

Statutory Instrument 1998 No. 1796

The Cattle Database Regulations 1998

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STATUTORY INSTRUMENTS

1998 No. 1796

ANIMALS

ANIMAL HEALTH

The Cattle Database Regulations 1998

<i>Made</i>	<i>20th July 1998</i>
<i>Laid before Parliament</i>	<i>27th July 1998</i>
<i>Coming into force</i>	<i>28th September 1998</i>

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The Minister of Agriculture, Fisheries and Food and the Secretary of State, being Ministers 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, acting jointly, in exercise of the powers conferred on them by the said section 2(2) and of all other powers enabling them in that behalf, make the following Regulations:

Title, commencement and application

1. - (1) These Regulations may be cited as the Cattle Database Regulations 1998 and shall come into force on 28th September 1998.

(2) These Regulations shall apply in relation to all cattle born on or after 28th September 1998.

(3) In the case of cattle born before 28th September 1998 for which the appropriate Minister issues a cattle passport on or after that date containing movement cards, the duty under these Regulations to notify the movement and death of cattle shall apply in relation to those cattle as it applies to cattle born on or after that date.

(4) These Regulations shall apply to Great Britain.

Interpretation

2. In these Regulations -

"appropriate Minister" means, in relation to England, the Minister of Agriculture, Fisheries and Food, and in relation to Scotland or to Wales, the Secretary of State;

"calf passport" means a document in such form as may be approved by the appropriate Minister in accordance with Article 6.2 of Commission Regulation (EC) No. 2629/97 (laying down detailed rules for the implementation of Council Regulation (EC) No. 820/97 as regards eartags, holding registers and passports in the framework of the system for the identification and registration of bovine animals[3]) for the purposes of moving calves under 28 days old;

"cattle" means bovine animals including the species bison bison and bubalus bubalis;

"cattle passport" means a document containing the information set out in Article 6.1 of Commission Regulation (EC) No. 2629/97 issued by the appropriate Minister and includes a calf passport;

"the commission Regulation" means Commission Regulation (EC) No. 2629/97 (laying down detailed rules for the implementation of Council Regulation (EC) No. 820/97 as regards eartags, holding registers and passports in the framework of the systems for the identification of bovine animals[4])

"the Council Regulation" means Council Regulation (EC) No. 820/97 (establishing a system for the identification and registration of bovine animals

and regarding the labelling of beef and beef products^[5]);

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

"inspector" means a person appointed to be an inspector for the purposes of these Regulations by the appropriate Minister or a local authority;

"keeper" means any person responsible for animals, whether on a permanent or on a temporary basis, including during transportation or at a market but does not include any person who is only a keeper because he is transporting the animals;

"local authority" means -

(a) in any part of England where there is, within the meaning of the Local Government Changes for England Regulations 1994^[6], a unitary authority for that local government area, that authority;

(b) in any part of England where there is not a unitary authority -

(i) in a metropolitan district, the council of that district;

(ii) in a non-metropolitan county, the council of that county;

(iii) in each London borough (except in relation to imported animals) the council of that borough; or

(iv) in the City of London, and for all London boroughs in relation to imported animals, the Common Council;

(c) in Scotland, a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994^[7];

(d) in Wales, a county or county borough;

"movement card" means a card for reporting cattle movements under these Regulations issued with the cattle passport.

Competent authority

3. The appropriate Minister shall be the competent authority to whom reports shall be made in accordance with the second indent of Article 7.1 of the Council Regulation.

Address for notification

4. - (1) All notifications to the appropriate Minister under these Regulations sent by post using a movement card shall be sent to the address printed on that movement card.

(2) Any other notification (other than notification of death when the notification is by means of giving the cattle passport to an official veterinary surgeon at a slaughterhouse in accordance with regulation 27 of the Cattle Identification Regulations 1998^[8]) shall be sent to -

The British Cattle Movement Service

Curwen Road

Workington

Cumbria

Offences

5. - (1) Any person who fails to comply with the requirement to notify the birth, movement or death of any cattle in accordance with the second indent of Article 7.1 of the Council Regulation in the way provided for in these Regulations or within the time limits specified in these Regulations shall be guilty of an offence.

(2) Any person who knowingly or recklessly provides false information in any notification made under these Regulations shall be guilty of an offence.

