

Statutory Instrument 2000 No. 2335 (W. 152)

The Sheep and Goats Identification (Wales) Regulations 2000

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STATUTORY INSTRUMENTS

2000 No. 2335 (W. 152)

ANIMALS, WALES

ANIMAL HEALTH

The Sheep and Goats Identification (Wales) Regulations 2000

Made 30th August 2000

Coming into force -

All regulations except for regulations 7, 8, 11 and 14 1 September 2000

Regulations 7, 8, 11 and 14 1 January 2001

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The National Assembly for Wales, 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 it by section 2(2), makes the following Regulations:

Title, commencement and application

1. - (1) These Regulations may be cited as the Sheep and Goats Identification (Wales) Regulations 2000 and shall come into force -

(a) as respects all regulations except for regulations 7, 8, 11 and 14, on 1 September 2000; and

(b) as respects regulations 7, 8, 11 and 14, on 1 January 2001.

(2) These Regulations apply to Wales only.

Interpretation

2. - (1) In these Regulations -

"collection centre" ("*canolfan gasglu*") means any site, including holdings, at which animals originating from different holdings are grouped together to form consignments intended for despatch from that site;

"flockmark" ("*marc diadell*") means the flockmark allocated by the National Assembly pursuant to regulation 3;

"herdmark" ("*marc gyr*") means the herdmark allocated by the National Assembly pursuant to regulation 3;

"holding" ("*daliad*") means any establishment, construction or, in the case of an open air farm, any place in which sheep or goats are held, kept or handled;

"inspector" ("*arolygydd*") means a person appointed to be an inspector for the purposes of these Regulations by the National Assembly or a local authority;

"keeper" ("*ceidwad*") means any person having care and control of sheep and goats, even on a temporary basis;

"local authority" ("*awdurdod lleol*") means in respect of a county or county borough, the council of that county or county borough;

"National Assembly" ("*Cynulliad Cenedlaethol*") means the National Assembly for Wales;

"relevant date" ("*dyddiad perthnasol*") means 1 January 2001;

"unique individual identification number" ("*rhif adnabod unigol unigryw*") means a unique combination of the letters "UK" followed by the herdmark or flockmark of the holding of birth, followed by an individual identification number which has been created by the keeper;

"veterinary treatment" ("*triniaeth filfeddygol*") means any treatment or other procedure carried on by or under the supervision of a veterinary surgeon and includes castration.

(2) Any reference in these Regulations to a numbered regulation (with no corresponding reference to a specific instrument) is a reference to the regulation bearing that number in these Regulations.

(3) These Regulations shall apply to live sheep and goats only.

Notification of holdings where sheep or goats are kept

3. - (1) Any person who keeps sheep or goats on a holding shall, within one month of the coming into force of this regulation or, as the case may be, within one month after beginning to keep sheep or goats after the coming into force of this regulation, notify the National Assembly in writing of -

(a) the address of the holding;

(b) the name and address of the occupier of the holding; and

(c) the species of animals (whether sheep or goats or both) which are usually kept on the holding.

(2) Any person keeping sheep or goats shall notify the National Assembly in writing of any change in the particulars specified in paragraph (1) above within one month of such change.

(3) On receiving notification under this regulation the National Assembly shall, subject to paragraph (4) below, allocate to the keeper of the sheep or goats a flockmark in the case of sheep or a herdmark in the case of goats.

(4) Where the holding is an abattoir or market, the National Assembly shall allocate a flockmark or herdmark only where it deems it appropriate to do so.

Records concerning sheep

4. - (1) Any person keeping sheep or goats on a holding (other than a market, abattoir or collection centre) shall record, on or before 31st January in each year, the number of such animals on that holding on 1st January of that year.

(2) Within 36 hours of sheep or goats being moved on or off a holding, the keeper shall record -

(a) the date of movement;

(b) the total number of animals moved;

(c) one of the following -

(i) the temporary mark applied to each animal under regulation 12(2);

(ii) the flockmark or herdmark (as the case may be) shown on the eartag or tattoo of each animal; or

(iii) the unique individual identification number shown (if there is one) on the eartag or tattoo of each animal;

(d) in the case of a movement off a market, the lot number (if any) allocated at the market; and

(e) either -

(i) the holding from which the animals have been brought, if they are moved on to the holding, or

(ii) the holding to which the animals are moved if they are moved off the holding.

