace the eartag with an eartag bearing the same number.

(2) Where an animal identified according to article 11 loses its eartag and is not on its holding of birth, or if the keeper does not know if it is on its holding of birth, the keeper shall replace the eartag with an eartag bearing the flockmark or herdmark of the holding the animal is now on.

PART 5

Identification of goats not identified before 31st December 2009

Identification of goats

16.—(1) Where a goat is on its holding of birth and has not been identified before 31st December 2009 the keeper must, if they have not identified it in accordance with Part 3, identify it within the time limits specified in article 10(3), with either—

- (a) two eartags;
- (b) an eartag and a pastern tag; or
- (c) an eartag and a tattoo.

(2) The identification code on a means of identification must be—

- (a) the letters “UK”; and
- (b) a 12 digit number prescribed by the Secretary of State;

and must be identical on the first and second means of identification.

Re-identification of goats

17. Goats identified in accordance with article 16 may be re-identified in accordance with article 10 if they are still on their holding of birth.

PART 6

Removal or replacement of identification marks on animals identified before 31st December 2009

Application of part 6

18. This part applies to all animals identified before 31st December 2009.

Removal or replacement of identification marks

19.—(1) No person may contravene or fail to comply with Article 4(6)(first paragraph) of the Council Regulation, unless in accordance with articles 20 to 22.

(2) A keeper must replace a lost or illegible identification mark, in accordance with articles 20 to 22, as soon as possible after the original identification mark is removed or discovered to be lost or illegible, but in any event—

- (a) no later than 28 days after it was removed or discovered to be lost or illegible; and
- (b) before the animal is moved from the holding.

(3) It is a defence for any person charged with an offence of contravening or failing to comply with paragraphs 1 and 2 to prove that—

- (a) the identification mark was removed to prevent unnecessary pain to an animal; and
- (b) a replacement means of identification bearing the same identification code was applied to the animal as soon as possible.

Replacement of a single identification mark on a double-tagged animal

20.—(1) Where a keeper is required by article 19(2) to replace a single lost or illegible identification mark on a double-tagged animal they may do so with a means of an identification mark with an identical identification code.

(2) A keeper may, as an alternative to the method of replacement described in paragraph (1), instead, subject to article 7, remove any remaining tag and, identify it in accordance with Article 4(1) (first paragraph), Article 4(2)(a) and (b) and Article 9(3).

(3) If an animal to be re-identified under paragraph(2) has a metal tag the keeper shall not remove that tag but the identification code it bears is to be ignored in all further recording of the animal's identity.

(4) A keeper may replace the identification mark of an animal in the manner described in paragraph (2) even when no replacement is required by article 19(2).

(5) A keeper may, as an alternative to the method of replacement described in paragraph (2) instead, subject to article 7, remove the remaining tag and replace it with two non-electronic tags bearing the same unique number.

Replacement of identification marks on animals with no remaining means of identification

21. Where a keeper is required to replace a means of identification on an animal bearing no means of identification he shall replace the lost means of identification with—

- (a) means of identification bearing the same unique number as the lost means of identification;
- (b) two non-electronic means of identification, both bearing the same number; or
- (c) the means of identification specified in Articles 4(1) (first paragraph), 4(2)(a) and (b) and Article 9(3).

PART 7

Holding registers

Holding register

22.—(1) Every keeper, other than a transporter, must comply with Article 5(1), (3) and (5) of the Council Regulation.

(2) When an animal is moved onto or from its holding, the keeper must record—

- (a) the information required by Section B of the Annex to the Council Regulation; and

