

2014 No. 331

ANIMALS, ENGLAND

ANIMAL HEALTH

**The Sheep and Goats (Records, Identification and Movement)
(England) (Amendment) Order 2014**

Made - - - - *13th February 2014*

Coming into force in accordance with article 1

The Secretary of State makes the following Order in exercise of powers conferred by sections 1, and 8(1) of the Animal Health Act 1981(a) and now vested in him(b).

This Order makes provision for a purpose mentioned in section 2(2) of and paragraph 1A of Schedule 2 to the European Communities Act 1972(c) and it appears to the Secretary of State that it is expedient for the references in the Sheep and Goats (Records, Identification and Movement) (England) Order 2009(d) to provisions of Council Regulation (EC) No 21/2004 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(e) to be construed as references to those provisions as amended from time to time.

Title and commencement

1. This Order—

- (a) may be cited as the Sheep and Goats (Records, Identification and Movement) (England) (Amendment) Order 2014; and
- (b) comes into force on 6th April 2014 except for article 6 which comes into force on 1st January 2015.

Amendment of the Sheep and Goats (Records, Identification and Movement) (England) Order 2009

2. The Sheep and Goats (Records, Identification and Movement) (England) Order 2009 is amended in accordance with articles 3 to 12.

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- (a) 1981 c.22 to which there are amendments not relevant to this Order.
 - (b) Functions conferred under the 1981 Act on “the Minister” and “the Ministers” are now exercisable by the Secretary of State. Functions of “the Ministers” were transferred, so far as exercisable by the Secretaries of State for Scotland and Wales, to the Minister of Agriculture, Fisheries and Food by the Transfer of Functions (Agriculture and Food) Order 1999 (SI 1999/3141). Functions of the Minister of Agriculture, Fisheries and Food were then further transferred to the Secretary of State by the Ministry of Agriculture, Fisheries and Food (Dissolution) Order 2002 (S.I. 2002/794).
 - (c) 1972 c.68. Paragraph 1A of Schedule 2 was inserted by section 28 of the Legislative and Regulatory Reform Act 2006 (c. 51) and amended by Part 1 of Schedule 1 to the European Union (Amendment) Act 2008 (c. 7).
 - (d) S.I. 2009/3219 to which there are amendments not relevant to this Order.
 - (e) OJ No L 5, 9.1.10. p8 to which there are amendments not relevant to this Order.

Amendments to definitions

3.—(1) In article 2(1) at the end of the definition of “the Council Regulation” add “as amended from time to time”.

(2) In the definition of “identification device” for “or bolus” substitute “, bolus or, in relation to goats, an injectable transponder”.

(3) After the definition of “ identification mark” insert—

“illegible” means, in relation to an electronic identification device, unreadable either electronically or visually;”.

(4) In the definition of “method of identification” after “pastern tag” add “, injectable transponder”.

Amendments relating to colours of identification devices

4.—(1) Article 7 is amended as follows.

(2) For paragraph 7(1) substitute—

“7.—(1) Subject to paragraph (8) all electronic identification devices, other than replacement devices, injectable transponders and boluses, must be yellow and no keeper may apply a yellow identification device that is not electronic.”

(3) At the end of article 7(3) add “or injectable transponders”.

(4) Replace article 7(4) with—

“(4) Where an animal is identified by means of a bolus and a second identification device that second device must be black and have the letter “B” printed on it and a black identification device may only be used in combination with a bolus or injectable transponder.”

(5) After article 7(5) insert—

“(6)Where a goat is identified by an injectable transponder and a second identification device that second device must be black and have the letter “T” printed on it.

(7) A keeper who identifies a goat with an injectable transponders must insert the transponder in the goat’s groin.

(8) No one may slaughter a goat identified with an injectable transponder for human consumption.

(9) The fixing mechanism of a yellow, red or black eartag may be of any colour.”.

Identification of animals not identified before the 31st December 2009

5. In article 9(4) after “a bolus” add “ or injectable transponder”.

Identification of animals intended for slaughter

6.—(1) At the end of article 10(1) add the words “and that identification method must be electronic in the case of sheep”.

(2) In article 10(6) replace “an animal” with “a goat”.

Holding register

7. In article 21(6)(d) replace “its race and, if known, its genotype” with “ if known, its breed and genotype”.

Movement document

8. Replace article 22 with—

“22.—(1) The Secretary of State shall nominate a person to operate a computerised central database to record animal movements capable of accepting notification of movements electronically.

(2) In this Part “notify” means notify to the operator of the central database.

(3) Operators of abattoirs, markets, collection centres and assembly centres must, and other keepers may, notify movements of animals onto and off their premises electronically.

(4) When a keeper notifies a movement of an animal off their holding electronically they must enter the details required in Section C of the Annex to the Council Regulation, other than the keeper’s signature, onto the central database within 3 days of the movement.