(3) In the case of sheep or goats being sold without being moved on or off a holding, the vendor shall record, within 36 hours of the sale -

(a) the date of sale;

(b) the number of animals sold; and

(c) the name and address of the purchaser.

(4) In the case of a sheep or a goat marked in accordance with regulation 8 or re-marked in accordance with regulation 14(2) or (3), the keeper shall, within 36 hours of marking or re-marking the animal (as the case may be), record the new flockmark (in the case of sheep) or herdmark (in the case of goats) and the previous one, if known.

(5) All records under this regulation shall be retained by the person making the record for a period of six years.

Additional records for specified sheepmeat producers

5. - (1) In addition to the records required under the preceding regulation, a keeper who

is a sheepmeat producer for the purposes of Council Regulation 3493/90/EEC (laying down general rules for the grant of premium to sheepmeat and goatmeat producers^[3]) shall keep the records specified in this regulation.

(2) On or before 31st January each year, the keeper shall record the total number of female sheep on the holding on 1st January that year which either were over 12 months old or had given birth, and the date the entry was made.

(3) Within 14 days of any of the following events -

(a) the intentional movement on or off the holding of female sheep which were either over 12 months old or which had given birth;

(b) a female sheep which has not given birth reaching the age of 12 months;

(c) a sheep under 12 months old giving birth;

(d) the discovery that a female sheep which was either over 12 months old or which had given birth has been lost from the holding, either because it has died or because it is missing from the holding,

the keeper shall record the total number of female sheep on the holding which have given birth or which are over 12 months old, the date of the entry and the reasons that the total number of such sheep on the holding has changed.

(4) All records under this regulation shall be retained by the person making the record for a period of four years.

Eartags and tattoos

6. - (1) Any eartag attached under these Regulations shall be -

(a) either metal or plastic or a combination of metal and plastic;

(b) tamper-proof;

(c) printed or stamped with the letters and number required under these Regulations by a method that ensures that they are easy to read for the animal's lifetime;

(d) incapable of re-use; and

(e) such that it does not interfere with the well-being of the animal.

(2) An eartag attached under these Regulations shall not be coloured red unless it is a replacement eartag attached under the provisions of regulation 14(3)(a).

(3) Any tattoo applied under these Regulations shall be designed to be legible for the life of the animal.

Marking animals born in Wales

7. - (1) Subject to the remaining provisions of this regulation, the keeper of any sheep or goat born in Wales on or after the relevant date, or which is still on its holding of birth on that date, shall mark it as soon as possible, and in any case before it is moved from the holding of birth, with an eartag or tattoo consisting of -

(a) in the case of an eartag, the letters "UK" followed by the flockmark or herdmark of the holding of birth; or

(b) in the case of a tattoo, the flockmark or herdmark of the holding of birth.

(2) In any case relating to the movement off a holding of sheep or goats which have not been marked in accordance with this regulation, it shall be a defence in any proceedings under this regulation for the person moving the animals to prove that the animals -

(a) in the case of goats, were moved from the holding of birth to premises for the purpose of being tattooed; or

(b) in the case of sheep or goats (or both), were moved from the holding of birth to premises for the purpose of receiving veterinary treatment; and

(c) in each case, were returned to their holding of birth as soon as they had been tattooed or had received the veterinary treatment (as the case may be).

(3) An eartag or tattoo may include information additional to that required under this regulation.

(4) Paragraph (1) above shall not apply in relation to sheep or goats which before the relevant date were marked with an eartag or tattoo indicating the flockmark or herdmark of birth, or were marked with an eartag bearing a breed society mark registered pursuant to paragraph (6) below, and which were on the holding of birth at that relevant date.

(5) For a period of one year commencing with the relevant date -

(a) a keeper may mark animals with a tag which bears the flockmark or herdmark of the holding without the prefix "UK";

(b) a keeper may mark animals with a tag which does not bear the flockmark or herdmark provided that the tag bears a breed society mark which has been registered pursuant to paragraph (6) below.