- (b) the number of animals moved.
- (3) The information referred to in paragraph (2) in respect of animals moving onto a holding must be recorded by the keeper by entering it in the register.
- (4) The information referred to in paragraph (2) in respect of animals moving from a holding must be recorded by the keeper by either—
 - (a) entering it in the register; or
 - (b) retaining a duplicate or a certified copy of the movement document and keeping such duplicate or copy with the register in chronological order with any other movement documents retained.
- (5) For the purposes of Article 5(3) of the Council Regulation, the register must be in a form approved by the Secretary of State.
- (6) The keeper must complete the register—
 - (a) in the case of the movement of an animal onto or from a holding within 36 hours of the movement;
 - (b) in the case of the replacement of an identification mark, within 36 hours of the replacement.
- (7) Where a keeper moves their animals to another holding but continues to be the keeper, the keeper does not have to keep the register on that holding but must be able to produce it within a reasonable amount of time to the Secretary of State upon request.
- (8) For the purposes of Article 5(3) of the Council Regulation, the period for which the register, including the duplicate or certified copies of the movement documents if kept in accordance with paragraph (4)(b), must be available is 3 years from the last day when an animal referred to on the document dies or leaves the holding.
- (9) When an animal is re-identified the keeper shall record in the register the date of re-identification.
- (10) When an animal is re-identified and is not on its holding of birth or is re-identified on its holding of birth in accordance with article 10 the keeper shall record in the holding register both the old identification, if known, and the new identification.

PART 8

Movement documents

Movement document

- 23.—(1) A keeper must comply with Article 6(1) of the Council Regulation and complete the movement document in accordance with this article.
- (2) A keeper must comply with Article 6(3) of the Council Regulation and for the purposes of that article the minimum period for which the keeper at the holding of destination must keep the movement document is 3 years from the date of the movement of an animal onto their holding.
- (3) The movement document must—
 - (a) be in the form approved by the Secretary of State from time to time;
 - (b) be completed in full by the appropriate keeper as specified in that form;
 - (c) contain the information required by Section C of the Annex to the Council Regulation; and
 - (d) be kept in chronological order with any other movement documents retained by the keeper at the holding of destination.

Supply of movement document

24.—(1) In the case of an animal moved to another holding—

- (a) upon the animal's arrival at that other holding, the transporter must give the movement document to the keeper at that holding; and
- (b) the keeper at that holding must send a copy of the movement document to the local authority within 3 days of the animal arriving at the holding.

(2) In the case of an animal moved from a holding to a port and intended for consignment outside Great Britain, the keeper at that holding must send a copy of the movement document to the local authority within 3 days of the animal leaving the holding.

PART 9

Central database

Inventory of animals

25.—(1) For the purpose of Article 7(2) of the Council Regulation, a keeper who keeps animals permanently must make an inventory of the number of animals on their holding as at the 1st December each year.

(2) A keeper must provide the result of the annual inventory to the Secretary of State by 31st December each year.

Supply of information

26.—(1) On receiving notification under Article 8(2) of the Council Regulation that a person has become the keeper on a holding, the Secretary of State must, subject to paragraph (2), allocate a flockmark in respect of each flock of sheep on the holding and a herdmark in respect of each herd of goats on the holding.

(2) When the holding is a slaughterhouse or a market, the Secretary of State must allocate a flockmark or herdmark only where he deems it appropriate to do so.

(3) The keeper must notify the Secretary of State in writing of any change in the information specified in Article 8(2)(a) of the Council Regulation within thirty days of such change.

PART 10

Markets

Markets

27.—(1) A market operator must ensure that all animals are divided into lots of one or more animals immediately upon their arrival at the market and that a lot number is allocated to each lot.

(2) No person may buy an animal at a market unless they buy all the other animals in the lot to which that animal belongs and moves the entire lot from the market to the same holding.

(3) No person may sell an animal at a market unless they also sell all the other animals in the lot to the same buyer.

(4) A market operator may not receive an animal onto a market unless—

- (a) it is identified in accordance with this Order; and
- (b) it is accompanied by a movement document which is completed in accordance with Part 8.

Replacement of identification marks lost at markets

28.—(1) The requirements in this Order to replace an identification mark do not apply to a market operator or slaughterhouse operator.

(2) If an identification mark is removed, lost or discovered to be illegible while an animal is at a market, the keeper who purchases the animal at the market must apply a replacement in accordance with this Order.

Contingency planning for power and equipment failures

29.—(1) Local authorities may exempt market and slaughterhouse operators from the need to record:

- (a) an animal's unique number on a movement document;
- (b) an animal's unique number in a holding register; or
- (c) the numbers of animals in any batch bearing a particular flockmark or herdmark;

where a contingency plan has been agreed between the local authority and the market or slaughterhouse operator.

