STATUTORY RULES OF NORTHERN IRELAND

1998 No. 27

EUROPEAN COMMUNITIES ANIMALS

Cattle Identification (Enforcement) Regulations (Northern Ireland) 1998

Made - - - -	*30th January 1998*
Coming into operation	*2nd February 1998*

The Department of Agriculture being a Department designated(**1**) for the purposes of section 2(2) of the European Communities Act 1972(**2**) in relation to the common agricultural policy of the European Community, in exercise of the powers conferred on it by the said section 2(2) and of every other power enabling it in that behalf, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Cattle Identification (Enforcement) Regulations (Northern Ireland) 1998 and shall come into operation on 2nd February 1998.

Interpretation

2.—(1) In these Regulations—

"animal" means any bovine animal including an animal of the species *bison bison* or *bubalus bubalis*;

"the Council Regulation" means Council Regulation EC/820/97(**3**) establishing a system for the identification and registration of bovine animals and regarding the labelling of beef and beef products;

"Department" means the Department of Agriculture for Northern Ireland;

"farm" means any holding on which animals are kept for the purpose of breeding, production, raising or fattening;

"herd" means

(a) an animal kept; or

(**1**) S.I.1972/1811
(**2**) 1972 c. 68
(**3**) O.J. No. L117, 7.5.97, p. 1

(b) a group of animals kept together

on a holding in such manner or under such conditions as will in the opinion of a veterinary inspector minimize the possibility of infection being transmitted therefrom to any other animal whether on the same holding or another holding;

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

"inspector" means any veterinary inspector and any other person authorised by the Department to be an inspector for the purposes of these Regulations;

"keeper" in relation to any animal has the same meaning as in the Council Regulation;

"register" means the register kept under and for the purposes of the first indent of Article 7(1) of the Council Regulation; and

"veterinary inspector" means any veterinary surgeon authorised by the Department as an inspector for the purposes of these Regulations.

(2) The Interpretation Act (Northern Ireland) 1954(**4**) shall apply to these Regulations as it applies to a measure of the Northern Ireland Assembly.

Enforcement of the Council Regulation

3.—(1) Any person who contravenes any of the following provisions of the Council Regulation shall be guilty of an offence, that is to say—

(a) Article 4.3 (imports from third countries);

(b) Article 4.5 (removal of ear tags);

(c) Article 7.1 First Indent (keeping of a register);

(d) Article 7.1 Second Indent (reporting of movements, births and deaths);

(e) Article 7.3 (provision of information);

(f) Article 7.4 (production and retention of the register).

(2) Without prejudice to paragraph (1)(*c*) any person who fails to keep a register in accordance with the requirements of paragraph (4) shall be guilty of an offence.

(3) The Department shall be the competent authority for the purposes of Article 3, 4.1, 4.5, 4.6, 7.3 and 7.4 of the Council Regulation 820/97/EC.

(4) A person who keeps a register shall ensure that it is in the form set out in the Schedule and that it includes—

(a) within 36 hours of the movement of any animal kept by him on or off a holding, a record of that movement;

(b) within 7 days of the birth of an animal in a dairy herd kept by him, a record of that birth;

(c) within 30 days of the birth of any other animal kept by him, a record of that birth;

(d) within 7 days of the death of an animal kept by him, a record of that death;

(e) within 36 hours of the replacement of the ear tag of any animal kept by him, a record of that replacement.

(5) A person who keeps a register shall do so for—

(a) 10 years insofar as the records in that register relate to a farm; and

(b) 3 years in any other case,

(**4**) 1953 c. 33 (N.I.)

in both cases from the end of the calendar year in which the last entry was made in the register.

(6) Any record relating to animals made under the Animals (Records) Order (Northern Ireland) 1997(**5**) shall be kept for the same period as if that record was in a register.

(7) In the case of an animal which is not ear tagged, but is marked under the Tuberculosis Control Order (Northern Ireland) 1964(**6**), the reference in the form set out in the Schedule to an ear tag shall be construed as a reference to a mark applied under that Order.

Powers of inspectors

4.—(1) An inspector shall, on producing, if required to do so, some duly authenticated document showing his authority, have the right at all reasonable hours to enter any land or premises for the purposes of ascertaining whether there is or has been on the premises any contravention of the Council Regulation or of these Regulations.

(2) An inspector shall have powers to carry out all checks and examinations necessary for the enforcement of the Council Regulation and of these Regulations, and in particular may—

(a) carry out inspections of any process used for the marking and identification of animals, and of any premises;

(b) examine any records, in whatever form, and take copies of those records;

(c) remove and retain any documents, ear tags or records which relate to any matter to which the Council Regulation or these Regulations apply;

(d) have access to, and inspect and check the operation of, any computer and any associated apparatus or material which is or has been used in connection with the keeping of records, and may require any person having charge of, or otherwise concerned with the operation of, the computer, apparatus or material to afford him such assistance as he may reasonably require for the purpose;

(e) where records are kept by means of a computer, require the records to be produced in a form in which they may be taken away; and

(f) take with him a representative of the European Commission acting for the purposes of the Council Regulation or any other person he considers necessary for the enforcement of that Regulation or these Regulations.

(3) In this regulation "premises" includes any place, installation, vehicle, ship, vessel, boat, craft, hovercraft or aircraft.

Powers of an officer of the Department

5.—(1) Subject to and in accordance with the second paragraph of Article 21 of the Council Regulation, an officer of the Department may, by notice served on the keeper of any animal on a holding, prohibit the movement of that animal from the holding if he is satisfied that it is necessary to do so for the proper enforcement of that Regulation or of any provision of these Regulations.

(2) A notice served on any person under paragraph (1)—

(a) shall be in writing;

(b) may be subject to such conditions as may be specified in the notice; and

(c) may be amended or withdrawn at any time by a further notice in writing served on the same person.

(**5**) S.R. 1997 No. 172
(**6**) S.R. 1964 No. 31 as amended by S.R. 1981 No. 348, S.R. 1986 No. 48, S.R. 1994 No. 214 and S.R. 1996 No. 9