Changes to legislation: *The Cattle Identification (Wales) Regulations 2007 is up to date with all changes known to be in force on or before 08 July 2019. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

WELSH STATUTORY INSTRUMENTS

2007 No. 842 (W.74)

ANIMALS, WALES

ANIMAL HEALTH

The Cattle Identification (Wales) Regulations 2007

Made - - - - 13 March 2007

Coming into force - - 6 April 2007

The National Assembly for Wales is designated for the purposes of section 2(2) of the European Communities Act 1972 [F1] in relation to the common agricultural policy of the European Community [F2] and in relation to measures in the veterinary field for the protection of public health [F3].

The Treasury consent to these Regulations in accordance with section 56(1) of the Finance Act 1973 [F4].

The National Assembly for Wales makes these Regulations under section 2(2) European Communities Act 1972 and section 56(1) of the Finance Act 1973.

F1 1972 c. 68.
F2 S. I. 2005/2766.
F3 S. I. 2003/1246.
F4 1973 c. 51.

PART 1

INTRODUCTION

Title, application and commencement

1. The title of these Regulations is The Cattle Identification (Wales) Regulations 2007. They apply in relation to Wales and come into force on 6 April 2007.

Interpretation

2.—(1) In these Regulations—

"cattle" means bovine animals, including bison and buffalo;

"cattle passport" means—

(a) a cattle passport issued in England, Wales or Scotland under Article 6(1) of Regulation (EC) No. 1760/2000;

(b) a cattle passport issued under the Cattle Passports Order 1996 [F5]; and

(c) a movement document issued under the Cattle (Identification of Older Animals) (Wales) Regulations 2000 [F6] or the equivalent measure in Scotland, England or Northern Ireland;

[[F7]"Commission Regulation (EC) No 494/98" ("*Rheoliad y Comisiwn (EC) Rhif 494/98*") means Commission Regulation (EC) No 494/98 laying down detailed rules for the implementation of Council Regulation (EC) No 820/97 as regards the application of minimum administrative sanctions in the framework of the system for the identification and registration of bovine animals;".**]**

[[F8]"Commission Regulation (EC) No 911/2004" (*"Rheoliad y Comisiwn (EC) Rhif 911/2004"*) means Commission Regulation (EC) No 911/2004 implementing Regulation (EC) No 1760/2000 of the European Parliament and of the Council as regards eartags, passports and holding registers, as last amended by Commission Implementing Regulation (EU) 2017/949.**]**

"holding" means any establishment, construction or, in the case of an open-air farm, any place in which cattle are held, kept or handled;

"inspector" means a person appointed to be an inspector for the purposes of these Regulations by the National Assembly or a local authority;

"keeper" means any person responsible for animals, whether on a permanent or temporary basis, including during transportation or at a market;

"local authority" means in relation to an area the county council or county borough council for that area;

"National Assembly" means the National Assembly for Wales of Cathays Park, Cardiff CF10 3NQ;

"previous cattle tagging legislation" means—

(a) the Cattle Identification Regulations 1998 [F9];

(b) the Bovine Animals (Records, Identification and Movement) Order 1995 [F10];

(c) the Bovine Animals (Identification, Marking and Breeding Records) Order 1990 [F11];

(d) the Tuberculosis (England and Wales) Order 1984 [F12]; and

(e) the Tuberculosis (Scotland) Order 1984 [F13];

"Regulation (EC) No. 1760/2000" means Regulation (EC) No. 1760/2000 of the European Parliament and of the Council (establishing a system for the identification and registration of bovine animals and regarding the labelling of beef products and repealing Council Regulation (EC) No. 820/97[F14]) **[**[F15], as amended by Regulation (EU) 2016/429 of the European Parliament and the Council**]**;

"valid", in relation to a cattle passport, means a cattle passport that has been correctly completed and signed in the appropriate place by each keeper of the animal and the identification number and description of the animal in the passport correlate to the ear tags and the animal.

(2) Any approval, authorisation, licence, notice or registration issued under—

(a) these Regulations,

(b) Regulation (EC) No. 1760/2000;

(c) Commission Regulation (EC) No. 911/2004[F16]...; or

(d) Commission Regulation (EC) No. 644/2005 (authorising a special identification system for bovine animals kept for cultural and historical purposes on approved premises as provided for in Regulation (EC) No. 1760/2000 of the European Parliament and of the Council [F17]),

must be in writing, may be made subject to conditions and may be amended or revoked by notice in writing at any time.

