

Statutory Rule 1999 No. 324

Cattle Passport Regulations (Northern Ireland) 1999

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STATUTORY RULES OF NORTHERN IRELAND

1999 No. 324

EUROPEAN COMMUNITIES

ANIMALS

Cattle Passport Regulations (Northern Ireland) 1999

Made

9th July 1999

Coming into operation

3rd September 1999

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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:

PART I

Introduction

Citation and commencement

1. These Regulations may be cited as the Cattle Passport Regulations (Northern Ireland) 1999 and shall come into operation on 3rd September 1999.

Interpretation and application

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*;

"cattle passport" means a document containing the information set out in Article 6.1 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[4]) issued by the appropriate competent authority;

"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 Northern Ireland 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 Department;

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

"member State" means any member State of the European Communities, other than the United Kingdom; and

"official veterinary surgeon" means a person designated as such in accordance with regulation 7(2) of the Fresh Meat (Hygiene and Inspection) Regulations (Northern Ireland) 1997[6].

(3) In these Regulations a reference to "another part of the European Community" shall be construed as a reference to a place in Great Britain, the Isle of Man or any of the Channel Islands or to a place in any member State.

(4) These Regulations shall apply in relation to any animal intended for intra-Community trade after the date of their coming into operation.

PART II

Cattle Passports

Application for a passport for cattle intended for export

3. - (1) Any keeper of animals may apply for a cattle passport for any animal which he intends to consign out of Northern Ireland to another part of the European Community.

(2) An application for a cattle passport under paragraph (1) shall be made in writing to the Department and shall be in such form as the Department may require.

(3) Any person who moves an animal from a holding for consignment out of Northern Ireland to another part of the European Community, before the keeper of that animal applies for a cattle passport for that animal, shall be guilty of an offence.

Production on demand

4. - (1) Any cattle passport issued by the Department shall remain the property of the Department and shall be produced or surrendered to an officer of the Department, a Minister of the Crown or a competent authority of a member State on demand.

(2) Any person who fails to produce or surrender a cattle passport as required by paragraph (1) shall be guilty of an offence.

Consignment of animals out of Northern Ireland

5. In accordance with Article 6.3 of the Council Regulation any person who consigns any animal out of Northern Ireland to another part of the European Community commits an offence unless the animal is accompanied by a cattle passport which -

(a) has been issued under Article 6 of the Council Regulation, and

(b) is signed in the appropriate place in accordance with Article 6.1 of Commission Regulation (EC) No. 2629/97 and contains the information about the animal specified in that Article.

Completion of cattle passports when cattle are to be consigned out of Northern Ireland

6. - (1) When an animal is moved off a holding for consignment out of Northern Ireland to another part of the European Community, the keeper shall give the cattle passport relating to that animal, duly completed, in accordance with paragraph (2), to the transporter and the transporter shall, subject to paragraph (3), ensure that each animal is accompanied throughout its journey by that cattle passport.

(2) A cattle passport accompanying an animal during any movement to which paragraph (1) relates shall be marked with the date on which the movement began and shall be signed in the appropriate place by the keeper.

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

(4) It shall be a defence for any person charged under paragraph (3) who is not the owner of the animal to which the charge relates to prove that he had no reason to believe that the animal was intended to be consigned out of Northern Ireland or that the cattle passport which accompanied it was not genuine or did not relate to the animal being moved, as the case may be.

Movement of cattle through Northern Ireland

7. In accordance with Article 6.2 of the Council Regulation, where cattle are transported through Northern Ireland from a place in a member State, Great Britain, the Isle of Man or any of the Channel Islands to another such place, the transporter shall ensure that each animal is accompanied by the cattle passport which relates to it, and any person who fails to do so shall be guilty of an offence.

Cattle from other member States, Great Britain, the Isle of Man and the Channel Islands

8. - (1) If an animal is brought to a holding of destination in Northern Ireland from a member State, Great Britain, the Isle of Man or any of the Channel Islands the keeper shall, subject to paragraph (2), within 7 days of its arrival at that holding, and in any event before the animal leaves that holding, surrender the cattle passport accompanying the animal to the Department.

(2) Nothing in paragraph (1) shall require the keeper of any animal to surrender to the Department a passport relating to it where -

(a) the holding of destination was a slaughterhouse, and

(b) the animal was slaughtered within seven days of its arrival at the slaughterhouse,

but in such a case the keeper shall give any cattle passport accompanying the animal to the official veterinary surgeon for the slaughterhouse, or his representative, at the time of slaughter.

(3) Any person who fails to surrender a cattle passport as required by paragraph (1) or (2) shall be guilty of an offence.

