

**S.I. No. 341 of 2002**

**DISEASES OF ANIMALS ACT 1966 (NATIONAL PIG IDENTIFICATION  
AND TRACING SYSTEM) ORDER 2002**

I, Joe Walsh, Minister for Agriculture and Food, in exercise of the powers conferred on me by sections 3, 13, and 30 of the Diseases of Animals Act 1966 (No. 6 of 1966) (as adapted by the Agriculture, Food and Rural Development (Alteration of Name of Department and Title of Minister) Order 2002 (S.I. No. 306 of 2002)), for the purpose, *inter alia*, of giving effect to Council Directive 92/102/EEC of 27 November 1992<sup>1</sup> in so far as that Directive relates to the identification of pigs and registration of holdings on which pigs are kept, hereby order as follows:-

**Citation**

1. (1) This Order may be cited as the Diseases of Animals Act 1966 (National Pig Identification and Tracing System) Order 2002.
- (2) Articles 13, 15(f) and 16(5)(c) come into operation on 29 July 2002.

**Interpretation**

2. (1) In this Order-

“Act” means the Diseases of Animals Act 1966 (No. 6 of 1966);

“agricultural show” means any place where a pig is exhibited;

“approval” means, in relation to an ear-tag, approval under Article 9;

“approval” means, in relation to the manufacture, sale or supply of an approved ear-tag, approval of a person to manufacture or sell an approved ear-tag under Article 10;

“approved ear-tag” means an ear-tag approved under Article 9;

“authorised officer” means an authorised officer within the meaning of section 17A (inserted by section 2 of the Diseases of Animals (Amendment) Act 2001 (No. 3 of 2001)) of the Diseases of Animals Act 1966 (No. 6 of 1966);

“breeding pig” means a sow or boar kept on a holding to produce progeny;

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<sup>1</sup> O.J. No. L 35 of 5.12.1992, p. 32

“dispatch document” means a document in the form specified in the Schedule, completed in accordance with this Order;

“holding” means land, including any building thereon, used for or in connection with keeping pigs for breeding or food production but does not include parcels of land that are not contiguous;

“individual pig identification number” means the number, prefixed by the letters IE, the pig herd registration number assigned to the holding and an individual number, which number is specific to the pig identified with that number;

“lot number” means a number allocated to a pig or pigs being offered for sale by the owner or operator of a market;

“market” means a mart or other place where a pig is offered for sale;

“mart” has the same meaning as in the Livestock Marts Act 1967 (No. 20 of 1967);

“Minister” means the Minister for Agriculture and Food;

“pig” means an animal of the porcine species;

“pig herd registration number” means a number assigned to a registered holding under Article 3;

“registration” means, in relation to a holding, registration under Article 3 and cognate words shall be construed accordingly;

“registered holding” means a holding that has been registered under Article 3;

“Regulations of 1996” means the European Communities (Registration of Holdings and Identification of Animals) Regulations 1996 (S.I. No. 1 of 1996);

"slaughterhouse" means –

- (a) an establishment approved under Regulation 4 of the European Communities (Fresh Meat) Regulations, 1997 (S.I. No. 434 of 1997) used for or in connection with the slaughter of pigs, or
- (b) an abattoir within the meaning of the Abattoirs Act 1988 (No. 8 of 1988)

and includes land or premises used in connection with the establishment or abattoir;

“vehicle” means any form of transport conveyance used for the movement of a pig and includes a trailer.

- (2) In this Order –
- (a) a reference to an Article or Schedule is to an Article of, or Schedule to, this Order, unless it is indicated that reference to some other Order is intended, and
  - (b) a reference to a paragraph or a subparagraph is a reference to the paragraph or subparagraph of the provision in which the reference occurs, unless it is indicated that reference to some other provision is intended.

### **Registration of holdings**

3. (1) A person shall not-
- (a) have a pig in his or her possession or under his or her control on a holding,
  - (b) move a pig or cause or permit another person to move a pig from a holding, or
  - (c) move a pig or cause or permit another person to move a pig onto a holding,

unless the holding is a registered holding.

