

Statutory Instrument 2000 No. 2976

The Cattle (Identification of Older Animals)Regulations 2000

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STATUTORY INSTRUMENTS

2000 No. 2976

ANIMALS, ENGLAND

The Cattle (Identification of Older Animals)Regulations 2000

<i>Made</i>	<i>6th November 2000</i>
<i>Laid before Parliament</i>	<i>8th November 2000</i>
<i>Coming into force</i>	<i>1st December 2000</i>

The Minister of Agriculture, Fisheries and Food, being 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 him by the said section 2(2) and of all other powers enabling him in that behalf, makes the following Regulations:

Title, commencement and extent

1. These Regulations may be cited as the Cattle (Identification of Older Animals) Regulations 2000; they extend to England only and shall come into force on 1st December 2000.

Interpretation

2. - (1) In these Regulations -

"the Minister" means the Minister of Agriculture, Fisheries and Food;

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

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

"identity of the animal" means the ear tag or tattoo number given in accordance with -

(a) the Bovine Animals (Records, Identification and Movement) Order 1995[3];

(b) the Bovine Animals (Identification, Marking and Breeding Records) Order 1990[4];

(c) the Tuberculosis (England and Wales) Order 1984[5];

(d) (for animals in England which were identified in Scotland) the Tuberculosis (Scotland) Order 1984[6]; or

(e) (for animals identified under any of those instruments and re-identified under the Cattle Identification Regulations 1998[7]) the Cattle Identification Regulations 1998;

"inspector" means a person appointed to be an inspector for the purposes of these Regulations by the 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) where there is a unitary authority within the meaning of the Local Government Changes for England Regulations 1994[8], that authority;

(b) 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 the council of that borough; and

(iv) in the City of London, the Common Council;

"Regulation (EC) No. 1760/2000" means Regulation (EC) No. 1760/2000 of the European Parliament and of the Council establishing a system for the identification and registration of bovine animals and regarding the labelling of beef and beef products and repealing Council Regulation (EC) No. 820/97[9].

(2) Any authorisation or notice under these Regulations shall be in writing, may be subject to conditions and may be suspended, amended or revoked by notice in writing at any time.

Competent authority

3. The Minister shall be the competent authority to whom reports shall be made in

accordance with the second indent of Article 7.1 of Regulation (EC) No. 1760/2000 for cattle to which these Regulations apply.

Address for notification

4. - (1) All notifications to the 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 shall be sent to -

The British Cattle Movement Service

Curwen Road

Workington

Cumbria

CA14 2DD

Registration of cattle born before 1st July 1996

5. - (1) Any person who is a keeper of cattle which were born before 1st July 1996 and which are not already registered with the Minister on a voluntary basis shall register them with the Minister before 29th January 2001.

(2) Registration shall be by filling in a form reasonably approved by the Minister for the purpose with the following information for each animal:

(a) its identity;

(b) its sex;

(c) its date of birth (if the exact date of birth is not known, the approximate date if known);

(d) its breed; and

(e) country of origin, if known;

and by sending that form by post to the British Cattle Movement Service at the address in regulation 4.

(3) The Minister shall issue movement cards and a registration certificate in relation to each animal.

(4) The keeper shall keep the registration certificate until he sells the animal or until the animal dies or is slaughtered. If he sells the animal he shall give the registration certificate to the buyer. If the animal dies or is slaughtered, the keeper at the time of death or slaughter shall send the registration certificate to the Minister in accordance with regulation 9 below.

Notification of location of cattle not issued with movement cards

6. - (1) The keeper of all cattle which were issued with passports without movement cards and which have not subsequently been issued with movement cards by the Minister shall notify the Minister of the holding on which they are kept before 29th January 2001 using a form reasonably approved by the Minister.

(2) The Minister shall issue movement cards in relation to each animal registered.

Movement of cattle born before 28th September 1998

7. - (1) This regulation shall apply in relation to all cattle born before 28th September 1998 which have been issued with movement cards by the Minister.