Notification of birth

6. The notification of birth in accordance with the second indent of Article 7.1 of the Council Regulation shall be by means of an application for a cattle passport under the Cattle Identification Regulations 1998 and, in accordance with Article 6.3 of the Commission Regulation shall be made -

(a) for animals born before 1st January 2000, within 15 days from the date when the animal is tagged in accordance with those Regulations, and

(b) for animals born on or after 1st January 2000, within 7 days from the date when the animal is tagged in accordance with those Regulations.

Notification of cattle movement

7. The notification of movement of cattle in accordance with the second indent of Article 7.1 of the Council Regulation shall be by the keeper -

(a) affixing to one of the movement cards issued with the cattle passport a bar code label identifying the holding and provided for the purpose by the appropriate Minister (unless it is not practicable to do so, in which case the person notifying the movement shall write on the movement card the holding number, the address of the holding and the name of the keeper);

(b) indicating on the movement card whether the movement is on or off a holding (or, in the case of a market operator, indicating on one of the movement cards that the animal has moved through the market);

(c) entering the date of the movement on the movement card;

(d) signing the movement card; and

(e) detaching the movement card from the passport and posting it to the appropriate Minister within 15 days of the movement (or, for a movement on or after 1st January 2000, within 7 days of the movement).

Notification of death

8. - (1) The notification of death in accordance with the second indent of Article 7.1 of the Council Regulation and in accordance with Article 6.3 of the Commission Regulation shall be by the keeper surrendering the cattle passport in accordance with the provisions of regulation 26 or 27 of the Cattle Identification Regulations 1998.

(2) If an animal in relation to which these Regulations apply does not have a cattle passport, notification of death shall be by the keeper notifying the British Cattle Movement Service in writing within 7 days of the death in accordance with regulation 4 above, and the notification shall include the eartag number of the animal, the date of death and the holding on which the animal died.

Electronic notification

9. - (1) The appropriate Minister may authorise any person to notify movement by electronic means rather than by post.

(2) An authorisation under this regulation -

(a) shall be in writing, may be made subject to conditions and may be amended, suspended or revoked by notice in writing at any time;

(b) shall specify the format in which the data shall be transmitted and the method of transmission.

(3) Notification by electronic means shall be made within the period specified for postal notification.

(4) The appropriate Minister shall maintain a register of persons authorised under this regulation which shall be available to any person on request.

(5) The appropriate Minister may make a reasonable charge for the provision of information from the register kept under this regulation.

Charging for information

10. The appropriate Minister may make a reasonable charge for providing information which is stored in the database required by Article 5 of the Council Regulation and which is provided in accordance with the second paragraph of Article 3 of that Regulation.

Powers of inspectors

11. - (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 (other than domestic premises not being used in connection with these Regulations) for the purposes of ascertaining whether there is or has been any contravention of these Regulations; and in this regulation "premises" includes any place, installation, vehicle, ship, vessel, boat, craft, hovercraft or aircraft.

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

(a) collect, pen and inspect any cattle, and may require the keeper to arrange for the collection, penning and securing of cattle;

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

(c) remove and retain any documents and records relating to the matters covered in these Regulations;

(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 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;

(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 Title I of the Council Regulation or any other person he considers necessary for the enforcement of these Regulations.

Powers to restrict movements

12. In accordance with the second paragraph of Article 21 of the Council Regulation, an officer of the appropriate Minister may serve a notice on a keeper of animals on a holding restricting the movement of cattle to or from the holding if he is satisfied that this is necessary for the proper enforcement of Article 7.1, second indent of that Regulation; and any person who fails to comply with that notice shall be guilty of an offence.

Obstruction

13. - (1) No person shall -

(a) intentionally obstruct any person acting in the execution of these Regulations;

(b) without reasonable cause, fail to give to any person acting in the execution of these Regulations any assistance or information which that person may reasonably require of him for the purposes of his functions under these Regulations, or fail to comply with any notice served on him under these Regulations; or

(c) furnish to any person acting in the execution of these Regulations any information which he knows to be false or misleading;

and any person who contravenes or fails to comply with this regulation shall be guilty of an offence.

(2) Nothing in paragraph (1)(b) above shall be construed as requiring any person to answer any question or give any information if to do so might incriminate him.

Offences by bodies corporate

14. - (1) Where a body corporate is guilty of an offence under these Regulations, and that offence is proved to have been committed with the consent or connivance of, or to have been attributable to any neglect on the part of -

(a) any director, manager, secretary or other similar officer of the body corporate; or

(b) any person who was purporting to act in any such capacity;

he, as well as the body corporate, shall be guilty of the offence and be liable to be proceeded against and punished accordingly.