- (2) The Minister may grant registration to a person in respect of a holding and assign a pig herd registration number, refuse an application or revoke registration.
- (3) An application for registration shall be made in a form, be accompanied by any material and contain any particulars that the Minister specifies.
- (4) The Minister shall not consider an application for registration if the application does not contain all the material and particulars sought by the Minister.
- (5) The Minister may attach conditions to registration, revoke or vary a condition or attach a new condition.
- (6) Without prejudice to the generality of paragraph (2), the Minister may refuse an application or revoke registration if–

- (a) the applicant or person to whom registration relates has been convicted of, or committed, an offence, whether he or she has been convicted or not, under the Act,
  - (b) the applicant or person to whom registration relates fails to comply with a condition attached to registration,
  - (c) the applicant or person to whom registration relates is not, in the opinion of the Minister, a fit and proper person to be registered,
  - (d) without prejudice to paragraph (2), in relation to the application, information required has not been furnished or information that is, in the opinion of the Minister, false or misleading, has been furnished, or
  - (e) it is, in the opinion of the Minister, -
    - (i) necessary to prevent the risk or spread of disease,
    - (ii) necessary to eradicate disease, or
    - (iii) necessary, incidental, supplementary or consequential for the purposes of giving effect to an act of the institutions of the European Communities relating to animal health or welfare.
- (7) Without prejudice to the generality of paragraph (2), the Minister shall refuse an application or revoke registration if the applicant or person to whom registration relates has been convicted, on indictment, of an offence under the Act.
- (8) Other than in the case of paragraph (7) or (9), if the Minister proposes to revoke registration, or to refuse an application, he or she shall —
- (a) notify the person concerned in writing of the proposal and of the reasons therefor, and that he or she may make representations to the Minister in relation to the proposal within 14 days of the notification,
  - (b) consider a representation made before deciding whether to proceed with, modify or annul the proposal, and
  - (c) notify the person concerned of the decision and the reasons therefor.
- (9) If the Minister is of the opinion that it is necessary to prevent the risk of disease or to give effect to an Act of an institution of the European

Communities, he or she may revoke registration in accordance with paragraph (10).

- (10) If the Minister revokes registration in accordance with this paragraph, he or she shall —
  - (a) notify the person concerned in writing of the decision and the reasons therefor, and that he or she may make representations to the Minister in relation to the decision within 14 days of the date of the notification,
  - (b) consider a representation made, and
  - (c) confirm, modify or annul the decision and notify the person concerned of the decision and the reasons therefor.
- (11) A person to whom registration relates shall make such returns to the Minister as and when, and in such form as, the Minister may from time to time direct.
- (12) A person to whom an animal identification number has been issued under Regulation 7 of the Regulations of 1996 in respect of a holding on which a pig is kept, in the period commencing on 1 January 2002 and ending on the coming into operation of this Order, may hold or keep a pig and move the pig as if registered under this Article and the animal identification number issued in respect of the holding shall be deemed to be a pig herd registration number assigned under this Article.
- (13) Registration shall cease and be of no effect if the person to whom registration relates ceases to keep pigs on the holding.
- (14) If a person to whom registration relates dies, registration shall continue for the benefit of his or her personal representative, spouse or member of his or her family for a period of no longer than 4 months after the death of the person and shall then expire.

#### **Identification and movement of pigs from a holding**

4. (1) A person shall not move a pig or cause or permit another person to move a pig from a holding unless-
  - (a) the pig has —
    - (i) an approved ear-tag which bears the pig herd registration number of the holding attached to its left ear,
    - (ii) if the pig is being moved from a holding other than the holding of origin of the pig, it has an approved ear-tag

which bears the pig herd registration number of the holding of origin attached to its left ear and an approved ear tag that bears the pig herd registration number of the holding from which the pig is being moved attached to its right ear, or

- (iii) if the pig is being moved direct to slaughter, the pig bears a visible tattoo on the shoulder showing the pig herd registration number of the holding from which the pig is being moved,

and

- (b) the pig is accompanied by a dispatch document completed and signed by or on behalf of the person to whom registration relates.

