STATUTORY RULES OF NORTHERN IRELAND

2004 No. 491

AGRICULTURE

Identification and Movement of Sheep and Goats Order (Northern Ireland) 2004

Made - - - - 30th November 2004

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

Citation

1. This Order may be cited as the Identification and Movement of Sheep and Goats Order (Northern Ireland) 2004.

Interpretation

2.—(1) In this Order –

"animal" means a sheep or goat;

"approved eartag" in relation to an animal means an eartag approved by the Department and bearing the details specified in Article 5 or such other information as the Department may authorise in writing;

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

"Divisional Veterinary Office" means a Divisional Veterinary Office of the Department for the area in which a holding is located;

"flock mark" means the mark for sheep in a particular flock allocated by the Department to the keeper of that flock in accordance with Article 3(3) and intended to differentiate sheep in that flock from sheep in a different flock;

"herd mark" means the mark for goats in a particular herd allocated by the Department to the keeper of that herd in accordance with Article 3(3) and intended to differentiate goats in that herd from goats in a different herd;

(**1**) The Department of Agriculture for Northern Ireland was renamed the Department of Agriculture and Rural Development by Article 3(4) of the Departments Order 1999 (S.I.1999/283 (N.I. 1))

(**2**) S.I. 1981/1115 (N.I. 22) as amended by S.I. 1984/702 (N.I. 2) Article 17(2) and S.I. 1994/1891 (N.I. 6) Article 23(1) and (2)

"holding" means any establishment, construction or, in the case of an open-air farm, place under the same ownership in which animals are held, kept or handled and includes land with or without buildings;

"holding number" means a number allocated by the Department to a person who keeps animals in respect of each holding on which he keeps animals;

"hunt kennel" means a hunt kennel approved in accordance with the Animal By-Products Regulations (Northern Ireland) 2003(**3**);

"incinerator" means an incinerator approved in accordance with the Animal By-Products Regulations (Northern Ireland) 2003;

"individual animal identification number" means the unique numeric sequence on an approved eartag on an animal by which the animal may be identified;

"keeper" means any natural or legal person responsible for animals whether on a permanent or temporary basis except a veterinary practice or clinic;

"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;

"member State" means any member State of the European Union other than the United Kingdom;

"notification document" means the pre-printed document supplied by the Department to a keeper for use in the notification of the movement of an animal for the purposes of Article 9;

"reconciliation period" means the period between 1 September and 15 December in a calendar year;

"record" in relation to sheep means a flock register and in relation to goats means a herd register;

"rendering plant" means a rendering plant approved in accordance with the Animal By-Products Regulations (Northern Ireland) 2003;

"slaughterhouse" means any premises licensed under the Fresh Meat (Hygiene and Inspection) Regulations (Northern Ireland) 1997(**4**) and used for the slaughtering of animals the flesh of which is intended for human consumption;

"trading premises" means a premises on which a dealer operates a collecting centre which is a separate epidemiological unit from any other premises on which animals are kept;

"vehicle" means any form of road transport conveyance used for the movement of animals and includes a trailer.

(2) A notice served or authorisation given to any person under this Order –

(a) shall be in writing;

(b) may be subject to conditions;

(c) may be amended, suspended or revoked by notice at any time on the same person and in particular may be suspended or revoked if the Department is of the reasonable opinion that the provisions of this Order are not being complied with.

(3) A person on whom a notice is served shall comply with its requirements.

(**3**) S.R. 2003 No. 495
(**4**) S.R. 1997 No.493 as amended by S.R. 1998 No.237, S.R. 2000 No. 78, S.R. No.2000 No. 191, S.R. No. 2000 No. 307 and S.R. No. 2002 No. 217

Notification of a holding

3.—(1) 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 or occupier of the holding, and, if different, the name and address of the keeper of the animal;

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

(d) the presence of any cattle or pigs on the holding; and

(e) in relation to –

(i) cattle on the holding, any unique identification code allocated under Article 3(1)(b) of the Cattle Identification (No.2) Regulations (Northern Ireland) 1998(**5**); and

(ii) pigs on the holding, any holding number allocated under Article 3(3) of the Aujeszky's Disease Scheme Order (Northern Ireland) 1994(**6**).

(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 60 days of that date and in any other case shall be given within 30 days of the holding first being used to keep animals.

(3) On receiving notification under this Article, the Department shall allocate to the keeper, a holding number and, in the case of sheep, a flock mark or, in the case of goats, a herd mark.

(4) Where in relation to a holding to which paragraph (1) applies there is a change in –

(a) the identity of the person keeping animals on the holding;

or

(b) any other particulars notified under that paragraph, the keeper of the animals shall notify the Department accordingly.

Identification of animals

4.—(1) The keeper of an animal born after the date of coming into operation of this Order shall –

(a) identify it with the appropriate flock or herd mark within 21 days of birth; and

(b) attach to the animal's left ear, an approved eartag (hereinafter referred to as the "natal tag") –

(i) by the age of 9 months, or

(ii) before the animal leaves the holding on which it was born, or

(iii) before the expiry of the reconciliation period for the year in which the animal was born,

whichever is earlier.

