WELSH STATUTORY INSTRUMENTS

2006 No. 1036 (W.106)

ANIMALS, WALES

ANIMAL HEALTH

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

Made - - - -	*4 April 2006*
Coming into force - -	*5 April 2006*

The National Assembly for Wales, in exercise of the powers conferred by sections 1, 8(1) and 72 of the Animal Health Act 1981(**2**), makes the following Order:

PART 1

Introduction

Title, application and commencement

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

(2) This Order applies in relation to Wales and comes into force on 5 April 2006.

Interpretation

2.—(1) In this Order, except where the context otherwise requires—

"assembly centre" ("*canolfan ymgynnull*") means an assembly centre as defined in regulation 1(2) of the Animals and Animal Products (Import and Export) (Wales) Regulations 2005(**3**);

(**2**) 1981 c. 22. Functions conferred under the 1981 Act on "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 on "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).

(**3**) S.I. 2005/1158.

"Council Directive 92/102/EEC" ("*Cyfarwyddeb y Cyngor 92/102/EEC*") means Council Directive 92/102/EEC on the identification and registration of animals (**4**);

"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(**5**);

"CPH" ("*CPH*") in the forms in Schedules 2 and 3, means the county parish holding number assigned from time to time to any premises or part of any premises by the National Assembly for Wales;

"flockmark" ("*nod y ddiadell*"), except in paragraph 18 of Schedule 1, means the number allocated by the National Assembly for Wales in respect of a flock of sheep on a holding;

"herdmark" ("*nod yr eifre*"), except in paragraph 18 of Schedule 1, means the number allocated by the National Assembly for Wales in respect of a herd of goats on a holding;

"holding of import" ("*daliad mewnforio*") means the holding to which animals imported from a third country are first moved for the purposes of livestock farming;

"identification tag" ("*tag adnabod*") means the eartag referred to in paragraph 5 of Schedule 1 and approved by the National Assembly for Wales in accordance with article 22;

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

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

"movement tag" ("*tag symud*"), except in paragraph 18 of Schedule 1, means an eartag approved by the National Assembly for Wales in accordance with article 22 with a code comprising the following information, printed in the following order—

(a) the letter "S"; and

(b) the flockmark or herdmark of the flock or herd the animal is leaving;

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

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

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

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

(d) the Sheep and Goats Identification and Movement (Interim Measures) (Wales) (No. 2) Order 2002(**9**);

(e) the Sheep and Goats Identification and Movement (Interim Measures) (Wales) Order 2002(**10**);

(f) the Sheep and Goats Identification and Movement (Interim Measures) (Wales) Regulations 2002(**11**);

(g) the Sheep and Goats Identification (Wales) Regulations 2000(**12**);

(**4**) OJ No L 355, 5.12.92, p.32.
(**5**) OJ No L 5, 9.1.04, p.8.
(**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 S.I. 2002/764 and S.I. 2002/1349.
(**8**) S.I. 2000/2027, amended by S.I. 2001/281.
(**9**) 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).
(**10**) S.I. 2002/1357 (W.133).
(**11**) S.I. 2002/274 (W.30), amended by S.I. 2002/811 (W.91).
(**12**) S.I. 2000/2335 (W.152).

(h) the Identification and Movement of Sheep and Goats Order (Northern Ireland) 2004(**13**);

(i) the Identification and Movement of Sheep and Goats Order (Northern Ireland) 1997(**14**);

(j) the Sheep and Goats Identification (Scotland) Regulations 2000 (**15**); or

(k) the Sheep and Goats Movement (Interim Measures) (Scotland) Order 2002(**16**);

"register" ("*cofrestr*") means the register required by Article 5 of the Council Regulation;

"R tag" ("*tag R*") means a red eartag approved by the National Assembly for Wales in accordance with article 22 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 eartag is applied;

(c) a unique number; and

(d) the letter "R";

"R tattoo" ("*tatŵ R*") means a tattoo with the following information, in the following order—

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

(b) a unique number; and

(c) the letter "R";

"temporary grazing" ("*tir pori dros dro*") means a holding on to which a keeper moves an animal for a limited period of time for the purpose of being fed or pastured;

"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;

"X tag" ("*tag X*") means an eartag approved by the National Assembly for Wales in accordance with article 22 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 leaving;

(c) a unique number; and

(d) the letter "X".