(2) A contingency plan agreed under paragraph (1) must set out the conditions which must be met by the market or slaughterhouse operator and the circumstances in which, provided those conditions are met, the exemptions in paragraph (1) will apply.

(3) A contingency plan under paragraph (1) must require a market or slaughterhouse operator to obtain the consent of the local authority on every occasion when they wish to apply the exemptions in paragraph (1).

PART 11

Animals brought into England

Receipt of animals from another member State

30.—(1) No person may receive an animal from another member State unless it is identified in accordance with—

- (a) the Council Regulation, in the case of an animal born after 9th July 2005; or
- (b) Council Directive 92/102/EEC, in the case of an animal born on or before 9th July 2005.

(2) No person may remove or replace the original method of identification of an animal originating in another Member State in contravention of Article 4(5) of the Council Regulation.

Receipt of animals from Scotland, Wales or Northern Ireland

31. No person may receive an animal from Scotland, Wales or Northern Ireland unless it is identified and accompanied by a movement document in accordance with—

- (a) in the case of an animal born after 9th July 2005, the Council Regulation, including any derogation exercised under the Council Regulation; or
- (b) in the case of an animal born on or before 9th July 2005 the previous Orders and any additional requirements imposed in legislation enforcing the Council Regulation in relation to those animals.

Identification of animals imported from third countries

32.—(1) A keeper must comply with Article 4(4) of the Council Regulation and this article.

(2) For the purposes of Article 4(4) (first paragraph) of the Council Regulation, the period for identifying an animal is 14 days.

(3) The means of identification for animals imported from a third country must be the same as that set out in Article 4(2)(a) and (b) and Article 9(3) of the Council Regulation and the identification code for the purposes of Section A.2 of the Annex is—

- (a) the letters “UK”;
- (b) a 12 digit number prescribed by the Secretary of State.

(4) Where an animal is imported from a third country and re-identified according to this article, the keeper must record information about the addition of the new means of identification in the register together with the full identification code on the new means of identification and the full code on the method of identification applied in the third country.

Loss of methods of identification applied in a third country

33. Where an animal is imported from a third country and re-identified in accordance with Article 4(4) of the Council Regulation, the keeper is not required to replace a method of identification applied in the third country if it subsequently becomes lost or illegible.

PART 12

Miscellaneous

Identification and recording of animals for export

34.—(1) A keeper must identify all animals consigned for export in accordance with Article 4(2)(a) and (b) and Article 9(3).

(2) Once an animal identified before 31st December 2009 is consigned for export the keeper shall record its individual identity in the holding register and may not export that animal until 30 days after its identity has been recorded.

Defence related to movement for emergency veterinary treatment

35. It is a defence for any person charged with an offence of contravening or failing to comply with any provision in this Order relating to the movement of an animal from a holding without attaching or applying the required means of identification to prove that the animal was moved from the holding for the purposes of emergency veterinary treatment.

Powers of inspectors

36.—(1) An inspector may, for any purpose relating to the enforcement of this Order—

- (a) collect, pen and mark any animal and require a keeper to arrange for the collection, penning, marking and securing of any animal;
- (b) require the keeper to produce or copy any document or record;
- (c) remove and retain any document or record;
- (d) have access to, and check the operation of, any computer and any associated apparatus or material which is or has been used in connection with records;
- (e) where a record is kept by means of a computer, require the record to be produced in a form which may be taken away;
- (f) require the production of any unused identification devices, and record their numbers;
- (g) take with them a representative of the European Commission acting for the purposes of Article 12 of the Council Regulation, or any people or things they consider necessary.

(2) A person required to do anything by an inspector acting under paragraph (1) must, unless they have reasonable cause, do so without delay.

Power to prohibit movement of animals

37.—(1) An inspector may, by serving notice on a keeper, prohibit the movement of a flock of sheep onto or from the holding specified in the notice, if they are satisfied that the prohibition is necessary for the proper enforcement of this Order in relation to that flock.

(2) An inspector may, by serving notice on a keeper, prohibit the movement of a herd of goats onto or from the holding specified in the notice, if they are satisfied that the prohibition is necessary for the proper enforcement of this Order in relation to that herd.

