

Statutory Rule 1999 No. 265

Cattle Identification (Notification of Births, Deaths and Movements) Regulations (Northern Ireland) 1999

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STATUTORY RULES OF NORTHERN IRELAND

1999 No. 265

EUROPEAN COMMUNITIES

ANIMALS

Cattle Identification (Notification of Births, Deaths and Movements) Regulations (Northern Ireland) 1999

Made

9th June 1999

Coming into operation

26th July 1999

Arrangement of Provisions

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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. - (1) These Regulations may be cited as the Cattle Identification (Notification of Births, Deaths and Movements) Regulations (Northern Ireland) 1999 and shall come into operation on 26th July 1999.

(2) These Regulations shall, insofar as they relate to the duty to notify the birth of an animal, apply in the case of any animal born on or after 26th July 1999.

(3) These Regulations shall, insofar as they relate to the duty to notify the movement or death of an animal, apply in the case of any such movement or death on or after 26th July 1999.

Interpretation

2. - (1) The Interpretation Act (Northern Ireland) 1954^[3] shall apply to these Regulations as it applies to a Measure of the Northern Ireland Assembly.

(2) In these Regulations -

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

"the Commission Regulation" means Commission Regulation (EC) No.

2629/97[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];

"Divisional Veterinary Office" means a Divisional Veterinary Office of the Department of Agriculture;

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

"inspector" means a person appointed to be an inspector for the purposes of these Regulations by the Department and includes a veterinary inspector;

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

"notification document" means the pre-printed document supplied by the Department to the keepers of animals for use in the notification of the birth, movement or death of those animals in accordance with these Regulations; and

"premises" includes any place, installation, vehicle, ship, vessel, boat, craft, hovercraft or aircraft in which animals or carcasses may be held or kept.

Competent authority

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

Address for notification

4. Where these Regulations require the keeper of an animal to deliver a notification document to the Department that document shall be -

(a) given by the keeper personally to an inspector; or

(b) sent to the Divisional Veterinary Office of the Department for the area in which the animal is kept.

Offences

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

(2) Any person who knowingly or recklessly provides information which he knows or believes to be false in any notification sent by him under these Regulations, shall be guilty of an offence.

Notification of birth

6. - (1) The notification of the birth of an animal in accordance with the second indent of Article 7.1 of the Council Regulation shall be by a notification document delivered to the Department by the keeper of the animal in accordance with Article 6.3 of the Commission Regulation.

(2) A notification under paragraph (1) shall be made within 7 days from the date that the animal must be tagged in accordance with the Cattle Identification (No. 2) Regulations (Northern Ireland) 1998[6] and in any case before the animal leaves the

holding on which it was born.

(3) Each notification document delivered in accordance with this regulation shall be signed and dated by the keeper who sent it.

Notification of cattle movement

7. - (1) Subject to regulation 9, 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 either -

(a) correctly completing a notification document with the date of the movement to which it relates and indicating whether the movement was off or on to his holding; or

(b) where the keeper is a market operator, correctly completing a notification document with the date of the movement to which it relates and whether the movement was into or out of the market,

and delivering that document to the Department in accordance with paragraph (2).

(2) In accordance with Article 6.3 of the Commission Regulation a notification document shall be -

(a) sent to the Department on the day of the movement to which it relates; or

(b) where the keeper is a market operator, delivered by him to the Department on the day of the movement to which it relates or, where this is not reasonably practicable, on the next following working day.

(3) Each notification document sent in accordance with this regulation shall be signed and dated by the keeper who sent it.

(4) The keeper of an animal shall ensure that a copy of the notification document delivered in pursuance of this regulation accompanies the animal to which it relates while it is in transit and shall, on demand made by an inspector or by a member of the Royal Ulster Constabulary -

(a) produce that document and allow a copy or extract to be taken; and

(b) furnish his name and address.

(5) Any person who fails to comply with any requirement imposed on him by or under paragraph (4) shall be guilty of an offence.

Notification of death

8. - (1) The notification of the death of an animal in accordance with the second indent of Article 7.1 of the Council Regulation and Article 6.3 of the Commission Regulation shall be by the keeper correctly completing a notification document with the details of the death of the animal and delivering it to the Department within 7 days in accordance with Article 6.4 of the Council Regulation.