(2) The notification of movement of cattle to which this regulation applies (in accordance with the second indent of Article 7.1 of Regulation (EC) No. 1760/2000) shall be by the keeper -

(a) affixing to one of the movement cards issued by the Minister in relation to that animal a bar code label identifying the keeper's holding and provided for the purpose by the 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 the movement card that the animal has moved through the market);

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

(d) signing it; and

(e) posting it to the Minister within seven days of the movement.

(3) If an animal to which this regulation applies is transferred to a new keeper, the previous keeper shall give all unused movement cards relating to that animal to the new keeper.

(4) No person shall move cattle on to or off a holding on or after 29th January 2001 unless he notifies the Minister of the movement on a movement card as specified in paragraph (2) above.

Electronic notification of movement

8. - (1) The 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; and

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

(5) The Minister may make a reasonable charge for the provision of information from the

register kept under this regulation.

Notification of death

9. In the case of cattle born before 1st July 1996 the notification of death in accordance with the second indent of Article 7.1 of Regulation (EC) No. 1760/2000 shall be by the keeper noting the death and the holding on which the animal died on the registration certificate issued by the Minister for that animal and sending it to the British Cattle Movement Service within seven days of the death.

Powers of inspectors

10. - (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 Regulation (EC) No. 1760/2000, 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 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 Regulation (EC) No. 1760/2000 or any other person he considers necessary for the enforcement of these Regulations.

Powers to restrict movements

11. - (1) If there is a breach of these Regulations, in accordance with the second paragraph of Article 22.1 of Regulation (EC) No. 1760/2000, an officer of the Minister may serve a notice on a keeper of cattle to which these Regulations relate and which are on a holding, restricting the movement of cattle to or from that holding if he is satisfied that this is necessary for the proper enforcement of Article 7.1, second indent of that Regulation.

(2) If there is a breach of these Regulations, the 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)[10].

Obstruction

12. - (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

13. - (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 this regulation "director" in relation to a body corporate whose affairs are managed by its members, means a member of the body corporate.

Offences and penalties

14. - (1) A person contravening regulation 12(1)(a) or (b) above shall be guilty of an offence and 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 contravening any other provision of these Regulations or any notice served under these Regulations shall be guilty of an offence and 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

15. These Regulations shall be enforced by the Minister or the local authority.

Hayman

Minister of State, Ministry of Agriculture, Fisheries and Food

6th November 2000

EXPLANATORY NOTE

(This Note is not part of the Regulations)

These Regulations, which extend to England, implement the provisions of Council Regulation (EC) No. 1760/2000 in relation to older cattle.

They require cattle born before 1st July 1996 (which is when the first cattle passports were issued) which are not already registered with the Ministry of Agriculture, Fisheries and Food on a voluntary basis to be registered before 29th January 2001 (regulation 5).

They require the location of all cattle with passports without movement cards not already registered with the Minister to be notified (regulation 6).

They provide for the issue of movement cards to cattle born before 28th September 1998 (which is when the passports with movement cards were first issued) and require notification to the Minister when these animals are moved. They also provide for the use of electronic notification of movement as an alternative to notification using movement cards, and for a register of approved users of electronic notification (regulations 7 and 8).

They make provision for the notification of the death of cattle born before 1st July 1996 (regulation 9).

They make provision for powers of inspectors (regulation 10) and provide for an officer of the Minister to impose movement restrictions for cattle to which the Regulations relate (regulation 11).

They make provision for obstruction of inspectors (regulation 12) and for bodies corporate (regulation 13). Failure to comply with the Regulations is an offence punishable as specified in regulation 14.

They are enforced by the Minister or the local authority (regulation 15).

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

The British Cattle Movement Service Curwen Road Workington Cumbria CA14 2DD

Notes:

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

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

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

[4] S.I. 1990/1867 as amended by S.I. 1993/503.[back](#)

[5] S.I. 1984/1943.[back](#)

[6] S.I. 1984/2063.[back](#)

[7] S.I. 1998/871 as amended by S.I. 1998/1796, S.I. 1998/2969 and S.I. 1999/1339.[back](#)

[8] S.I. 1994/867 as amended by S.I. 1996/330 and S.I. 1996/611.[back](#)

[9] OJ No. L204, 11.8.2000, p. 1.[back](#)

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

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