(6) The National Assembly shall maintain a register of marks issued by breed societies and shall enter in such register any mark which a breed society applies to it to be registered under this paragraph.

Marking animals imported into Wales from outside the European Union

8. - (1) If a sheep or goat is imported into Wales from outside the European Union, it shall be marked by the keeper at the holding of destination, within 30 days of arrival on that holding and in any event before it is moved from that holding, with an eartag or tattoo consisting of -

(a) in the case of an eartag, the letters "UK" followed by the flockmark or herdmark of the holding of destination and the letter "F"; or

(b) in the case of a tattoo, the flockmark or herdmark of the holding of destination and the letter "F".

(2) Paragraph (1) above shall not apply if the place of destination of the imported animal is a slaughterhouse, and the animal is slaughtered there within 5 days without having been moved from the slaughterhouse.

Marking requirements for animals brought into Wales from another Member State

9. No person shall import sheep or goats from another Member State unless they are marked in accordance with Council Directive 92/102/EEC on the identification and registration of animals^[4].

Marking requirements for animals brought into Wales from another part of the British Islands

10. No person shall bring a sheep or goat into Wales from another part of the British Islands unless the animal is marked in accordance with the legislation in force in that part of the British Islands.

Marking requirements for the movement of sheep and goats to a destination outside Great Britain

11. - (1) Any person consigning sheep or goats outside Great Britain shall (or, in the case of an animal already marked with an individual identification number, may) ensure that each animal is marked at the time of consignment with an eartag or tattoo consisting of a unique combination of the letters "UK", the flockmark or herdmark of the consigning premises, the letter "X", and an individual identification number.

(2) No person shall consign any sheep or goat outside Great Britain if it is marked with an eartag or tattoo ending with the letter "R" showing that it is a replacement eartag or tattoo.

Marking requirements for the movement of sheep and goats to a destination within Great Britain

12. - (1) Any person moving sheep or goats from a holding to a destination within Great Britain shall ensure that the animals are marked before being moved from the holding in accordance with this regulation.

(2) Subject to paragraphs (3) and (4) below, every animal shall be marked with a temporary mark which is sufficiently distinctive for the animal to be identified for the purposes of the document required under regulation 13 and which will last at least until the animal reaches its destination.

(3) In the case of an animal marked with a unique individual identification number, or the flockmark or herdmark, the requirement to mark it with a temporary mark shall be optional, but if the animal is marked with a temporary mark, the mark shall be recorded in the movement records made under regulation 4 and the transport document carried under regulation 13.

(4) The requirement to apply a temporary mark, that is imposed under paragraph (2) above, shall not apply in the case of animals -

- (a) moved for the purposes of veterinary treatment;
- (b) moved for the purposes of dipping or shearing;
- (c) moved to a show if they are due to return to the same holding;
- (d) being moved to an adjacent holding where the sheep or goats remain under the same ownership; or

(e) in the process of being imported into Wales from outside the European Union while they are being taken to the holding of destination.

Documentation requirements for the movement of sheep and goats to a destination within Great Britain

13. - (1) Any person moving sheep or goats from a holding to a destination in Great Britain shall ensure that the animals are accompanied by a document which -

- (a) identifies the holding of departure and the holding to which they are being moved;
- (b) gives the date of movement and the total number of animals being moved;
- (c) records the temporary mark applied to each animal under regulation 12(2) or, if the animal does not have a temporary mark, a unique individual identification number or the flockmark or herdmark;
- (d) if the movement is from a market, records the lot numbers of the animals; and
- (e) is signed by the owner of the animals or the owner's agent;

and the person moving the animals shall ensure that the document is handed on arrival of the animals to the occupier of the holding of destination.

(2) The requirement for an accompanying document imposed under paragraph (1) above shall not apply in the case of -

- (a) movement between holdings where both holdings are occupied by the same person;
- (b) movement between a holding and any land in respect of which a right of grazing in common with other proprietors is exercisable; or
- (c) movement for the purposes of veterinary treatment, dipping or shearing, to a show if the animals are due to return to the same holding, or, in the case of goats, for the purpose of being tattooed.