- (2) In this Article “holding of origin” means the holding on which a pig was born or situate on 1 July 2002.
- (3) Notwithstanding paragraph (1) an authorised officer may issue a permit for a pig to be moved without the pig being so identified and accompanied by a dispatch document.

#### **Identification and movement of pigs onto a holding**

- 5. A person shall not move a pig onto a holding or cause or permit another person to move a pig onto a holding unless the pig is identified in accordance with Article 4(1)(a)(i) or (ii) and is accompanied by a dispatch document that complies with Article 4(1)(b).

#### **Breeding pigs**

- 6. (1) Subject to paragraph (2) a person shall not have a breeding pig in his or her possession or under his or her control or move or cause a breeding pig to be moved -

- (a) from a holding, or

- (b) onto a holding,

unless it has an approved ear-tag that bears the individual pig identification number relating to that breeding pig attached to its ear or an ear-tag to which Article 8(4)(e) applies.

- (2) The provisions of paragraph (1) shall not apply with regard to the possession of a breeding pig where that pig has an ear-tag to which Article 8(4)(e) applies.

### **Closed, integrated holdings**

7. (1) A person who has been granted registration in respect of more than one holding may move a pig between his or her holdings, if -
  - (a) the pig is marked in accordance with Article 4(1)(a)(iii), and
  - (b) no pig (other than a breeding pig) purchased from a third party is or has been present on either holding.

### **Possession and supply of ear-tags**

8. (1) A person shall not have in his or her possession or under his or her control, import, manufacture, sell or supply an ear-tag that is not an approved ear-tag.
- (2) A person, other than an approved supplier (and his or her servant or agent), a person to whom registration relates or the operator of a market or slaughterhouse shall not have an approved ear-tag in his or her possession or under his or her control.
- (3) A person shall not manufacture, sell or supply an approved ear-tag unless he or she is an approved supplier or his or her servant or agent.
- (4) This Article does not apply to an ear-tag or the sale or supply of an ear-tag that –
  - (a) complies with the Bovine Tuberculosis (Attestation of the State and General Provisions) Order 1989 (S.I. No. 308 of 1989),
  - (b) complies with the Bovine Tuberculosis (Attestation of the State and General Provisions) Order 1996 (S.I. No. 103 of 1996),
  - (c) complies with the Bovine Tuberculosis (Attestation of the State and General Provisions) Order 1999 (S.I. No. 277 of 1999),
  - (d) complies with the Diseases of Animals Act 1966 (National Sheep Identification System) Order 2001 (S.I. No. 281 of 2001), or
  - (e) has been attached to a breeding pig prior to 1 July 2002

### **Procedure for approval of ear-tags.**

9. (1) The Minister may approve an ear-tag, or refuse an application for approval of an ear-tag or withdraw approval.
- (2) An application for approval of an ear-tag shall be made by the manufacturer or supplier of the ear-tag in a form, be accompanied by any material and contain any particulars, that the Minister specifies.

- (3) The Minister shall not consider an application for approval of an ear-tag—
  - (a) if the application does not contain the material and particulars sought by the Minister,
  - (b) if the applicant does not apply for approval to supply the ear-tag, or
  - (c) if the applicant is not approved as a supplier of the ear-tag.
- (4) The Minister may attach conditions to approval of an ear-tag, withdraw approval, revoke or vary a condition or attach a new condition.
- (5) Without prejudice to the generality of paragraph (1), the Minister may refuse an application or withdraw approval of an ear-tag if—
  - (a) the applicant or person to whom approval relates has been convicted of, or committed, an offence, whether he or she has been convicted or not, under the Act,
  - (b) the applicant or person to whom approval relates has failed to comply with a conditions attached to an approval,
  - (c) the applicant or person to whom approval relates is not, in the opinion of the Minister, a fit and proper person for approval,
  - (d) information required has not been furnished or information that is, in the opinion of the Minister, false or misleading has been furnished, or
  - (e) it is, in the opinion of the Minister -
    - (i) necessary to prevent the risk or spread of disease,
    - (ii) necessary to eradicate disease, or
    - (iii) necessary, incidental, supplementary or consequential for the purposes of giving effect to an act of the institutions of the European Communities relating to animal health or welfare.
- (6) Without prejudice to the generality of paragraph (1), the Minister shall refuse an application or withdraw approval of an ear-tag if the applicant or person to whom approval relates has been convicted, on indictment, of an offence under the Act.