(3) A notice served under this article may be amended or revoked by further notice at any time.

False information

38. No person may furnish information which they know to be false or misleading to a person acting under this Order.

Alteration of identification marks

39. No person may alter, obliterate or deface the information on any identification mark attached to an animal under—

- (a) the Council Regulation;
- (b) this Order or any provision that gives effect to the Council Regulation in Scotland, Wales or Northern Ireland;
- (c) the previous Orders; or
- (d) Council Directive 92/102/EEC, in the case of an animal marked in another member State in accordance with that Directive.

Offences by bodies corporate

40.—(1) If an offence against the Animal Health Act 1981 committed by a body corporate is shown—

- (a) to have been committed with the consent or connivance of an officer; or
- (b) to be attributable to any neglect on their part,

the officer as well as the body corporate is guilty of the offence and liable to be proceeded against and punished accordingly.

(2) If the affairs of a body corporate are managed by its members, paragraph (1) applies in relation to the acts and defaults of a member in connection with their functions of management as if they were a director of the body.

(3) “Officer”, in relation to a body corporate, means a director, member of the committee of management, chief executive, manager, secretary or other similar officer of the body, or a person purporting to act in any such capacity.

Enforcement

41.—(1) This Order is enforced by the local authority.

(2) The Secretary of State may direct, in relation to cases of a particular description or any particular case, that an enforcement duty imposed on a local authority by this Order must be discharged by the Secretary of State and not by the local authority.

Revocations

42. The Sheep and Goats (Records, Identification and Movement) (England) Order 2007(a) is revoked.

	<i>Name</i>
Date	Minister of State Department for Environment, Food and Rural Affairs

(a) S.I. 2007/3493

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes provision for the administration and enforcement in England of Council Regulation (EC) No. 21/2004 (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). It revokes and replaces the Sheep and Goats (Records, Identification and Movement) (England) Order 2007, S.I. 2007/3493.

Part 2 provides that the Secretary of State must approve identification devices and sets out some general provisions in relation to the application of identification devices

Part 3 of the Order requires the application of two means of identification, including one electronic device, to an animal identified or imported on or after 31st December 2009. It provides for animals that are not intended for export and intended for slaughter within 12 months of birth to be identified with a single identification tag (article 11).

Part 4 makes provisions for the removal or replacement of identification marks on animals identified under part 3.

Part 5 makes provisions for the identification of goats not identified under part 3.

Part 6 makes provisions for the replacement of identification marks on animals identified before 31 December 2009.

Part 7 makes provision for every keeper to keep an up-to-date holding register, setting out the information which must be entered in the register and when (article 23 and Schedule 1).

Part 8 makes provision for a movement document to accompany every animal when it moves between holdings (article 24 and Schedule 2) and specifies when and to whom the document must be supplied (article 25).

Part 9 sets out the requirement for keepers to keep an annual inventory (article 26) and supply information to the Secretary of State about their holding (article 27) and the time limits for doing so.

Part 10 provides for the allocation of lot numbers to animals at a market and prohibits the buying or selling of animals unless all animals from a lot are bought or sold (article 28).

Part 11 makes provision for the identification requirements of animals brought into England from other member States or other countries in the United Kingdom (articles 29 and 30).

Part 12 contains miscellaneous and enforcement provisions including the requirements relating to animals which are to be exported. Article 35 sets out a defence to the failure to identify an animal correctly in the case of emergency veterinary treatment. Article 36 confers various powers to inspectors and article 37 enables inspectors to prohibit the movement of a flock of sheep or a herd of goats to or from a holding. Articles 38 and 39 relates to the provisions of false or misleading information and the alteration of identification marks. Article 40 relates to offences committed by bodies corporate. The Order is enforced by the local authority or the Secretary of State if so directed (article 41).

Breach of the Order is an offence under section 73 of the Animal Health Act 1981, punishable in accordance with section 75 of that Act.

An Impact Assessment has been prepared and placed in the library of each House of Parliament. Copies can be obtained from Terry Gurnhill, Department for Environment, Food and Rural Affairs, Nobel House, 17 Smith Square, London SW1P 3JR.