WELSH STATUTORY INSTRUMENTS

2008 No. 130 (W.17)

ANIMALS, WALES

ANIMAL HEALTH

The Sheep and Goats (Records, Identification and Movement) (Wales) Order 2008

Made - - - -	*21 January 2008*
Coming into force - -	*22 January 2008*

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

PART 1

Introduction

Title, application and commencement

1. The title of this Order is the Sheep and Goats (Records, Identification and Movement) (Wales) Order 2008, it applies in relation to Wales and comes into force on 22 January 2008.

Interpretation

2.—(1) In this Order—

"animal" ("*anifail*") means any animal of the ovine or caprine species;

"assembly centre" ("*canolfan ymgynnull*") means any holding, collection centre or market at which sheep or goats originating from different holdings are grouped together to form consignments of animals intended for export or which is used in the course of export;

"column 1 of section 2 of the register" ("*colofn 1 o adran 2 o'r gofrestr*") means the column headed "Date of replacement tag being applied" within the Replacement Tag Record (R tag only) in Schedule 2.

(**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.

"column 2 of section 2 of the register" ("*colofn 2 o adran 2 o'r gofrestr*") means the column headed "Replacement (R) tag number" within the Replacement Tag Record (R tag only) in Schedule 2;

"column 3 of section 2 of the register" ("*colofn 3 o adran 2 o'r gofrestr*") means the column headed "Letters and Previous Flock or Herd Number (if known)" within the Replacement Tag Record (R tag only) in Schedule 2;

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

"the Council Regulation" ("*Rheoliad y Cyngor*") 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**);

"CPH" ("*CPH*") in the forms in Schedules 1 and 2, means the county parish holding number assigned to any premises of part of any premises by the Welsh Ministers;

"export" ("*allforio*") means sending to another member State or a third country;

"flockmark" ("*nod y ddiadell*") means the number allocated by the Welsh Ministers in respect of a flock of sheep on a holding;

"herdmark" ("*nod yr eifre*") means the number allocated by the Welsh Ministers in respect of a herd of goats on a holding;

"holding" ("*daliad*") has the meaning given in Article 2 of the Council Regulation;

"holding of origin" ("*y daliad tarddu*") means the holding on which an animal was present immediately before moving to an assembly centre or, where an animal is consigned for export other than through an assembly centre, the holding on which an animal is present immediately prior to export;

"identification code" ("*cod adnabod*") means the code set out on a means of identification as required under this Order;

"identification mark" ("*marc adnabod*") means a method of identification applied in another member State, a means of identification or an older means of identification;

"identification tag" ("*tag adnabod*") means an eartag approved by the Welsh Ministers in accordance with article 11 bearing the information set out in sub-paragraphs (a) to (c) of article 5(5);

"inspector" ("*arolygydd*") means a person appointed to be an inspector for the purposes of this Order by the Welsh Ministers or a local authority;

"keeper" ("*ceidwad*") 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" ("*gweithredydd marchnad*") 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" ("*modd adnabod*") means an identification tag or an identification tattoo;

"method of identification" ("*dull adnabod*") means an eartag or tattoo applied in another member State or a third country;

"movement document" ("*dogfen symud*") means the movement document required by Article 6 of the Council Regulation;

(**3**) OJ No L 355, 5.12.92, p.32.
(**4**) OJ No. L 5, 9.1.04, p. 8 to which there are amendments not relevant to this Order.

"older means of identification" ("*modd hyn o adnabod*") means an eartag or tattoo applied under the previous Orders;

"the previous Orders" ("*y Gorchmynion blaenorol*") means—

(a) the Sheep and Goats (Records, Identification and Movement) (England) Order 2005(**5**);

(b) the Sheep and Goats Identification and Movement (Interim Measures) (England) (No.2) Order 2002(**6**);

(c) the Sheep and Goats Identification and Movement (Interim Measures) (England) Order 2002(**7**);

(d) the Sheep and Goats Identification (England) Order 2000(**8**);

(e) the Sheep and Goats (Records, Identification and Movement) (Wales) Order 2006(**9**);

(f) the Sheep and Goats Identification and Movement (Interim Measures) (Wales) (No.2) Order 2002(**10**);

(g) the Sheep and Goats Identification and Movement (Interim Measures) (Wales) Order 2002(**11**);

(h) the Sheep and Goats Identification and Movement (Interim Measures) (Wales) Regulations 2002(**12**);

(i) the Sheep and Goats (Records, Identification and Movement) Order (Northern Ireland) 2005(**13**);

(j) Identification and Movement of Sheep and Goats Order (Northern Ireland) 2004(**14**));

(k) Identification and Movement of Sheep and Goats Order (Northern Ireland) 1997(**15**));

(l) the Sheep and Goats (Identification and Traceability) (Scotland) Regulations 2006(**16**));