- (7) Other than in the case of paragraph (6) or (8), if the Minister proposes to withdraw approval of an ear-tag, or to refuse an application, he or she shall —
  - (a) notify the person concerned in writing of the proposal and of the reasons therefor, and that he or she may make representations to the Minister in relation to the proposal within 14 days of the notification,
  - (b) consider a representation made before deciding whether to proceed with, modify or annul the proposal, and
  - (c) notify the person concerned of the decision and the reasons therefor.
- (8) If the Minister is of the opinion that it is necessary to prevent the risk of disease or to give effect to an Act of an institution of the European Communities, he or she may withdraw approval of an ear-tag in accordance with paragraph (9).
- (9) If the Minister withdraws approval of an ear-tag in accordance with this paragraph, he or she shall —
  - (a) notify the person concerned in writing of the decision and the reasons therefor, and that he or she may make representations to the Minister in relation to the decision within 14 days of the date of the notification,
  - (b) consider a representation made, and
  - (c) confirm, modify or annul the decision and notify the person concerned of the decision and the reasons therefor.
- (10) A person to whom approval relates shall make such returns to the Minister as and when, and in such form as, the Minister may from time to time direct.

**Procedure for approval of manufacture and supply of approved ear-tags**

- 10. (1) The Minister may grant approval to a person to manufacture, sell or supply an approved ear-tag (hereinafter referred to as an “approved supplier”), refuse an application or withdraw approval.
- (2) The Minister shall not consider an application for approval if the application does not contain all the material and particulars sought by the Minister.
- (3) An application for approval shall be made in a form, be accompanied by any material and contain any particulars that the Minister specifies.

- (4) The Minister may attach conditions to approval, withdraw approval, revoke or vary a condition or attach a new condition.
- (5) Without prejudice to the generality of paragraph (1), the Minister may refuse an application or withdraw approval if—
- (a) the applicant or approved supplier has been convicted of, or committed, an offence, whether he or she has been convicted or not, under the Act,
  - (b) the applicant or approved supplier has failed to comply with a condition attached to an approval,
  - (c) the applicant or approved supplier is not, in the opinion of the Minister, a fit and proper person for approval,
  - (d) without prejudice to paragraph (3), in relation to the application, information required has not been furnished or information that is, in the opinion of the Minister, false or misleading has been furnished, or
  - (e) it is, in the opinion of the Minister -
    - (i) necessary to prevent the risk or spread of disease,
    - (ii) necessary to eradicate disease, or
    - (iii) necessary, incidental, supplementary or consequential for the purposes of giving effect to an act of the institutions of the European Communities relating to animal health or welfare.
- (6) Without prejudice to the generality of paragraph (1), the Minister shall refuse an application or withdraw approval if the applicant or approved supplier has been convicted, on indictment, of an offence under the Act.
- (7) Other than in the case of paragraph (6) or (8), if the Minister proposes to withdraw approval, or to refuse an application, he or she shall —
- (a) notify the person concerned in writing of the proposal and of the reasons therefor, and that he or she may make representations to the Minister in relation to the proposal within 14 days of the notification,
  - (b) consider a representation made before deciding whether to proceed with, modify or annul the proposal, and
  - (c) notify the person concerned of the decision and the reasons therefor.

- (8) If the Minister is of the opinion that it is necessary to prevent the risk of disease or to give effect to an Act of an institution of the European Communities, he or she may withdraw approval in accordance with paragraph (9).
- (9) If the Minister withdraws approval in accordance with this paragraph, he or she shall —
  - (a) notify the person concerned in writing of the decision and the reasons therefor, and that he or she may make representations to the Minister in relation to the decision within 14 days of the date of the notification,
  - (b) consider a representation made, and
  - (c) confirm, modify or annul the decision and notify the person concerned of the decision and the reasons therefor.
- (10) An approved supplier shall make such returns to the Minister as and when, and in such form as, the Minister may from time to time direct.