(2) For the purposes of paragraph (1) above, "director" in relation to a body corporate whose affairs are managed by its members, means a member of the body

corporate.

(3) Where an offence under these Regulations is committed by a Scottish partnership and is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, a partner, he as well as the partnership shall be guilty of the offence and be liable to be proceeded against and punished accordingly.

Penalties

15. - (1) A person guilty of an offence under regulation 13(1)(a) or (b) above shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale or to imprisonment for a term not exceeding three months or to both.

(2) A person guilty of any other offence under these Regulations shall be liable -

(a) on summary conviction, to a fine not exceeding the statutory maximum or to imprisonment not exceeding three months or to both;

(b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years or to both.

Enforcement

16. These Regulations shall be enforced by the local authority or -

(a) in England, by the Minister of Agriculture, Fisheries and Food;

(b) in Wales, by the Secretary of State for Wales;

(c) in Scotland, by the Secretary of State for Scotland.

Amendments to the Cattle Identification Regulations 1998

17. - (1) The Cattle Identification Regulations 1998 shall be amended in accordance with this regulation.

(2) For regulation 13 there shall be substituted -

" Application for a cattle passport

13. - (1) Subject to the provisions of regulation 15 below on calf passports, any keeper of cattle which were born in Great Britain shall apply for a cattle passport within the following period -

(a) if the animal is born on or after 28th September 1998 but before 1st January 2000, 15 days from the date when the animal is tagged in accordance with these Regulations;

(b) if the animal is born on or after 1st January 2000, 7 days from the date when the animal is tagged in accordance with these Regulations.

(2) An application for a cattle passport shall be made in writing to the appropriate Minister on the form provided by him for that purpose.

(3) Any keeper of cattle who fails to apply for a cattle passport in accordance with this regulation shall be guilty of an offence.

(4) If a person applies for a cattle passport outside the time limits specified in these Regulations, the cattle passport shall not be granted unless in the opinion of the appropriate Minister it is reasonable to grant it taking into account all the circumstances of the case."

(3) For regulation 18 there shall be substituted -

" Completion of cattle passports when cattle are moved

18. - (1) When cattle are moved off a holding, the keeper shall ensure that the cattle passport is marked with the date of movement and is signed in the appropriate place by him.

(2) When cattle are moved on to a holding, the keeper (or, in the case of a market, the operator of the market) shall ensure that the cattle passport is marked with -

(a) the date of movement on to the holding,

(b) the name and address of the keeper (or, in the case of a market, the operator of the market) and the holding number;

(c) the signature of the keeper;

within 36 hours of the arrival of the animal on the holding and in any event before it is moved off the holding.

(3) In the case of a passport issued on or after 28th September 1998 and containing movement cards, the keeper marking the passport shall provide the information required at sub-paragraph (2)(b) above by affixing in the space provided the bar code label identifying the holding and provided for the purpose by the appropriate Minister (unless it is not practicable to do so, in which case he shall write the name of the keeper, the holding number and the address of the holding in the space provided);

(4) Any person who fails to complete a cattle passport in accordance with this regulation shall be guilty of an offence."

(4) For regulations 26 and 27 there shall be substituted -

" Animal deaths or lost or stolen animals

26. - (1) If an animal with a cattle passport dies or is killed (other than for human consumption) -

(a) if the passport is one which was issued on or after 28th September 1998 and contains movement cards, the keeper shall complete the passport in accordance with regulation 27(1) below;

(b) the keeper shall send the cattle passport to the appropriate Minister within 7 days in accordance with Article 6.4 of the Council Regulation;

and any person who fails to do so shall be guilty of an offence.

(2) If an animal with a cattle passport is lost or stolen, the keeper shall send the cattle passport to the appropriate Minister within 7 days of becoming aware of the fact, together with written details of what has occurred, and any person who fails to do so shall be guilty of an offence.

Return of the cattle passport from slaughterhouses etc.

27. - (1) Following slaughter, the operator of a licensed slaughterhouse shall immediately give the cattle passport for each animal slaughtered to the official veterinary surgeon or his representative, together with notification of the fact that the animal has been slaughtered; and, if the passport is one which was issued on or after 28th September 1998 and contains movement cards, the notification shall be by the operator -

(a) affixing in the space provided for death details a bar code label identifying the holding on which the animal was slaughtered and provided for the purpose by the appropriate Minister (unless it is not practicable to do so, in which case he shall write the holding number and the address of the holding in the space);

(b) entering the date of death; and

(c) signing the passport in the appropriate place.