(m) the Sheep and Goats Movement (Interim Measures) (Scotland) Order 2002(**17**)); or

(n) the Sheep and Goats Identification (Scotland) Regulations 2000(**18**));

"register" ("*cofrestr*") means the register required by Article 5 of the Council Regulation and in the form set out in Schedule 1;

"replacement means of identification" ("*modd adnabod o'r newydd*") means a replacement tag or replacement tattoo;

"replacement tag" ("*tag cyfnewid*") means a red eartag approved by the Welsh Ministers in accordance with article 11 with a code comprising the following information, printed in the following order—

(a) the letters "UK";

(b) the flockmark or herdmark of the flock or herd the animal is in when the identification tag is applied;

(c) a unique number; and

(**5**) S.I. 2005/3100, amended by S.I 2006/2987.
(**6**) S.I. 2002/2153, amended by S.I. 2003/29, S.I 2003/502 and S.I. 2003/1728.
(**7**) S.I. 2002/240, amended by S.I. 2002/764 and S.I. 2002/1349.
(**8**) S.I. 2000/2027, amended by S.I. 2001/281.
(**9**) S.I 2006/1036 (W. 106) amended by S.I. 2006/2926 (W. 261).
(**10**) 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).
(**11**) S.I. 2002/1357 (W. 133).
(**12**) S.I. 2002/274 (W.30), amended by S.I. 2002/811 (W.91).
(**13**) S.R 2005/535 (NI) amended by S.R. (NI) 2006/508.
(**14**) S.R. (NI) 2004 No. 491.
(**15**) S.R. (NI) 1997 No.173, amended by S.R. (NI) 1998 No. 393.
(**16**) S.S.I 2006/73 amended by S.S.I 2006/594.
(**17**) S.S.I 2002/38, amended by S.S.I 2002/221.
(**18**) S.S.I 2000/418, amended by S.S.I 2002/531 and S.S.I 2002/39.

(d) the letter "R";

"replacement tattoo" ("*tatw cyfnewid*") means a tattoo comprising the following information, printed in the following order—

(a) the letters "UK";

(b) the flockmark or herdmark of the flock or herd the animal is in when the tattoo is applied;

(c) a unique number; and

(d) the letter "R";

"slaughterhouse operator" ("*gweithredydd lladd-dy*") means a person carrying on the business of a slaughterhouse or the duly authorised representative of such a person;

"unique number" ("*Rhif unigryw*") 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.

PART 2

Identification of animals

Identification of animals not identified before 22 January 2008

5.—(1) This article applies to—

(a) animals born before 22 January 2008 which are not identified before that date and are on their holding of birth; and

(b) animals born on or after 22 January 2008.

(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 6 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) An eartag applied as the first or second means of identification may be any colour other than red.

(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";

(b) the flockmark or herdmark of the flock or herd into which the animal is born; and

(c) a unique number

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

Identification of animals intended for slaughter

6.—(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 as an alternative to the means of identification referred to in Article 4(2) of that Regulation.

(2) The identification code for the purposes of Section A.7 of the Annex to the Council Regulation must be the same as that set out in sub-paragraphs (a) to (c) of article 5(5).

(3) Any animal identified by the means of identification referred to in paragraph (1) ("the first identification tag"), must be identified with a second means of identification in accordance with paragraphs (4) to (6) if it —

(a) is not slaughtered before the age of 12 months; or

(b) is consigned for export.

(4) The second means of identification must be either—

(a) an additional identification tag or, unless the animal is destined for export, a tattoo, with the same identification code as on the first identification tag; or

(b) two additional identification tags or, unless the animal is destined for export, an identification tag and a tattoo which bear—

(i) the letters "UK";

(ii) the flockmark or herdmark of the flock or herd where the additional means of identification are applied; and

(iii) a unique number.

(5) Where two additional means of identification are applied the keeper—

(a) must not remove or deface the first identification tag;

(b) must record information about the addition of the new means of identification including the full identification code on the additional means of identification and the letters and flockmark or herdmark on the original means of identification in columns 1, 2 and 3 of the register.

(6) In the case of animals consigned for export the keeper must apply the second means of identification before the animal leaves the holding of origin.

Identification of animals identified before 22 January 2008

7.—(1) This article applies to animals identified before 22 January 2008.

(2) Only the first means of identification, as set out in Article 4(2)(a) of the Council Regulation, is required for animals identified with a unique number before 22 January 2008.

(3) In the case of animals identified before 22 January 2008, but where the existing identification mark does not contain a unique number, a keeper must re-identify those animals before moving them from a holding so that they bear two means of identification which —

(a) in the case of an animal which is on its holding of birth, must be in accordance with the provisions in Article 4 (2)(a) and (b) of the Council Regulation; or