Removal and replacement of eartags

14. - (1) Except under the authority of an officer of the National Assembly, no person shall -

- (a) remove an eartag which has been attached to an animal in accordance with these Regulations, or replace such a tag, unless the tag has become illegible, has to be removed for welfare purposes or has been lost; or
- (b) remove a tattoo applied to an animal in accordance with these Regulations, or replace such a tattoo, unless the tattoo has become illegible.

(2) When replacing an eartag or tattoo pursuant to paragraph (1) above, the keeper shall re-mark the animal with an eartag or tattoo with the original number or with an eartag or tattoo bearing the flockmark or herdmark of the holding on which the animal is residing, providing that the original identification mark is known and that the original and new

identification marks are cross-referenced in the register required under regulation 4.

(3) If it is not possible to re-mark the animal in accordance with the preceding paragraph, the keeper shall re-mark the animal with either -

(a) an eartag coloured red and consisting of the letters "UK" followed by the flockmark or herdmark of the premises of the holding on which it is being tagged followed by the letter "R"; or

(b) a tattoo consisting of the flockmark or herdmark of the premises of the holding on which it is being tagged followed by the letter "R".

(4) Paragraphs (2) and (3) above shall not apply in the case of an animal at a market or abattoir.

Additional eartags and tattoos

15. No person shall affix to a sheep or goat any eartag or tattoo bearing a flockmark or herdmark except in accordance with the provisions of these Regulations.

Alteration of eartags and tattoos

16. No person shall alter, obliterate or deface the information on an eartag or tattoo applied under these Regulations.

Powers of inspectors

17.

(1) An inspector shall, on producing, if required to do so, some duly authenticated document showing his or her 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, boat, craft, hovercraft or aircraft.

(2) An inspector shall have power to -

(a) collect, pen and inspect any sheep or goat, and may require the keeper to arrange for its collection, penning and securing;

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

(c) remove and retain any documents and records required to be kept under 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 any such records mentioned in sub-paragraphs (b) and (c) above, and may require any person having charge of, or otherwise concerned with the operation of, the computer, apparatus or material to afford him or her such assistance as he or she may reasonably require;

(e) require, where records are kept by means of a computer, those records to be produced in a visible and legible form in which they may be taken away.

Offences

18. - (1) Any person who fails to comply with any requirement of these Regulations shall be guilty of an offence.

(2) If any person -

(a) obstructs an inspector in the exercise of a power conferred on the inspector by regulation 17; or

(b) fails without reasonable excuse to give such an inspector any assistance or information which that inspector may reasonably require of him or her for the purposes of the inspector's functions under regulation 17,

that person shall be guilty of an offence.

Penalties

19. - (1) A person guilty of an offence under paragraph (1) of regulation 18 shall be liable on summary conviction to a fine not exceeding the statutory maximum.

(2) Any person guilty of an offence under paragraph (2) of regulation 18 shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Time limits for prosecutions

20. - (1) Proceedings for an offence under regulation 18 may, subject to paragraph (2), be commenced within the period of six months from the date on which evidence sufficient in the opinion of the prosecutor to warrant proceedings comes to his or her knowledge.

(2) No such proceedings shall be commenced by virtue of this regulation more than twelve months after the commission of the offence.

(3) For the purpose of this regulation -

(a) a certificate signed by or on behalf of the prosecutor and stating the date on which evidence sufficient in his or her opinion to warrant the proceedings came to his or her knowledge shall be conclusive evidence of that fact; and

(b) a certificate stating that matter and purporting to be so signed shall be deemed to be so signed unless the contrary is proved.

Offences by bodies corporate

21. - (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 attributable to any neglect on the part of, an officer of the body corporate, that officer, as well as the body corporate, shall be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

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

Enforcement

22. Except where otherwise expressly provided, the provisions of these Regulations (other than regulation 5, which shall be enforced by the National Assembly) shall be executed and enforced by the local authority.

Amendment to the Sheep Annual Premium Regulations 1992

23. - (1) The Sheep Annual Premium Regulations 1992^[5] shall be amended in accordance with the following paragraphs.

