WELSH STATUTORY INSTRUMENTS

2002 No. 2303 (W.228)

ANIMALS, WALES

ANIMAL HEALTH

The Pigs (Records, Identification and Movement) (Interim Measures) (Wales) (No. 2) Order 2002

Made - - - -	*at 11:30 a.m on 5th September 2002*
Coming into force - -	*6th September 2002*

The National Assembly for Wales and the Secretary of State, acting jointly in exercise of the powers conferred on them by sections 1, 8 and 83(2) of the Animal Health Act 1981(**1**) make the following Order—

PART I

PRELIMINARY

Title, application, commencement and cessation

1.—(1) This Order may be cited as the Pigs (Records, Identification and Movement) (Interim Measures) (Wales) (No. 2) Order 2002 and applies to Wales only.

(2) This Order shall come into force on 6th September 2002 and shall cease to have effect on 1st February 2003.

Interpretation

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

"animal" ("*anifail*") means cattle (excluding bison and yak) deer, goats, sheep and swine;

(**1**) 1981 c. 22. *See* section 86(1) for the definitions of "the Ministers". In relation to Wales, the powers of "the Ministers" so far as exercisable by the Secretary of State for Wales were transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) and in so far as such powers were exercisable by the Secretary of State for Scotland, they were transferred to the Minister of Agriculture, Fisheries and Food by the Transfer of Functions (Agriculture and Food) Order 1999 (S.I. 1999/3141). The functions of the Minister of Agriculture, Fisheries and Food were subsequently transferred to the Secretary of State by the Ministry of Agriculture, Fisheries and Food (Dissolution) Order 2002 (S.I. 2002/ 794).

"collecting centre" ("*canolfan gasglu*") means premises used for the intermediate reception of animals intended to be moved elsewhere and includes any place used, whether as a market or otherwise, for the sale or trading of animals but only where the animals being sold or traded are intended for immediate slaughter thereafter;

"CPH number" ("*rhif daliad*") means the holding number assigned from time to time to any premises or part of any premises by the National Assembly for Wales;

"farm" ("*fferm*") means any holding on which pigs are kept for the purpose of breeding or fattening them;

"holding" ("*daliad*") means any establishment, construction or, in the case of an open air farm, any place in which animals are held, kept or handled;

"identification mark" ("*marc adnabod*") means a mark complying with article 5;

"identification number of the holding" ("*rhif adnabod y daliad*") means the numeric code which is allotted to the holding by the National Assembly for Wales;

"keeper" ("*ceidwad*") means any person having care and control of pigs even on a temporary basis but not including any person who is only a keeper because he is transporting the animals;

"market" ("*marchnad*") means a market place or sale-yard or any other premises or place to which animals are brought from other places and exposed for sale; and includes any place adjoining those premises used by visitors to the market for parking vehicles and any lairage adjoining a market and used in connection with it;

"slaughterhouse" ("*lladd-dy*") has the meaning given in regulation 2(1) of the Fresh Meat (Hygiene and Inspection) Regulations 1995(**2**); and

"sole occupancy group" ("*grŵp meddiannaeth unigol*") has the meaning given to it in the Disease Control (Interim Measures) (Wales) (No. 2) Order 2002(**3**).

(2) It shall be sufficient compliance with any provision of this Order requiring or permitting the making of an application, the issue of a licence, notice, authority or authorisation, the depositing of a document or the sending or giving of a document to effect this by means of a facsimile transmission service.

PART II

RECORDS AND IDENTIFICATION OF PIGS

RECORDS OF PIGS

Records and notifications of holdings

3.—(1) The owner or keeper of any pig on a holding shall notify in writing the Divisional Veterinary Officer for the area in which the holding is situated of—

(a) the address of the holding;

(b) the name and address of the owner or occupier of the holding;

(c) the identification number of the holding (if known to the person giving the notification); and

(d) the species of any animal kept on the holding.

(**2**) S.I. 1995/539, to which there are amendments not relevant to this Order.
(**3**) S.I. 2002/2304 (W.229)..

(2) In the case of a holding established after this Order comes into force, the duty imposed by paragraph (1) shall be complied with within one month of the establishment of the holding.

(3) Within one month of any change being made in the notified particulars or of any addition to the information referred to in paragraph (1), the owner or keeper of any pig on a holding shall in writing notify the Divisional Veterinary Officer of the change or the addition.

(4) The owner or keeper of a pig on a holding shall give the notified particulars to an inspector if requested to do so.

(5) In this article "Divisional Veterinary Officer" means the veterinary inspector appointed as such by the Secretary of State for the area in which the holding is situated.

Records of pigs

4.—(1) The owner or keeper of a pig on a holding shall make and maintain a record—

(a) in the form set out in Schedule 1 in respect of each movement of pigs to or from the holding; and

(b) of the maximum number of pigs ordinarily present on the holding (revised at least annually).

(2) In the case of any person who sells any pig (whether by auction or by private treaty) on premises used as a market of pigs by auction, he or she shall (in addition to the records required by paragraph (1) above) make and retain a written record of the name and address of the vendor and purchaser of each lot of pigs, and the number of the pen or pens in which each lot was held.

(3) Every record under this article shall—

(a) be made within 36 hours after the movement or sale recorded; and

(b) be retained by the owner or keeper of the pig or the owner or person in charge of the holding for a period of three years from the end of the year in which the last entry was made.