F5 S. I. 1996/1686.
F6 S. I. 2000/3339 (W.217) as amended by S.I. 2002/273 (W.29).
F7 Words in reg. 2(1) inserted (1.5.2013) by The Cattle Identification (Wales) (Amendment) Regulations 2013 (S.I. 2013/821), regs. 1, **3**
F8 Words in reg. 2(1) inserted (28.3.2019) by The Rural Affairs, Environment, Fisheries and Food (Miscellaneous Amendments and Revocations) (Wales) Regulations 2019 (S.I. 2019/463), regs. 1(3), **7(2)(a)**
F9 S. I. 1998/871.
F10 S. I. 1995/12.
F11 S. I. 1990/1867.
F12 S. I. 1984/1943.
F13 S. I. 1984/2036.
F14 OJ No. L204, 11.8.2000, p. 1.
F15 Words in reg. 2(1) inserted (28.3.2019) by The Rural Affairs, Environment, Fisheries and Food (Miscellaneous Amendments and Revocations) (Wales) Regulations 2019 (S.I. 2019/463), regs. 1(3), **7(2)(b)**
F16 Words in reg. 2(2)(c) omitted (28.3.2019) by virtue of The Rural Affairs, Environment, Fisheries and Food (Miscellaneous Amendments and Revocations) (Wales) Regulations 2019 (S.I. 2019/463), regs. 1(3), **7(3)**
F17 OJ No. L 107, 28.4.2005, p. 18.

PART 2

Notification of holdings

3.—(1) An occupier of a holding who begins to keep cattle on that holding, and any person who takes over the occupation of a holding where cattle are kept, must notify the National Assembly within one month of—

(a) his or her name and address; and

(b) the address of the holding.

(2) When it receives notification under paragraph (1) the National Assembly must issue a herdmark for each holding.

(3) The occupier must notify the National Assembly of any change to the information in paragraph (1) within one month.

PART 3

Identification and registration of cattle

Ear tags

4. Schedule 1 (ear tags) has effect.

Registration of cattle

5. Schedule 2 (registration of cattle) has effect.

Cattle passports

6. Schedule 3 (cattle passports) has effect.

Notification of movements and death

7. Schedule 4 (notification of movement or death) has effect.

Records

8. Schedule 5 (records) has effect.

PART 4

GENERAL

Charging for information

9. The National Assembly may make a reasonable charge for providing information that is stored in the database required by Article 5 of Regulation (EC) No. 1760/2000 and provided in accordance with the second paragraph of Article 3 of that Regulation.

Powers of inspectors

10.—(1) An inspector may, on producing a duly authenticated document showing his or her authority, if required, at all reasonable hours enter any land or premises for the purposes of ascertaining whether there is or has been any contravention of —

(a) these Regulations;

(b) Title I of Regulation (EC) No. 1760/2000;

[[F18](c) Commission Regulation (EC) No 494/98;**]**

(d) Commission Regulation (EC) No. 509/1999 (concerning an extension of the maximum period laid down for the application of ear tags to bison [F19])

(e) Commission Regulation (EC) No. 911/2004; and

(f) Commission Regulation (EC) No. 644/2005,

and in this regulation "premises" includes any place, installation, vehicle, ship, vessel, boat, craft, hovercraft or aircraft.

(2) The power to enter premises only includes a power to enter domestic premises if they are being used in connection with the provisions in paragraph (1).

(3) An inspector may carry out all checks and examinations necessary for the enforcement of the provisions in paragraph (1), and in particular may—

(a) collect, pen and inspect any cattle, and may require the keeper to arrange for the collection, penning and securing of cattle;

(b) take samples;

(c) examine any records in whatever form, and take copies of those records;

(d) remove and retain any records or documents (including passports) relating to these Regulations;

(e) have access to, and inspect and check the operation of, any computer and any associated apparatus or material that is or has been used in connection with records, and may require any person having charge of, or otherwise concerned with the operation of, the computer, apparatus or material to afford him or her such assistance as he or she may reasonably require;

(f) where records are kept by means of a computer, require the records to be produced in a form in which they may be taken away;

(g) require production of any unused ear tags and record their numbers; and

(h) take with him or her a representative of the European Commission or any other person he or she considers necessary.

F18 Reg. 10(1)(c) substituted (1.5.2013) by The Cattle Identification (Wales) (Amendment) Regulations 2013 (S.I. 2013/821), regs. 1, **4**

F19 OJ No. L60, 9.3.1999, p. 53,

Powers to restrict movements

11. In accordance with the second paragraph of Article 22(1) of Regulation (EC) No. 1760/2000, an officer of the National Assembly may serve a notice on a keeper of animals on a holding restricting the movement of cattle to or from the holding if he or she is satisfied that this is necessary for the proper enforcement of that Regulation, these Regulations, Commission Regulation (EC) No. 494/98, No. 509/1999, No. 911/2004 and No. 644/2005, and any person who fails to comply with that notice is guilty of an offence.

Slaughter of unmarked animals

12. The National Assembly is [F20]... the competent authority for the purposes of Article 1(2) of Commission Regulation (EC) No. 494/98.

F20 Words in reg. 12 omitted (1.5.2013) by virtue of The Cattle Identification (Wales) (Amendment) Regulations 2013 (S.I. 2013/821), regs. 1, **5**

Obstruction etc.

13.—(1) A person who—

(a) obstructs any person acting in the execution of these Regulations;

(b) without reasonable cause, fails to give to any person acting in the execution of these Regulations any assistance or information that that person may reasonably require of him or her for the purposes of his or her functions;