(2) In paragraph (5)(a) of regulation 5 substitute "regulation 5 of the Sheep and Goats Identification (Wales) Regulations 2000^[6] ("the Identification Regulations)" for "article 5 of the Sheep and Goats (Records, Identification and Movement) Order 1996 ("the 1996 Order)".

(3) The following regulation shall be substituted for regulation 8A -

" Failure to comply with the Identification Regulations

8A. Where at any time during a marketing year a producer fails to comply with regulation 5 of the Identification Regulations, the competent authority may withhold or recover on demand the whole or any part of any premium payable or as the case may be paid to the producer in respect of that marketing year."

Revocation

24.

(1) Subject to paragraph (2) below, the Sheep and Goats (Records, Identification and Movement) Order 1996^[7] is revoked in so far as it applies to Wales.

(2) Article 7 of the Sheep and Goats (Records, Identification and Movement) Order 1996 shall continue in force, in so far as it applies to Wales, until the relevant date.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998^[8].

Jane Davidson

The Deputy Presiding Officer of the National Assembly

30th August 2000

EXPLANATORY NOTE

(This note does not form part of the Regulations)

These Regulations, which implement the provisions relating to sheep and goats of Council Directive 92/102/EEC on the identification and registration of animals (OJ No.L355, 5.12.92, p.32), make provision for records and other documentation concerning sheep and goats and the marking of sheep and goats. They revoke the Sheep and Goats (Records, Identification and Movement) Order 1996, S. I. 1996/28 in so far as it applies to Wales.

Notification

The Regulations require any person who keeps sheep or goats to notify the National Assembly for Wales ("the National Assembly") (regulation 3).

Records

The Regulations require anyone keeping sheep or goats to keep movement records and, in

the case of keepers who are sheepmeat producers for the purposes of Council Regulation 3493/90/EEC (laying down general rules for the grant of premium to sheepmeat and goatmeat producers (O.J. L337, 4.12.90, p.7)) additional records relating to specified events (regulations 4 and 5).

Marking animals

The Regulations make provision for marking sheep and goats, either by an eartag or by a tattoo. Subject to certain exceptions and transitional provisions, from 1 January 2001 marking is required for all animals born or first moved off the holding of birth after that date, and for all sheep and goats imported into Wales from outside the European Union (regulations 6 to 8). The Regulations prohibit bringing sheep or goats into Wales from another Member State or from another part of the United Kingdom, Channel Islands or Isle of Man ("the British Islands") unless they are marked (regulations 9 and 10).

The Regulations require the marking of sheep and goats when they are consigned to a destination outside Great Britain (regulation 11) and to a destination within Great Britain (regulation 12). They also provide for documentation to be carried when sheep or goats are moved within Great Britain (regulation 13).

The Regulations provide for the removal and replacement of eartags and tattoos, the application of additional eartags and tattoos and prohibit the alteration of eartags and tattoos (regulations 14 to 16).

Enforcement and Offences

The Regulations provide for powers for inspectors (regulation 17), offences (regulation 18) and penalties (regulation 19).

Local Authorities enforce the Regulations apart from regulation 5, which is enforced by the National Assembly.

Amendments

The Regulations amend the Sheep Annual Premium Regulations 1992 to provide for the recovery of premium from producers who have breached regulation 5 of these Regulations.

Regulatory Appraisal

A Regulatory Appraisal has been prepared in accordance with section 65 of the Government of Wales Act 1998. Copies can be obtained from the National Assembly for Wales, Agriculture Policy Division 3, Cathays Park, Cardiff, CF10 3NQ.

Notes:

[1] S.I. 1999/2788.[back](#)

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

[3] OJ No. L337, 4.12.90, p.7.[back](#)

[4] O.J. No L355, 5.12.92, p.32.[back](#)

[5] S.I. 1992/2677 amended by S.I. 1994/2741, 1995/2779, 1996/49 and 1997/2500.[back](#)

[6] S.I. 2000/2335 (W. 152).[back](#)

[7] S.I. 1996/28.[back](#)

[8] 1998 c.38.[back](#)

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