(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 Council Regulation.

Individual identification code

3.—(1) A reference in this Order to the "individual identification code"("*cod adnabod unigol*") of an animal, other than an animal bearing more than one eartag or tattoo with a number identifying the animal individually, is a reference to the code on—

(a) the first means of identification attached to the animal in accordance with the Council Regulation; or

(b) the eartag or tattoo by means of which an animal born on or before 9 July 2005 was individually identified in accordance with any of the previous Orders or, in the case of an animal not so identified, the code on the identification tag.

(**13**) S.R. (NI) 2004 No. 491.
(**14**) S.R. (NI) 1997 No. 173, amended by S.R. (NI) 1998 No. 393.
(**15**) S.S.I. 2000/418, amended by S.S.I 2002/531 and S.S.I 2002/39.
(**16**) S.S.I. 2002/38, amended by S.S.I. 2002/221.

(2) In the case of an animal bearing more than one eartag or tattoo with a number identifying the animal individually, a reference in this Order to the "individual identification code" ("*cod adnabod unigol*") is—

(a) in the case of an animal not from Northern Ireland, the eartag or tattoo with the letters "UK"and a number identifying the animal individually or, if the animal is not so marked, the eartag or tattoo most recently applied that identifies the animal individually; or

(b) in the case of an animal from Northern Ireland, the code applied to the eartag in the animal's left ear.

The competent authority

4. The National Assembly for Wales is the competent authority for the purposes of the Council Regulation.

Authorisations

5. Any authorisations, approvals or permissions 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 in writing at any time.

PART 2

Identification of animals

Identification of animals born after 9 July 2005

6.—(1) Every keeper must comply with Article 4(1)(first paragraph) and Article 4(2)(a) and (b) of the Council Regulation and this article.

(2) For the purposes 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.

(3) The identification code for the first means of identification for the purposes of Section A.2 of the Annex to the Council Regulation is the following information, printed in the following order—

(a) the letters "UK";

(b) the flockmark or herdmark of the flock or herd of birth; and

(c) a unique number.

Identification for animals moved from the holding of birth or holding of import within the United Kingdom

7.—(1) Pursuant to Article 4(2)(c) of the Council Regulation, the system to replace the second means of identification, other than for an animal involved in intra—Community trade, is the system in Schedule 1.

(2) The provisions of Schedule 1 apply in addition to the requirements of—

(a) Articles 4(1), 4(2)(a), 4(4), 4(5) and 4(6) of the Council Regulation and this Part of this Order;

(b) Articles 5(1), 5(3) and 5(5) of the Council Regulation and Part 3 of this Order; and

(c) Articles 6(1) and 6(3) of the Council Regulation and Part 4 of this Order.

(3) Schedule 1 also applies to animals born on or before 9 July 2005.

Identification for animals moved to another Member State from the holding of birth or holding of import

8.—(1) In the case of an animal born after 9 July 2005 and involved in intra—Community trade, Schedule 1 does not apply, and the second means of identification specified in Article 4(2)(b) of the Council Regulation is an eartag or electronic transponder conforming to Section A.4 of the Annex to the Council Regulation.

(2) The second means of identification must bear—

(a) 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; or

(b) in the case of an eartag only, the letters "UK", the flockmark or herdmark of the flock or herd of birth or import, a unique number and the letter "X".

Animals intended for slaughter

9. The identification method referred to in Article 4(3) of the Council Regulation and described in Section A.7 of the Annex to that Regulation must not be used.

Identification of animals imported from third countries

10.—(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 identification code for the first means of identification for the purposes of Section A.2 of the Annex to the Council Regulation for animals imported from third countries is—

(a) the letters "UK";

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

(c) a unique number; and

(d) the letter "F".

Additional information

11. In accordance with Section A.2 (second paragraph) of the Annex to the Council Regulation, at the keeper's request—

(a) a manufacturer of approved eartags may add supplementary information to the eartag; and

(b) a manufacturer of electronic transponders may add supplementary information to the casing of the transponder,

provided that the supplementary information is distinct from the identification number and provided that the identification number remains legible at all times.

Removal or replacement of means of identification

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