STATUTORY RULES OF NORTHERN IRELAND

2009 No. 411

AGRICULTURE

The Sheep and Goats (Records, Identification and Movement) Order (Northern Ireland) 2009

Made - - - -	*11th December 2009*
Coming into operation	*31st December 2009*

The Department of Agriculture and Rural Development(**1**), makes the following Order in exercise of the powers conferred on it by Articles 5(1)(b), 19(e) and (g), 44, 52(1)(a) and 60(1) of the Diseases of Animals (Northern Ireland) Order 1981(**2**):

PART I

Introduction

Citation and commencement

1. This Order may be cited as the Sheep and Goats (Records, Identification and Movement) Order (Northern Ireland) 2009 and comes into operation on 31st December 2009.

Interpretation

2.—(1) In this Order—

"animal" means any animal of the ovine or caprine species;

"assembly centre" means an assembly centre as defined in regulation 2(1) of the Animals and Animal Products (Import and Export) Regulations (Northern Ireland) 2006(**3**) and approved by the Department in accordance with regulation 12(2) of those Regulations;

"central point of recording" means a holding approved by the Department under Section C.2 of the Annex to the Council Regulation for recording the identities of animals arriving at that holding;

(**1**) Formerly the Department of Agriculture for Northern Ireland; see the Departments Order 1999 (S.I. 1999/283 (N.I.1)) Article 3(4)

(**2**) S.I.1981/1115 (N.I. 22); The relevant amendments are S.I. 1984/702 (N.I. 2) Article 17 and S.I.1994/1891 (N.I. 6) Article 22 to 24

(**3**) S.R. 2006 No.401 as amended by S.R. 2007 No.327, S.R. 2008 No.53 and S.R. 2009 No.86

"centralised computer database" means the database operated by the Department for the purposes of Article 8 of the Council Regulation;

"collection centre" means any premises used by a dealer for the intermediate reception of animals intended to be moved for slaughter (but does not include a market);

"Council Regulation" means Council Regulation (EC) No 21/2004 of 17 December 2003 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**) as amended by Commission Regulation (EC) No 759/2009(**5**);

"Divisional Veterinary Office" in relation to any holding means the Divisional Veterinary Office or DARD Direct Office of the Department for the area in which a holding is located;

"flock number" means the number allocated to a flock of sheep under Article 3(3);

"herd number" means the number allocated to a herd of goats under Article 3(3);

"holding" has the meaning given in Article 2 of the Council Regulation;

"holding number" means a number allocated by the Department under Article 3(3) to any holding on which any animals are kept;

"holding register" means the register required by Article 5 of the Council Regulation;

"identification code" means the code set out on a means of identification as required under this Order;

"identification device" means an eartag, electronic eartag, pastern tag, electronic pastern tag or bolus;

"identification mark" means a method of identification applied in another member State, a means of identification or an older means of identification;

"incineration plant" means an incineration plant to which regulation 14 of the Animal By-Products Regulations (Northern Ireland) 2003(**6**) applies;

"keeper" has the meaning given in Article 2 of the Council Regulation;

"market" means a market place, sale yard or any other premises or place to which animals are brought from any other place to be exposed for sale and includes any place, lairage or parking area adjoining a market and used in connection with it;

"market operator" means the 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" means an identification device or a tattoo;

"member State" means any member State of the European Union other than the United Kingdom and does not include the Isle of Man and the Channel Islands;

"method of identification" means an eartag, electronic eartag, pastern tag, electronic pastern tag, bolus or tattoo applied in another member State or third country;

"movement document" means the movement document required by Article 6 of the Council Regulation and in a format approved by the Department;

"previous Orders" means—

(a) the Identification and Movement of Sheep and Goats Order (Northern Ireland) 1997(**7**);

(**4**) O.J. No. L 5, 09.01.2004, p.8
(**5**) O.J. No. L215, 20.08.2009, p.3
(**6**) S.R. 2003 No.495 as amended by S.R. 2006 No.202
(**7**) S.R. 1997 No.173 as amended by S.R.1998 No.393 and revoked by S.R. 2004 No.491

(b) the Identification and Movement of Sheep and Goats (Amendment) Order (Northern Ireland) 1998(**8**); and

(c) the Identification and Movement of Sheep and Goats Order (Northern Ireland) 2004(**9**);

"reconciliation period" means the period between 1st December and 5th December in a calendar year;

"processing plant" means a processing plant to which regulation 14 of the Animal By-Products Regulations (Northern Ireland) 2003 applies;

"unique number" means a number that is unique to an animal in a flock or herd and contains no more than 5 digits.

(2) Other expressions defined in the Council Regulation have the same meaning in this Order.

Notification of a holding

3.—(1) Subject to paragraph (5), a person who keeps an animal on a holding shall give notice to the Department containing particulars of—

(a) the address of the holding;

(b) the name and address of the owner, and, if different, the occupier of the holding;

(c) the name and address of the keeper of the animal;

(d) any numbers or codes used to identify animals on the holding;

(e) any cattle or pigs on the holding; and

(f) in relation to—

(i) cattle on the holding, any unique identification code allocated under regulation 3(1)(b) of the Cattle Identification (No.2) Regulations (Northern Ireland) 1998(**10**); and

(ii) pigs on the holding, a holding number allocated under paragraph 3(3) of the Schedule to the Aujeszky's Disease Scheme Order (Northern Ireland) 1994(**11**).

