WELSH STATUTORY INSTRUMENTS

2006 No. 2926 (W.261)

ANIMALS, WALES

ANIMAL HEALTH

The Sheep and Goats (Records, Identification and Movement) (Wales) (Amendment) Order 2006

Made - - - -	*7 November 2006*
Coming into force - -	*1 January 2007*

The National Assembly for Wales, in exercise of the powers conferred by sections 1, 8(1) and 83(2) of the Animal Health Act 1981(**1**) and now vested in it, makes the following Order:

Title, application and commencement

1.—(1) The title of this Order is the Sheep and Goats (Records, Identification and Movement) (Wales) (Amendment) Order 2006.

(2) This Order applies in relation to Wales.

(3) This Order comes into force on 1 January 2007.

Amendment of the Sheep and Goats (Records, Identification and Movement) (Wales) Order 2006

2.—(1) The Sheep and Goats (Records, Identification and Movement) (Wales) Order 2006(**2**) is amended as follows.

(2) In article 8 (Identification for animals moved to another Member State from the holding of birth or holding of import), for paragraph (2) substitute—

> "(2) The second means of identification must bear an identification code identical to that applied to the first means of identification under article 6(3), in the case of an animal born in Wales, or article 10(3), in the case of an animal imported from a third country.".

(3) In article 13 (Replacement of the means of identification with a different code)—

(**1**) 1981 c. 22. Functions conferred under the 1981 Act upon "the appropriate Minister" and "the Ministers" were transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I.1999/672). Functions conferred under the 1981 Act upon "the Secretary of State", except those functions contained in Schedule 1 of the 1981 Act, were transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 2004 (S.I. 2004/3044).

(**2**) S.I. 2006/1036 (W. 106).

(a) after paragraph (1) insert—

"(1A) The keeper must do what is required by paragraph (1) as soon as possible, but no later than 28 days, after the identification was discovered to be illegible or lost, but in any event before the animal is moved from the holding.";

(b) after paragraph (2) insert—

"(2A) The keeper must do what is required by paragraph (2) as soon as possible, but no later than 28 days, after the identification was discovered to be illegible or lost, but in any event before the animal is moved from the holding.".

(4) In article 23 (Removal or replacement of eartags), in paragraphs (3), (4) and (5)—

(a) for "6 months" substitute "28 days";

(b) for "lost or discovered to be illegible" substitute "or discovered to be lost or illegible".

(5) In article 24 (Removal or replacement of eartags and tattoos applied under previous Orders)—

(a) in paragraph (3)—

(i) for "6 months" substitute "28 days";

(ii) for "lost or discovered to be illegible" substitute "or discovered to be lost or illegible";

(b) after paragraph (4) insert—

"(4A) The keeper must do what is required by paragraph (4) as soon as possible, but no later than 28 days, after the origin mark was removed, or discovered to be lost or illegible, but in any event before the animal is moved from the holding.";

(c) after paragraph (5) insert—

"(5A) The keeper must do what is required by paragraph (5) as soon as possible, but no later than 28 days, after the F mark was removed, or discovered to be lost or illegible, but in any event before the animal is moved from the holding.";

(d) after paragraph (6) insert—

"(6A) The keeper must do what is required by paragraph (6) as soon as possible, but no later than 28 days, after the R mark was removed, or discovered to be lost or illegible, but in any event before the animal is moved from the holding.".

(6) In article 25 (Replacement of eartags lost at markets), in paragraph (2), after "as soon as possible" insert ", but no later than 28 days, after the eartag or tattoo was removed, or discovered to be lost or illegible,".

(7) In Part 9 (Miscellaneous), before article 35 (Enforcement), insert—

"**Powers of inspectors**

34A. 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 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 eartags and record their numbers;

(g) take with him or her a representative of the European Commission acting for the purposes of Article 12 of the Council Regulation, or any other people or things he or she considers necessary.

Power to prohibit movement of animals

34B.—(1) An inspector may, by serving notice on a keeper, prohibit the movement of animals to or from the holding specified in the notice, if the inspector is satisfied that the prohibition is necessary for the proper enforcement of this Order.

(2) A notice served under paragraph (1) may be amended or revoked by further notice at any time.

Reasonable assistance

34C. Any person required to give reasonable assistance or information to a person acting under this Order must, unless he or she has reasonable cause, do so without delay.

False information

34D. A person must not furnish information which he or she knows to be false or misleading to a person acting under this Order.

Offences by bodies corporate

34E.—(1) If an offence against the Act 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 the part of an officer,

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 the member's functions of management as if he or she 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.".

Amendment of Schedule 1 to the Sheep and Goats (Records, Identification and Movement) (Wales) Order 2006

3.—(1) Schedule 1 to the Sheep and Goats (Records, Identification and Movement) (Wales) Order 2006 is amended as follows.

(2) In paragraph 6, for sub-paragraph (3) substitute—

"(3) When an animal is consigned from the holding of identification to another member State, the keeper must attach a second identification tag to the animal with a code identical to the first and enter the code on the identification tags in the keeper's register and in the movement document.".

(3) In paragraph 16 (movements to another member State through an assembly centre)—

(i) in sub-paragraph (3), after "must" insert "attach a second eartag or an electronic transponder to the animal bearing its individual identification code, and";

(ii) in that sub-paragraph, for "number" substitute "code";

(iii) for sub-paragraph (6), substitute—

"(6) Sub-paragraph (5)(a) applies only in relation to animals which were moved from the holding referred to in sub-paragraph (3) before the coming into force of the Sheep and Goats (Records, Identification and Movement) (Amendment) (Wales) Order 2006."

(4) In paragraph 17 (movements to another member State (other than through an assembly centre))—

(i) in sub-paragraph (3), omit "Subject to sub-paragraph (4)";

(ii) omit sub-paragraph (4).

Substitution of Schedule 3 to the Sheep and Goats (Records, Identification and Movement) (Wales) Order 2006

4. The Schedule to this Order, which substitutes Schedule 3 to the Sheep and Goats (Records, Identification and Movement) (Wales) Order 2006, has effect.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(**3**)

D. Elis-Thomas
7 November 2006 The Presiding Officer of the National Assembly

(**3**) 1998 c. 38.