(2) If an animal is slaughtered other than in a licensed slaughterhouse and the carcass is then sent to a licensed slaughterhouse to be dressed for human consumption -

(a) the keeper shall complete the passport as described in the preceding paragraph (if the passport issued is one issued on or after 28th September 1998 and contains movement cards);

(b) the keeper shall send the cattle passport with the carcass to the slaughterhouse;

(c) the operator of the slaughterhouse shall not accept the carcass unless it is accompanied by the cattle passport; and

(d) the operator shall give the cattle passport to the official veterinary surgeon or his representative together with notification that he has accepted the animal for dressing for human consumption.

(3) Any person who fails to comply with any provision of this regulation shall be guilty of an offence."

(5) After regulation 31 there shall be added -

" Slaughter of unmarked animals

31A. The appropriate Minister shall be the veterinary authority and the competent authority for the purposes of Article 1.2 of Commission Regulation (EC) No. 494/98 (laying down detailed rules for the implementation of Council Regulation (EC) No. 820/97 as regards the application of minimum administrative sanctions in the framework of the system for the identification and registration of bovine animals[2])."

Jeff Rooker

Minister of State, Ministry of Agriculture, Fisheries and Food

18th July 1998

Sewel

Parliamentary Under Secretary of State, Scottish Office

20th July 1998

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations provide for the enforcement of the second indent of Article 7.1 of Council Regulation (EC) No. 820/97 (OJ No. L117, 7.5.97, p.1) and Article 6.3 of Commission Regulation (EC) No. 2629/97 (OJ No. L354, 30.12.97, p.19) which relate to the notification of birth, movement and death of cattle to a central database. It is an offence to fail to notify in accordance with that legislation and in accordance with these Regulations (regulation 5).

The Regulations specify how notification must be made, and empower the Minister to charge for the provision of information stored on the database (regulations 6 to 10).

The Regulations contain provisions concerning powers of entry and other powers of inspectors (regulations 11 and 12).

Breach of regulation 13 (obstruction) is punishable by a fine of level 5 on the standard scale or three months imprisonment for obstruction. For other offences the penalty is

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- on summary conviction, a fine not exceeding the statutory maximum, or imprisonment not exceeding three months, or both;
- on conviction on indictment, a fine or imprisonment not exceeding two years or both.

(regulation 15).

The Regulations are enforced by the local authority, the Minister for Agriculture, Fisheries and Food or the Secretary of State (regulation 16).

In addition, the Regulations amend the Cattle Identification Regulations 1998 (S.I. 1998/871) at regulation 17. They amend regulation 13 of the Cattle Identification Regulations so as to reflect the provisions relating to notification of births in Council Regulation (EC) No. 820/97. They amend Regulation 18 of the Cattle Identification Regulations to make provision for affixing bar codes to the new-style passport. They also amend regulations 26 and 27 to ensure that the times for the return of passports are the same as the times for reporting deaths. They insert a new regulation 31A to specify that the veterinary authority and the competent authority for the purposes of Commission Regulation (EC) No. 494/98 (OJ No. L60, 28.2.98, p.78) (slaughter of

unmarked animals) shall be the appropriate Minister.

The database and the register of approved users of electronic mail are maintained by

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The British Cattle Movement Service

Curwen Road

Workington

Cumbria

A regulatory appraisal has been prepared and placed in the library of each House of Parliament. Copies can be obtained from the Animal Health (Disease Control) Division of the Ministry of Agriculture, Fisheries and Food, Government Buildings, Hook Rise South, Tolworth, Surbiton, Surrey KT6 7NF.

Notes:

[1] S.I. 1972/1811.[back](#)

[2] 1972 c.68.[back](#)

[3] OJ No. L354, 30.12.97, p.19.[back](#)

[4] OJ No. L354, 30.12.97, p.19.[back](#)

[5] OJ No. L117, 7.5.97, p.1.[back](#)

[6] S.I. 1994/867.[back](#)

[7] 1994 c.39.[back](#)

[8] S.I. 1998/871.[back](#)

[9] OJ No. L60, 28.2.98, p.78.[back](#)

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