(4) Any person who is for the time being in charge of any record required to be kept under this article shall, on demand made by an inspector at any reasonable hour, produce the record and allow a copy to be made of it.

(5) Where a record required to be made under this article is made in electronic or magnetic form, references in paragraph (4)—

(a) to production of the record are, if the inspector so requires, references to its production in written form; and

(b) to taking of extracts or copies of the record are references to the taking thereof in written form.

IDENTIFICATION OF PIGS

Identification marks

5.—(1) No person shall move a pig with a view to its being moved to a place outside Great Britain unless, before the movement commences, it is marked with an identification mark (which shall be legible for the life of the pig to which it is applied) in the form of an ear tag or of a tattoo.

(2) The identification mark referred to in paragraph (1)—

(a) shall comprise the country code 'UK' and the herd mark of the holding on which the mark is applied; and

(b) shall include a distinctive number allotted to the pig by its owner or keeper, prefixed, in the case of an ear tag, by the letter "P".

(3) It shall not be lawful to move a pig from a holding (other than with a view to it being moved outside Great Britain) unless, before the movement commences, it is marked—

(a) in the case of a pig moving to an exhibition or show or for breeding purposes and which is intended to be returned to the premises from which it is moved, with an identification mark comprising the herd mark of the holding on which the mark is applied and a unique individual identification number allotted to the pig by the owner or person in charge of it; or

(b) in all other cases—

(i) with an identification mark which complies with paragraph (2) or (3)(a); or

(ii) with an identification mark which will last at least until the pig reaches its destination and which, either by itself or by reference to a document accompanying the pig during the movement, enables the holding from which the pig was last moved to be identified.

(4) Save in accordance with an authority issued by a veterinary inspector, it shall not be lawful for any person—

(a) to remove from a pig an identification mark which has been applied or attached to it in accordance with the foregoing provisions of this article; or

(b) to replace an identification mark applied or attached to a pig in accordance with those provisions otherwise than in replacement of one which has become illegible or which has been lost.

Ear tags

6.—(1) No person shall attach an identification mark to a pig in the form of an ear tag unless the ear tag satisfies the provisions of paragraph (2); and in this Order references to an ear tag are to an ear tag which satisfies those provisions.

(2) An ear tag shall be so constructed as—

(a) not adversely to affect the well-being of the pig to which it is attached;

(b) to be incapable of being altered in such a way that the fact of alteration cannot be readily observed; and

(c) to be incapable of re-use.

PART III

MOVEMENT OF PIGS

Prohibition on certain movements of pigs

7.—(1) No person shall—

(a) move or cause to be moved a pig from a market or collecting centre to another market or collecting centre (other than a collecting centre for pigs intended for immediate slaughter);

(b) move a pig to a slaughterhouse save for the purpose of slaughter within 48 hours of its arrival there;

(c) remove a pig from a slaughterhouse except after slaughter; or

(d) return a pig to a farm from a market for pigs intended for immediate slaughter.

Restriction on movement of pigs within 20 days of a previous movement

8.—(1) Subject to the following provisions of this article, whenever any animal has been moved to any premises, no person shall move any pig from those premises (or any other premises in the same sole occupancy group) before the expiry of a period of 20 days from the day on which the animal first referred to was delivered to those premises.

(2) The restriction contained in paragraph (1) shall not apply in any of the cases set out in article 3(2) of the Disease Control (Interim Measures) (Wales) (No. 2) Order 2002(**4**).

(3) Notwithstanding the prohibition in paragraph (1), no account shall be taken of the following movements—

(a) any movement referred to in article 3(3) of the Disease Control (Interim Measures) (Wales) (No. 2) Order 2002; or

(b) movement of a pig intended for breeding or growing from a source approved by the National Assembly for Wales onto any premises, when such movement is authorised in accordance with conditions set out in writing by a veterinary inspector.

Regulation of movement of pigs (other than pet pigs)

9.—(1) Without prejudice to articles 7 and 8, no person shall move or cause to be moved a pig (other than a pig that is kept solely as a pet) from any premises, unless it is accompanied by a document signed by the owner of the pig or his or her agent and which specifies—

(a) the address including postcode and CPH number of the premises from, and to which the pig is being moved;

(b) the date on which the movement is taking place;

(c) the number of pigs that the movement document covers;

(d) the identification mark of each of the pigs being moved;

(e) in the case of a movement from a market, the lot numbers of the pigs being moved.

(2) When the pigs arrive at their destination, the person moving the pigs shall give the document referred to in paragraph (1) to the keeper at the premises of destination who shall retain it for a period of 6 months.

(3) The keeper at the premises of destination shall, within 3 days of the arrival of pigs, send a copy of the document referred to in paragraph (1) to the local authority for the area in which the premises of destination are situated.

(4) The keeper of a pig being moved to premises outside Great Britain shall send a copy of the document referred to in paragraph (1) to the local authority for the area in which the premises from which the pigs are being moved, are situated.

Regulation of movement of pet pigs

10.—(1) Subject to paragraph (2), no person shall move, or cause to be moved from any premises, a pig kept solely as a pet, except under the authority of a licence issued under this article and in the form set out in Schedule 2.

(2) Paragraph (1) shall not apply where the pig is being moved temporarily from the premises for the purpose of emergency veterinary treatment.

(3) A licence under this article may be issued by an inspector of the local authority for the area in which the movement commences or by an inspector of the Secretary of State.

(**4**) S.I. 2002/2304 (W.229).