(2) In the case of a holding used for keeping animals on the date this Order comes into operation the notice required by paragraph (1) shall be given within 7 days of that date and in any other case shall be given within 7 days of the holding first being used to keep animals.

(3) On receiving notification under paragraph (1), the Department may allocate to the keeper, a holding number. This will be in the case of a flock of sheep, a flock number or, in the case of a herd of goats, a herd number.

(4) Where in relation to a holding to which Article 19(1) applies—

(a) there is a change in the identity of the person keeping animals on the holding or in any other details notified under this Article;

(b) all the animals on the holding are slaughtered, sold or otherwise disposed of,

the keeper shall notify the Department accordingly within 30 days of such change or disposal of animals.

(5) A notification made to the Department under Article 3(1) of the Sheep and Goats (Records, Identification and Movement) Order (Northern Ireland) 2005(**12**) shall, notwithstanding the revocation of that Order, be regarded as a notification for the purpose of paragraph (1).

(**8**) S.R. 1998 No.393 revoked by S.R.2004 No.491
(**9**) S.R. 2004 No.491
(**10**) S.R. 1998 No.279 as amended by S.R. 1999 No.324 and S.R. 2004 No.420
(**11**) S.R. 1994 No.199
(**12**) S.R. 2005 No.535 as amended by S.R. 2006 No.508

Authorisations

4.—(1) An authorisation, approval, notice or permission under this Order or the Council Regulation shall be in writing, may be made subject to conditions and may be amended, suspended or revoked by notice in writing at any time.

(2) A person to whom any document specified in paragraph (1) is issued shall comply with its requirements.

PART II

Identification devices

Approval of identification devices

5.—(1) An identification device used to comply with this Order must be of a model and colour approved by the Department.

(2) A person shall not sell or supply an identification device except in accordance with the conditions of an authorisation issued by the Department.

(3) A person shall not sell or supply to a keeper of animals an identification device with a herd or flock number unless that number has been allocated to the keeper under Article 3(3) or in accordance with Article 12 and 15.

Additional tags and identification devices with additional information

6.—(1) Subject to the following provisions, a person shall only include on an identification device any information which is—

(a) required or authorised by this Order; or

(b) authorised by the Department,

and shall not sell or supply to another any such device which does not comply with this paragraph.

(2) Notwithstanding paragraphs (1), a person may include on an identification device information prohibited by that paragraph or sell or supply an identification device with such information were—

(a) the information is distinct from the identification code on the device; and

(b) the identification code remains legible and clearly distinguishable at all times.

(3) Nothing in this Order shall prevent a person from applying an additional tag to an animal provided that tag does not contain the letters "UK" or bear a flock number or herd number unless authorised by the Department to do so.

Colour of identification devices

7.—(1) A person shall not attach a red identification device to any animal, other than a replacement identification device.

(2) Where a keeper re-identifies an animal with a new identification device and that animal is not on its holding of birth, or the keeper does not know the holding of birth, he must use a red replacement identification device but the requirement to use a red identification device does not apply to the use of boluses or where the keeper provides the information required by Section B of the Council Regulation in accordance with Article 18.

(3) Where an animal is identified by means of a bolus and a matching identification device, the matching identification device must be light blue and a light blue identification device may only be used in combination with a bolus.

(4) The characters on all identification devices must be a different colour to the background of the device and must be clearly legible at all times when the device attached to the animal.

Destruction of identification devices

8.—(1) The operator of a slaughterhouse, a processing plant, a collection centre, an incineration plant or any other person who finally disposes of an animal carcase must destroy, in a secure manner which prevents reuse all identification devices on animals or carcases entering his premises.

(2) Where it is not practicable to remove an identification device from an animal or carcase, the operator or other person shall ensure that the device is disposed of, along with the carcase, at a processing plant or incineration plant.

(3) Secure destruction includes the processing in a processing plant or incineration in an incineration plant of any identification device.

(4) In this Article "collection centre" means a collection centre to which regulation 27 of the Animal By-Products Regulations (Northern Ireland) 2003 applies.

PART III

Identification of animals not identified before 31 December 2009

Identification of animals not identified before 31st December 2009

9.—(1) This article applies to—

(a) sheep born before 31st December 2009 which are not identified before that date and are on the holding of birth;

(b) sheep born on or after 31st December 2009;

(c) goats born before 31st December 2009 which are not identified before that date are on the holding of birth and whose keepers chose to identify them electronically; and

(d) goats born on or after 31st December 2009 whose keepers chose to identify them electronically.

(2) A keeper must comply with Article 4(1) (first paragraph), Article 4(2)(a) and (b) and Article 9(3) of the Council Regulation and this Article.

(3) The keeper shall use the following means of identification referred to in the Annex to the Council Regulation, but is to say—

(a) an electronic eartag and an eartag; or

(b) an electronic eartag and a pastern tag; or

(c) a bolus and an eartag; or

(d) a bolus and a pastern tag; or

(e) electronic pastern tag and an eartag.

(4) 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.

(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—