(5) When the movement of animals identified in accordance with article 10 is notified electronically by the operator of an abattoir, market, collection centre or assembly centre the operator must additionally—

- (i) enter onto the central database any individual identifier for those animals; and
- (ii) include on the movement document the total number of animals identified with each herdmark or flockmark.

(6) Subject to paragraphs (7), (8) and (9) when a keeper moves an animal off their holding they must complete a movement document in a form approved by the Secretary of State and must provide the transporter with a copy.

(7) When a keeper notifies the movement of an animal off their holding electronically they need not sign the movement document.

(8) When a keeper notifies a movement off their holding electronically and the transporter is able to print off in transit a document in relation to all the animals transported giving—

- (i) all the information required by paragraph (4); and
- (ii) in relation to the animals moved from markets, collection centres and assembly centres and identified in accordance with article 10, the information referred to in sub-paragraph (5)(ii),

the keeper need not complete a movement document.

(9) The identity of an animal may be recorded at the holding of destination if—

- (a) the holding of destination is a central point of recording; and
- (b) the animal is transported in accordance with section C 2(a) of the Annex to the Council Regulation.

(10) A keeper onto whose holding an animal is moved must keep a copy of the movement document provided by the transporter of that animal for three years unless—

- (a) the movement off the previous holding and the movement onto the keeper’s holding were notified electronically, or
- (b) they scan the movement document and retain an electronic copy for three years,

and the keeper must keep any copies in chronological order.”

Supply of movement document

9. Replace article 23 with—

“23.—(1) When an animal is moved onto a holding the transporter of that animal must give to the keeper at that holding—

- (a) a copy of the movement document, or
- (b) if, pursuant to article 22(8) there is no movement document, a printout of the information referred to in that article.

(2) The keeper on the holding of destination must notify the central database operator of the receipt of those animals, by any means permitted by the Secretary of State, within 3 days of receiving the animals.

(3) In the case of an animal moved from a holding to a port and intended for consignment outside Great Britain, the keeper at that holding must notify the central database operator of that movement, by any means permitted by the Secretary of State, within 3 days of moving the animal.”

Markets

10. In article 26 omit paragraph (5).

Contingency planning for power and equipment failures

11. At the end of article 28 add—

“(6) When animals arrive at a market, collection centre or abattoir which—

- (a) is a central point of recording, and
- (b) is applying the exemptions in paragraph (1) with the consent of the local authority,

if the identity of those animals is not recorded on a movement document accompanying them in accordance article 22(4) the market must provide the keeper of the holding from which the animals have arrived written with confirmation that the failure to provide the identities of the individual animals to that keeper has been approved by the local authority.”

Review

12. After article 42 add—

“Review of this Order

43.—(1) Before the end of the review period the Secretary of State must—

- (a) carry out a review of this Order;
- (b) set out the conclusions of the review in a report; and
- (c) publish the report.

(2) The report must in particular—

- (a) set out the objectives intended to be achieved by the regulatory system established by this Order;
- (b) assess the extent to which those objectives have been achieved; and
- (c) assess whether those objectives remain appropriate and, if so, the extent to which they could be achieved with a system that imposes less regulation.

(3) “Review period” means the period of 5 years beginning with 6th April 2014.”.

13th February 2014

George Eustice
Parliamentary Under Secretary of State
Department for Environment, Food and Rural Affairs

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Sheep and Goats (Records, Identification and Movement) (England) Order 2009 (S.I. 2009/3219) which implements Council Regulation (EC) No 21/2004 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 (OJ No L 5, 9.1.2004. p 8).

Articles 3, 4 and 5 of this Order provide for the use of injectable transponders as a means of identifying goats.

Article 6 requires a sheep intended for slaughter before the age of 12 months to be identified with an electronic eartag.

Article 7 makes a minor amendment to the requirements for entries in holding registers.

Article 8 requires abattoirs, markets, collection centres and assembly centres to report movements of sheep electronically and allows other keepers to do so. Articles 8 and 9 also make consequential amendments in relation to movement documents.

Article 10 removes the power of local authorities to allow markets to receive incorrectly identified animals.

Article 11 amends the provisions governing the operation of markets, collection centres, assembly centres and abattoirs when circumstances prevent normal recording and reporting of information.

Article 12 requires the Secretary of State to review the operation and effect of these Regulations, and lay a report before Parliament within five years after they come into force and within every five years after that. Following a review it will fall to the Secretary of State to consider whether the Regulations should remain as they are, or be revoked or be amended. A further instrument would be needed to revoke the Regulations or to amend them.

A full impact assessment of the effect that this instrument will have on the costs of business, and the voluntary sector is available on the Defra website (www.gov.uk/defra) or from the Department for Food and Rural Affairs, Nobel House, 17 Smith Square, London SW1P 3JR and is published with the Explanatory Memorandum alongside the instrument on (www.legislation.gov.uk).

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