(2) For the purposes of paragraph (1), the details of the death of an animal which its keeper must complete are -

(a) the unique number allocated to the animal by the Department for the purpose of identification under the Tuberculosis Control Order (Northern Ireland) 1964[7] or under regulation 3(1)(b) of the Cattle Identification (No. 2) Regulations (Northern Ireland) 1998;

(b) the colour, breed and sex of the animal;

(c) the date and manner of the animal's death; and

(d) the details of the manner and place in which the animal's carcass has been buried or destroyed.

Electronic notification

9. - (1) The Department may authorise any person to notify movement of an animal for the purposes of regulation 7 by electronic means.

(2) An authorisation under this regulation -

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

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

(3) Where a keeper is authorised under this regulation to notify movement of any animal by electronic means, any notification he gives pursuant to that authorisation shall contain the same information in relation to that movement and be delivered to the Department within the same time limits as would be required in the case of a notification by notification document under regulation 7.

(4) The Department shall maintain a register of persons authorised under and for the purposes of this regulation and the information which the register contains shall be made available to any person who applies to the Department in writing and is able to show that he has a legitimate interest in acquiring this information.

(5) The Department may make a reasonable charge (up to and including the full economic cost) for the provision of information under paragraph (4).

(6) For the purposes of paragraph (4), a person has a "legitimate interest" in acquiring information under that paragraph if it is relevant to his business or profession or, in the case of a charity, consumer organisation or similar body, to that body's particular interest.

Charging for information

10. The Department may make a reasonable charge (up to and including the full economic cost) for the provision of 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 any purpose to which these Regulations relate) for the purposes of ascertaining whether there is or has been any contravention of these Regulations.

(2) An inspector shall have powers to carry out all checks and examinations necessary for the enforcement of Title 1 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 matters covered by 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 the Council Regulation or any other person he considers necessary for the enforcement of these Regulations.**

Powers to restrict movements

12. - (1) In accordance with the second paragraph of Article 21 of the Council Regulation, an officer of the Department may serve a notice on a keeper of animals on a holding restricting the movement of all of those animals, or such of them as may be specified in the notice, to or from the holding if he is satisfied that this is necessary for the proper enforcement of that Regulation.

(2) Any person who fails to comply with a notice served under paragraph (1) shall be guilty of an offence.

Obstruction

13. - (1) A person shall not -

- (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.

Penalties

14. - (1) A person guilty of an offence under regulation 13(1)(a) or (b) 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 for a term 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.

Revocation

15. Sub-paragraph (d) of regulation 3(1) of the Cattle Identification (Enforcement) Regulations (Northern Ireland) 1998[8] is hereby revoked.

Sealed with the Official Seal of the Department of Agriculture for Northern Ireland on

L.S.

R. S. Johnston
Assistant Secretary

9th June 1999.

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations enforce the second indent of Article 7.1 of Council Regulation (EC) No. 820/97 relating to notifying birth, movement and death of cattle to a central database. It is an offence to fail to notify in accordance with that provision and in accordance with these Regulations.

The Regulations specify how notification must be made, and provide that all parties concerned shall have access to information held on the database. Certain charges are imposed to recover the cost of running the computerised database.

The Regulations contain provisions concerning powers of entry and other powers of inspectors.

Breach of regulation 13(1)(a) or (b) (obstruction) is punishable by a fine of level 5 on the standard scale or up to three months imprisonment for obstruction. For other offences the penalty is -

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

Notes:

[1] S.I. 1972/1811back

[2] 1972 c. 68back

[3] 1954 c. 33 (N.I.)back

[4] O.J. No. L354, 30.12.97, p. 19back

[5] O.J. No. L117, 7.5.97, p. 1back

[6] S.R. 1998 No. 279back

[7] S.R. & O. (N.I.) 1964 No. 31 as amended by S.R. 1981 No. 348, S.R. 1986 No. 48, S.R. 1994 No. 216, S.R. 1996 No. 9 and S.R. 1996 No. 240back

[8] S.R. 1998 No. 27back

ISBN 0 337 93501 7