Lost cattle passports

9. - (1) If a cattle passport issued by the Department (" the original cattle passport") is lost, stolen or destroyed, the keeper of the animal to which it relates shall immediately notify the Department of the fact.

(2) Where a person gives a notification under paragraph (1), the Department may issue to him a replacement cattle passport for the animal to which the original passport related if that person so requests.

(3) If a person to whom a replacement cattle passport has been issued under paragraph (2) subsequently finds the original cattle passport, he shall notify the Department within 7 days thereof and enclose with the notification the original cattle passport.

(4) Where any person requests the Department to issue a replacement cattle passport under paragraph (2), the Department may make a reasonable charge (up to and including the full economic cost) for the issue of that replacement cattle passport.

(5) Any charge payable under paragraph (4) shall be paid at the time the request to which it relates is made and shall be forfeited if the person making the request withdraws it.

(6) Any person who fails to comply with any requirement imposed on him by paragraph (1) or (3) shall be guilty of an offence.

Animal deaths or lost or stolen animals

10. - (1) If an animal to which a cattle passport relates dies (other than in the circumstances set out in paragraph (3)) the keeper shall send the cattle passport to the Department within 7 days in accordance with Article 6.4 of the Council Regulation.

(2) If an animal to which a cattle passport relates is lost or stolen, the keeper shall send the cattle passport to the Department within three working days of becoming aware of the fact.

(3) If an animal to which a cattle passport relates dies on a holding or dies or is killed in transit and is despatched to a knacker's yard or hunt kennel, then the person who was in charge of the animal at the time it died shall immediately send the passport to the Department giving the address of the holding of collection or the name and address of the transporter and indicating that the animal has died or has been killed.

(4) Any person who fails to comply with any requirement of this regulation shall be guilty of an offence.

Alterations

11. A person shall not alter or deface any information entered, either by the Department, an earlier competent authority or by an earlier keeper of the animal, on

to a cattle passport before it came into his possession and any person who contravenes this regulation shall be guilty of an offence.

PART III

General

Amendment of Cattle Identification (No. 2) Regulations (Northern Ireland) 1998

12. The Cattle Identification (No. 2) Regulations (Northern Ireland) 1998[7] shall be amended as follows: -

- (a) in regulation 14(1) after the words "contravention of these Regulations" there shall be inserted the words " or the Cattle Passport Regulations (Northern Ireland) 1999";**
- (b) in regulation 16(1)(a) after the words "or Council Regulation 494/98" there shall be inserted the words "or the Cattle Passport Regulations (Northern Ireland) 1999";**
- (c) in regulation 16(1)(b) after the words "execution of these Regulations" and "his functions under these Regulations" there shall be inserted in each case the words "or the Cattle Passport Regulations (Northern Ireland) 1999"; and**
- (d) in regulation 16(1)(c) after the words "execution of these Regulations" there shall be inserted the words "or the Cattle Passport Regulations (Northern Ireland) 1999".**

Penalties

13. A person guilty of any 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.**

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

L.S.

L. G. McKibben
Assistant Secretary

9th July 1999.

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations make provision for the administration and enforcement in Northern Ireland 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 (O.J. No. L354, 30.12.97, p. 19).

Part II of the Regulations deals with cattle passports for animals consigned into or out of Northern Ireland after the coming into force of these Regulations. The Regulations provide for the enforcement of the provision of Council Regulation (EC) No. 820/97 relating to movement of cattle without a cattle passport. Regulation 3 makes provision for application for cattle passports and, with regulation 5, makes it an offence to consign cattle out of Northern Ireland without a cattle passport. Regulation 4 requires the person currently holding a cattle passport to surrender it for inspection on demand.

The Regulations provide for completion of a cattle passport when the animal is moved, require the retention of cattle passports once granted and make provision for lost cattle passports and fees for replacement cattle passports (regulations 6 and 9).

The Regulations make provision for cattle brought into Northern Ireland from another member State or other parts of the United Kingdom (regulation 8). They also provide for cattle passing through Northern Ireland in transit (regulation 7).

Regulation 10 deals with the return of cattle passports when animals die, or are stolen or slaughtered and regulation 11 makes it an offence to alter or deface a cattle passport.

Part III amends the Cattle Identification (No. 2) Regulations (Northern Ireland) 1998 (regulation 12) and deals with penalties (regulation 13). For any offence under these Regulations the penalty is on summary conviction, a fine not exceeding the statutory maximum, or imprisonment not exceeding three months, or both; or on conviction on indictment, a fine or imprisonment not exceeding two years or to both.

Notes:

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

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

[3] [1954 c. 33](#)back

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

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

[6] [S.R. 1997 No. 493](#)back

[7] [S.R. 1998 No. 279](#)back

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