### **Record of pig movements**

- 11. (1) A person shall not move a pig or cause or permit a person to move a pig from a holding unless he or she maintains a chronological record in writing in respect of each movement of -
  - (a) the date of movement,
  - (b) the name and address and pig herd registration number of the holding from which the pig is moved and the name of the person to whom that registration relates, and
  - (c) the name and address of the person to whose premises the pig is being moved.
- (2) A person shall not move a pig or cause or permit a person to move a pig onto a holding unless he or she maintains a chronological record in writing in respect of each movement of -
  - (a) the date of movement,
  - (b) the name and address and pig herd registration number of the holding from which the pig is moved and the name of the person to whom that registration relates, and
  - (c) the name and address of the person to whose premises the pig is being moved.

- (3) A person by whom records are kept pursuant to this Article shall keep the records for a period of three years following the end of the year to which the record relates and make them available on a request being made in that behalf by an authorised officer.
- (4) The Minister may, by notice in writing addressed to a person to whom registration relates, specify the format in which records required to be kept by this Article shall be kept and, where he or she does so, records shall be kept in the format so specified.

### **Dispatch document**

- 12. (1) A person shall not move a pig from a registered holding unless-
  - (a) the pig is accompanied by a dispatch document which includes—
    - (i) the name of the person from whose holding the pig is being moved, the address of the holding and the pig herd registration number applicable to the holding,
    - (ii) the number of pigs in the consignment and date of movement, and
    - (iii) the name of the person to whose holding the pig is being moved and the address of the holding or the name and address of any other place to which the pig is being moved,
  - (b) where a pig is moved to a market or agricultural show, he or she furnishes the operator of the market or agricultural show, on arrival, with the white and green copies of the dispatch document that accompanied the pig, or
  - (c) where a pig is sold directly to a purchaser (including the owner or operator of a slaughterhouse), he or she furnishes the purchaser with the white copy of the dispatch document that accompanied the pig.
- (2) A dispatch document shall be in the form and contain the information specified in the Schedule.
- (3) A person to whom a dispatch document is furnished shall keep the document for period of three years following the end of the year in which the document was received and make it available on a request to an authorised officer.
- (4) A person who furnishes a dispatch document to another person shall keep a copy (“blue copy”) for a period of three years following the end

of the year in which the document was furnished and make it available on a request to an authorised officer.

### **Notice of movement**

13. (1) A person shall not move a pig onto or from a registered holding unless he or she gives notice of the movement to the Minister.
- (2) The Minister may, by notice in writing addressed to a person to whom registration relates, specify the manner of the notification referred to in paragraph (1) and the person shall comply with the notice.
- (3) The provisions of paragraph (1) shall not apply where the movement is a movement under Article 4(3).

### **Purchase of pigs**

14. (1) A person shall not purchase a pig unless –
  - (a) he or she is given, at the time of purchase, the white copy of a dispatch document relating to the pig that also states the lot number, if any, relating to the sale of the pig, and
  - (b) if applicable, he or she furnishes the owner or person in charge of the premises of destination with the dispatch document referred to in subparagraph (a).
- (2) A person to whom a dispatch document is given under paragraph (1) shall keep a dispatch document for a period of three years following the end of the year in which it was received and make it available on request to an authorised officer.

### **Duty of operator of market**

15. The owner or person in charge of a market shall-
  - (a) not accept a pig for sale unless it is identified in accordance with Article 4(1)(a),
  - (b) not accept a pig for sale unless it is accompanied by a dispatch document relating to the pig,
  - (c) complete the dispatch document relating to the pig with the sale details at time of sale,
  - (d) supply the purchaser of a pig with the completed white copy of the dispatch document relating to the pig,
  - (e) retain the green copy of a completed dispatch document relating to the pig for a period of three years following the end of the year in which

the document was received and make it available on request to an authorised officer, and

- (f) notify the Minister of the details of pigs traded in the market in a manner specified by the Minister.