(c) where an animal is born between 16 December and 31 December of any calendar year, the reconciliation period for the purposes of this Article shall be construed as belonging to the next calendar year after the year in which the animals were born.

(2) Except as otherwise provided by paragraph (3) and Article 11(1) the keeper shall upon movement of an animal onto a holding attach a green approved eartag to the animal's right ear.

(3) Where an animal which has previously been kept on 2 holdings is moved to a third holding the keeper of that animal shall attach a further approved eartag to the animal's right ear.

(**5**) S.R. 1998 No. 279 as amended by S.R. 1999 No. 324
(**6**) S.R. 1994 No. 199

(4) Where an animal to which paragraph (3) applies is moved to any subsequent holding the keeper –

(a) shall record the details of any one of the approved eartags attached to the animal on any of the previous holdings but;

(b) shall not attach a further approved eartag to the animal except in accordance with Article 6(b) or 12(1).

(5) In this Article "holding" does not include any premises or place used for the time being for the purposes of a market, trading premises, fair, show or sale of animals, slaughterhouse or a veterinary practice or clinic.

Approval of eartags

5.—(1) A person shall not attach an eartag to any animal unless it is –

(a) approved by the Department; and

(b) inscribed with the letters "UK", the appropriate holding number and an individual animal identification number allocated to the animal.

(2) A person shall not sell or supply an eartag for the purpose of identifying an animal, other than a sheep or goat, that is not readily distinguishable by its difference in size and colour from an approved eartag for the identification of animals under the provisions of this Order.

(3) A person shall not sell or supply an eartag with the unique holding number allocated by the Department to any other person for the purposes of identifying animals on any other holding.

Replacement eartags

6. Where the keeper of an animal discovers that the characters on an approved eartag attached to that animal have become illegible or that an approved eartag has been lost, he shall, immediately and no later than 24 hours after the discovery –

(a) where an animal loses a natal tag on its holding of birth, attach a replacement natal tag in accordance with Article 4(1);

(b) where an animal has lost an approved eartag, other than a natal tag, replace it with a green approved eartag in accordance with Article 4(3); and

(c) where an animal has lost all it's approved eartags from both the left and right ears, attach an orange approved eartag to the left ear,

bearing the information relevant to that holding as specified in Article 5(1)(b).

Alteration of eartags

7. A person shall not –

(a) tamper with, alter, obliterate or deface or cause or permit to be tampered with, altered, obliterated or defaced any approved eartag attached to an animal;

(b) transfer an approved eartag from an animal or a carcase to any other animal;

(c) use for identifying any animal an approved eartag which has at any time been used to identify any other animal;

(d) remove or replace an approved eartag other than in accordance with this Order;

(e) have in his possession an approved eartag which bears an individual animal identification number already allocated to an animal on his holding or any other holding except a replacement approved eartag specifically authorised by the Department;

(f) have in his possession an animal bearing an eartag which could be confused with any approved eartag applied under this Order;

(g) have in his possession without lawful excuse, an approved eartag bearing an individual animal identification number other than that issued to him in accordance with the provisions of this Order.

Prohibition on removal of identification marks

8. A person shall not –

(a) remove or cause or permit to be removed from an animal, a flock or herd mark; or

(b) replace a flock or herd mark applied to an animal otherwise than in replacement of one which has become illegible,

except under and in accordance with an authorisation issued by an inspector.

Movement of animals

9.—(1) Subject to paragraph (2), a keeper shall not move or cause or permit to be moved, any animal from a flock or herd on his holding unless –

(a) the Department has allocated to the keeper a holding number in respect of that holding and, as the case may be, a mark for that flock or herd;

(b) the animal is identified in accordance with the relevant provisions of this Order;

(c) in the case of an animal being brought to a destination in Northern Ireland from another member State it bears a mark applied in accordance with Council Directive 91/68/EC on animal health conditions governing intra-Community trade in ovine and caprine animal(**7**);

(d) he notifies the Department in accordance with paragraph (2) and the animal is accompanied by a notification document correctly completed in accordance with this Article.

(2) The notification document shall contain the information specified in paragraph (3) and notification of the movement of an animal shall be either –

(a) by the keeper completing the notification document in relation to a movement off his holding; or

(b) where the keeper is a market operator, and the movement is into or out of the market, by the keeper completing the notification document and delivering a copy of that document to the Divisional Veterinary Office in accordance with paragraph (5).

(3) (a) Where a keeper completes a notification document in accordance with paragraph (2)(a) the information to be recorded is –

(i) the number of animals moving off the holding;

(ii) the category of animal moving off the holding i.e. whether it is a ram, ewe, lamb or goat;

(iii) the individual animal identification number of each animal moving off the holding;

(iv) his name, address and holding number;

(v) the date of movement of the animals off the holding;

(vi) the haulier/vehicle registration number in which the animals are moved off the holding;

(vii) the buyer's name, address and holding number; and

(**7**) O.J. No. L146, 19.2.91, p. 19-36 as amended by Commission Decision 2002/261/EC (O.J. No. L91, 06.04.2002, p. 31), Council Directive 2003/50/EC (O.J. No. L169, 08.07.2003, p. 51), Commission Decision 2004/554/EC (O.J. No. L248, 22.07.2004, p. 1)