

Statutory Instrument 1997 No. 1901

The Cattle Identification (Enforcement) Regulations 1997

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STATUTORY INSTRUMENTS

1997 No. 1901

ANIMALS

ANIMAL HEALTH

The Cattle Identification (Enforcement) Regulations 1997

<i>Made</i>	<i>31st July 1997</i>
<i>Laid before Parliament</i>	<i>1st August 1997</i>
<i>Coming into force</i>	<i>22nd August 1997</i>

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 and commencement

1. These Regulations may be cited as the Cattle Identification (Enforcement) Regulations 1997 and shall come into force on 22nd August 1997.

Interpretation and extent

2. - (1) In these Regulations-

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

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

"holding" means any establishment, construction or, in the case of an open-air farm, any place situated within the territory of 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 Minister or a local authority, and when used in relation to a person so appointed by the Minister, includes a veterinary inspector;

"keeper" means any natural or legal person responsible for animals, whether on a permanent or on a temporary basis, including during transportation or at a market;

"local authority" means-

(a) in England, as respects each London borough (except in relation to imported live animals), metropolitan district or non-metropolitan county, the council of that borough, district or county;

(b) as respects the City of London, and for all London boroughs in relation to imported live animals, the Common Council;

(c) in Scotland, a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994[3];

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

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

"veterinary inspector" means a person appointed as a veterinary inspector by the Minister.

(2) These Regulations shall not extend to Northern Ireland.

Enforcement of Council Regulation 820/97/EC

3. - (1) Any person who contravenes or fails to comply with any of the following provisions of Council Regulation 820/97/EC (establishing a system for the identification and registration of bovine animals and regarding the labelling of beef and beef products[4]) and, in the case of a register, fails to complete that register in accordance with this regulation, shall be guilty of an offence-

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

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

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

(d) Article 7.3 (provision of information);

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

(2) The Minister of Agriculture, Fisheries and Food shall be the competent authority for the purposes of Article 4.1, 4.5 and 4.6 of Council Regulation 820/97/EC.

(3) For the purposes of Article 7.4 of Council Regulation 820/97/EC, the register to be kept under this article shall be substantially in the form set out the Schedule to these Regulations, shall contain the following information and shall be completed at the following times-

(a) a record of the movement of an animal on or off a holding shall be made within 36 hours of the movement;

(b) a record relating to the birth of an animal in a dairy herd shall be made within 7 days of the birth;

(c) a record relating to the birth of an animal otherwise than in a dairy herd shall be made within 30 days of the birth;

(d) a record relating to the death of an animal shall be made within 7 days of the death;

(e) a record relating to the replacement of an ear tag shall be made within 36 hours of the replacement.

(4) For the purposes of Article 7.4 of Council Regulation 820/97/EC, the register shall be kept for 10 years in the case of a farm and 3 years in any other case, in both cases from the end of the calendar year in which the last entry was made; and any record made under the Bovine Animals (Records, Identification and Movement) Order 1995[5], the Bovine Animals (Identification, Marking and Breeding Records) Order 1990[6] or the Movement of Animals (Records) Order 1960[7] shall be kept for the same period.

(5) In the case of an animal which is not ear tagged, but is marked under the Bovine Animals (Identification, Marking and Breeding Records) Order 1990, the reference to an ear tag in the form set out in the Schedule is to the 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 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 Council Regulation 820/97/EC, and in particular may-

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

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

- (c) remove and retain any documents and records relating to 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, may 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 Council Regulation 820/97/EC or any other person he considers necessary for the enforcement of these Regulations.**

Powers of an officer of the Minister

5. - (1) In accordance with the second paragraph of Article 21 of Council Regulation 820/97/EC, an officer of the Minister may serve a notice on a keeper of animals on a holding restricting the movement of cattle from the holding if he is satisfied that this is necessary for the proper enforcement of that Regulation; and any person who fails to comply with that notice shall be guilty of an offence.

(2) A notice under this regulation shall be in writing, may be subject to conditions and may be amended or withdrawn by notice in writing at any time.

Obstruction

6. - (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**
- (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

7. - (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

8. - (1) A person guilty of an offence under regulation 6(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

9. These Regulations shall be enforced by the local authority and-

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

(b) in Wales, by the Minister of Agriculture, Fisheries and Food or the Secretary of State for Wales;

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

Revocations and amendments

10. - (1) The Bovine Animals (Identification, Marking and Breeding Records) Order 1990 is revoked.

