WELSH STATUTORY INSTRUMENTS

# 2009 No. 3364 (W.296)

# ANIMALS, WALES

## The Sheep and Goats (Records, Identification and Movement) (Wales) Order 2009

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| *Made - - - -* | *18 December 2009* |
| *Coming into force - -* | *31 December 2009* |

The Welsh Ministers, in whom the powers conferred by sections 1, 8(1), and 83(2) of the Animal Health Act 1981(**1**) are now vested(**2**) makes the following Order in exercise of those powers.

## PART 1

## Introduction

### Title, application and commencement

**1.** The title of this Order is the Sheep and Goats (Records, Identification and Movement) (Wales) Order 2009, it applies in Wales and comes into force on 31 December 2009.

### Interpretation

**2.**—(1) In this Order—

"animal" means any animal of the ovine or caprine species;

"central point of recording" means a holding approved by the Welsh Ministers under Section C.2 of the Annex to the Council Regulation for recording the identities of animals arriving at that holding;

"Council Directive 92/102/EEC" means Council Directive 92/102/EEC on the identification and registration of animals(**3**);

(**1**) 1981 c. 22 to which there are amendments not relevant to this Order.
(**2**) *See* section 86(1) for a definition of "the Ministers". The functions of "the Ministers" insofar as they are exercisable in relation to Wales, were transferred to the National Assembly for Wales by virtue of S.I. 1999/672 and S.I. 2004/3044. Functions conferred on the National Assembly for Wales are exercisable by the Welsh Ministers by virtue of paragraph 30 of and Schedule 11 to the Government of Wales Act 2006.
(**3**) OJ No L355, 5.12.92, p.32 repealed by Directive 2008/71/EC. Older animals will still be identified in accordance with this order.

"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(**4**);

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

"flockmark" means the number allocated by the Welsh Ministers in respect of a flock of sheep on a holding;

"herdmark" means the number allocated by the Welsh Ministers 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 or under the previous Orders;

"identification device" means an eartag, electronic eartag, pastern tag, electronic pastern tag or bolus;

"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 Welsh Ministers or a local authority;

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

"local authority" ("*awdurdod lleol*") means in relation to an area the county council or county borough council for that area;

"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 (Records, Identification and Movement) (Wales) Order 2008(**5**);

(b) the Sheep and Goats (Records, Identification and Movement) (Wales) Order 2006(**6**);

(c) the Sheep and Goats Identification and Movement (Interim Measures) (Wales) (No. 2) Order 2002(**7**);

(d) the Sheep and Goats Identification and Movement (Interim Measures) (Wales) Order 2002(**8**);

(e) the Sheep and Goats Identification and Movement (Interim Measures) (Wales) Regulations 2002(**9**);

(f) the Sheep and Goats (Registration, Identification and Movement)(England) Order 2007(**10**);

(**4**) OJ No L 5, 9.1.04, p 8 to which there are amendments not relevant to this Order.
(**5**) S.I. 2008/130 (W. 17).
(**6**) S.I. 2006/1036 (W. 106) amended by S.I. 2006/2926 (W.261).
(**7**) 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).
(**8**) S.I. 2002/1357 (W. 133).
(**9**) S.I. 2002/274 (W. 30), amended by S.I. 2002/811 (W. 91).
(**10**) S.I. 2007/3493.

(g) the Sheep and Goats (Registration, Identification and Movement)(England) Order 2005(**11**);

(h) the Sheep and Goats Identification and Movement (Interim Measures)(England) (No. 2) Order 2002(**12**);

(i) the Sheep and Goats Identification and Movement (Interim Measures)(England) Order 2002(**13**);

(j) the Sheep and Goats Identification (England) Order 2000(**14**);

(k) the Sheep and Goats (Registration, Identification and Movement) Order (Northern Ireland) 2005(**15**);

(l) the Identification and Movement of Sheep and Goats Order (Northern Ireland) 2004(**16**);

(m) the Identification and Movement of Sheep and Goats Order (Northern Ireland) 1997(**17**);

(n) the Sheep and Goats (Identification and Traceability) (Scotland) Regulations 2006(**18**);

(o) the Sheep and Goats Movement (Interim Measures) (Scotland) Order 2002(**19**); or

(p) the Sheep and Goats Identification (Scotland) Regulations 2000(**20**);

"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 6 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 Welsh Ministers are 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.

(**11**) S.I. 2005/3100, amended by S.I. 2006/2987.
(**12**) S.I. 2002/2153, amended by S.I. 2003/29, 2003/502 and 2003/1728.
(**13**) S.I. 2002/240, amended by S.I. 2002/764 and 2002/1349.
(**14**) S.I. 2000/2027, amended by S.I. 2001/281.
(**15**) S.R. 2005/353 (NI) amended by S.R. (NI) 2006/508.
(**16**) S.R. (NI) 2004 No. 491.
(**17**) S.R. (NI) 1997 No. 173, amended by S.R. (NI) 1998 No. 393.
(**18**) S.S.I. 2006/73, amended by S.S.I. 2006/594 and S.S.I. 2007/559.
(**19**) S.S.I. 2002/38, amended by S.S.I. 2002/221.
(**20**) S.S.I. 2000/418, amended by S.S.I. 2002/531 and S.S.I. 2002/39.

# PART 2

## Identification devices

### Approval of identification devices

**5.** Identification devices used to comply with this Order must be of a model approved by the Welsh Ministers.

### 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 Welsh Ministers.

### Colour of identification devices

**7.**—(1) All electronic identification devices, other than replacement devices and 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 must 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 must 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 from the background of the device and must be clearly legible at all times when the device is attached to an animal.

### Destruction of identification devices

**8.**—(1) The operator of a slaughterhouse, knackers yard, hunt kennels or rendering plant and any other person who finally disposes of an identified animal carcass must destroy in a secure manner which prevents reuse all identification devices on animals they slaughter or otherwise dispose of.

(2) Secure destruction includes the rendering of any identification device.

# PART 3

## Identification of animals

### Identification of animals born on or after the 31 December 2009

**9.**—(1) This article applies to—

(a) sheep born on or after 31 December 2009;

(b) sheep born before 31 December 2009 that are not identified before that date and are on their holding of birth whose keepers chose to identify them electronically;

(c) goats born before 31 December 2009 that 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 31 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 10 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 "826"; and

(b) a 12 digit number prescribed by the Welsh Ministers;

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

**Identification of animals born on or after 31 December 2009 and intended for slaughter**

**10.**—(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 other number issued by the competent authority may be visibly recorded on this eartag.

(3) Where it is intended to slaughter after the age of 12 months or to export an animal identified under paragraph (1) that animal must be identified in accordance with article 9 and the original eartag removed.

(4) A keeper may re-identify under article 9 an animal identified under this article and need not slaughter that animal before the age of 12 months only if—

(a) the animal is on its holding of birth; or

(b) the keeper has a complete record of all the animal's movements.

(5) Where an animal is re-identified under paragraph (4)(b) the keeper must cross-reference the old and new identification codes in the holding register.

(6) A keeper may re-identify an animal identified under paragraph (1) by using an eartag of the kind described in paragraph (2) which includes an electronic identifier.

**Identification of animals born before and not identified by 31 December 2009**

**11.**—(1) This article applies to animals born before but not identified by 31 December 2009 and on their holding of birth.

(2) A keeper must comply with Article (4)(1)(first paragraph) and Article 4(2)(a) and (b) of the Council Regulation and this article unless the alternative method of identification set out in article 12 is authorised.