### **Slaughterhouses**

16. (1) The owner or person in charge of a slaughterhouse shall not accept a pig for slaughter unless it is—
  - (a) identified in accordance with Article 4(1)(a), accompanied by a dispatch document that relates to the pig, and the owner or person in charge of the slaughterhouse is satisfied as to the provenance of the pig, or
  - (b) a pig not originating in the State that is identified in accordance with Council Directive 92/102/EEC of 27 November 1992, is accompanied by a health certificate in accordance with Council Directive 97/12/EC of 17 March 1997<sup>2</sup> and otherwise complies with that Directive and the owner or person in charge of the slaughterhouse is satisfied as to the provenance of the pig.
- (2) The owner or person in charge of a slaughterhouse shall, in respect of a pig entering the premises, maintain a record that contains—
  - (a) the time of entry onto the premises,
  - (b) the registration number of the vehicle that carried the pig,
  - (c) the name and address of the person who delivered the pig, and
  - (d) the name and address of the holding from which the pig was consigned.
- (3) The owner or person in charge of a slaughterhouse shall, in respect of a pig entering the premises, complete the slaughter plant declaration on the dispatch document relating to the pig.
- (4) The owner or person in charge of a slaughterhouse shall maintain a record, in respect of each pig slaughtered or to be slaughtered, of—
  - (a) in the case of a pig that comes from a registered holding, the pig herd registration number of holding from which the pig was consigned, or
  - (b) in the case of a pig not originating in the State—

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<sup>2</sup> O.J. No. L 109 of 25.4.1997, p. 1

- (i) if the pig has moved directly to the slaughterhouse from the point of import, the code of the country of origin and any other information on the ear-tag carried by the animal, or
  - (ii) if the pig has moved from a registered holding, the pig herd registration number of the holding from which the pig was consigned.
- (5) The owner or person in charge of a slaughterhouse shall -
  - (a) ensure that the record referred to in paragraph (2) and (4) is cross referenced with any other number issued to the animal or carcass in the slaughter-plant records,
  - (b) retain a copy of the records referred to in this Article and a copy of a dispatch document relating to a pig slaughtered on the premises for a period of three years following the end of the year in which the record was created or the dispatch document was received and make same available for inspection on request to an authorised officer,
  - (c) notify receipt of all pigs to the Minister in a manner specified by the Minister, and
  - (d) ensure that each approved ear-tag removed in the slaughterhouse is disposed of in accordance with the instructions of an authorised officer.

**Forgery etc.**

17. (1) A person shall not forge or utter knowing it to be forged -
- (a) a record purporting to be established and maintained under this Order or a document purporting to be an extract therefrom (hereafter in this Article referred to as "a forged record"), or
  - (b) a dispatch document purporting to be issued or given under this Order (hereafter in this Article referred to as "a forged document").
- (2) A person shall not alter with intent to defraud or deceive, or utter knowing it to be so altered –
- (a) a record purporting to be established and maintained under this Order or a document purporting to be an extract therefrom (hereafter in this Article referred to as "an altered record"), or

- (b) a dispatch document purporting to be issued or given under this Order (hereafter in this Article referred to as "an altered document").
- (3) A person shall not have, without lawful authority, in his or her possession a forged record, forged document, altered record or altered document.
- (4) A person shall not –
  - (a) efface, obliterate or alter an approved ear-tag or marking attached or applied pursuant to this Order or attach or apply an ear-tag or marking which could be confused with an approved ear-tag or marking so attached or applied, or
  - (b) have in his or her possession or under his or her control an animal bearing an ear-tag or to which a marking has been applied which could be confused with an approved ear-tag or marking attached or applied pursuant to this Order.
- (5) A person, in purported compliance with this Order, shall not give information that he or she knows to be false or misleading.

**GIVEN** under my Official Seal,  
This 1<sup>st</sup> day of July, 2002.

Joe Walsh  
Minister for Agriculture and Food