(2) Articles 5(1), 5(2), 5(3), 5(5), 5(6), 7(1), 7(4), 8(5), 8(6), and 12 and Schedule 2 of the Bovine Animals (Records, Identification and Movement) Order 1995 are revoked.

(3) The following paragraph is substituted for paragraph (2)(b) of regulation 4 of the Suckler Cow Premium Regulations 1993[8]-

" (b) retain for such period any records which he has kept under-

(i) article 3(1) of the Movement of Animals (Records) Order 1960 and article 9(1) of the Bovine Animals (Identification, Marking and Breeding Records) Order 1990;

(ii) article 5(1) of the Bovine Animals (Records, Identification and

Movement) Order 1995; or

(iii) article 7.4 of Council Regulation 820/97/EC (establishing a system for the identification and registration of bovine animals and regarding the labelling of beef and beef products);

provided that the suckler cows for which an application for Community premium was made are clearly distinguished."

(4) The following paragraph is substituted for paragraph (2)(b) of regulation 13 of the Beef Special Premium Regulations 1996[2]-

" (b) retain for such period any records which he has kept under-

(i) article 3(1) of the Movement of Animals (Records) Order 1960 and article 9(1) of the Bovine Animals (Identification, Marking and Breeding Records) Order 1990;

(ii) article 5(1) of the Bovine Animals (Records, Identification and Movement) Order 1995; or

(iii) article 7.4 of Council Regulation 820/97/EC (establishing a system for the identification and registration of bovine animals and regarding the labelling of beef and beef products);

provided that the animals for which an application for Community premium has been made are clearly distinguished."

***Jeff Rooker*
Parliamentary Secretary, Ministry of Agriculture, Fisheries and Food**

30th July 1997

***Sewel*
Parliamentary Under-Secretary of State, Scottish Office**

31st July 1997

SCHEDULE

Regulation 3(3)

Form of record of cattle movements

Name and address of person keeping record

To be filled in when applicable		Particulars of each animal filled in for each event			To be filled in when born	To be filled in when ear tag is lost	To be filled in when animal is moved onto or off the holding		
Date of movement onto farm or of birth or of loss of tag	Date of movement off farm or death	Ear tag number	Breed	Sex	Dam's identification number	Replacement tag number	Age or date of birth (when known)	Premises from which moved and name and address of person from whom delivery taken	Premises to which moved and name and address of person taking delivery

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations create offences for breach of-

- Article 4.3 (imports of cattle from third countries)
- Article 4.5 (removal of ear tags)
- Article 7.1 (keeping a register)
- Article 7.3 (provision of information) and
- Article 7.4 (production and retention of the register)

of Council Regulation 820/97/EC (establishing a system for the identification and registration of bovine animals and regarding the labelling of beef and beef products (OJ No. L 117, 7.5.97, p. 1)). They provide that the competent authority for the purposes of Articles 4.1, 4.5 and 4.6 of that Regulation is the Minister of Agriculture, Fisheries and Food. They specify the form of a register and when it shall be filled in (regulation 3 and the Schedule).

They give powers to inspectors and officers of the Minister (regulations 4 and 5), create offences of obstruction and provide for offences by a body corporate (regulations 6 and 7).

Breach of the Regulations is an offence punishable-

- for obstruction, 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.

- **for any other offence,**

(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

(regulation 8).

They are enforced by the Minister, the Secretary of State and the local authority (regulation 9).

They revoke the Bovine Animals (Identification, Marking and Breeding Records) Order 1990 and parts of the Bovine Animals (Records, Identification and Movement) Order 1995. They amend the Suckler Cow Premium Regulations 1993 and the Beef Special Premium Regulations 1996 (Regulation 10).

A Compliance Cost Assessment 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] 1994 c. 39.[back](#)

[4] OJ No. L 117, 7.5.97, p. 1.[back](#)

[5] S.I. 1995/12.[back](#)

[6] S.I. 1990/1867.[back](#)

[7] S.I. 1960/105 to which there are amendments not relevant to these Regulations.[back](#)

[8] S.I. 1960/105 to which there are amendments not relevant to these Regulations.[back](#)

[9] S.I. 1993/1441.[back](#)

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