

Welsh Statutory Instrument 2004 No. 996 (W.104)

The Pigs (Records, Identification and Movement) (Wales) Order 2004

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2004 No. 996 (W.104)

ANIMALS, WALES

ANIMAL HEALTH

The Pigs (Records, Identification and Movement) (Wales) Order 2004

Made

30th March 2004

Coming into force

31st March 2004

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SCHEDULE HOLDING MOVEMENT RECORD

The National Assembly for Wales and the Secretary of State, acting jointly in exercise of the powers conferred upon them by sections 1 and 8(1) of the Animal Health Act 1981[1] make the following Order:

PART 1

PRELIMINARY

Title, application and commencement

1. This Order is called the Pigs (Records, Identification and Movement) (Wales) Order 2004; it applies to Wales and comes into force on 31st March 2004.

Interpretation

2. In this Order -

"approved holding" ("*daliad cymeradwy*") has the meaning given in article 23;

"CPH number" ("*rhif CPH*") means the holding number assigned from time to time to any holding or part of any holding by the National Assembly;

"herdmark" ("*marc y genfaint*") means the alpha numeric code allocated to a herd of pigs by the National Assembly in accordance with article 4(2);

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

"identification mark" ("*marc adnabod*") has the meaning given in article 10;

"keeper" ("*ceidwad*") means any person having care and control of pigs, whether on a temporary or permanent basis, but does not include a person who only transports pigs; and

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

Licences, authorisations and approvals

3. Any licence, authorisation or approval under this Order must be in writing, may be subject to conditions and may be suspended, amended or revoked in writing at any time.

PART 2

RECORD KEEPING

Notification of holdings

4. - (1) A keeper shall notify the National Assembly of the following information within one month of the establishment of a holding -

- (a) the address of the holding; and
- (b) the name and address of the owner or occupier of the holding.

(2) The National Assembly must issue an alpha numeric code for each herd of pigs on the holding (the "herdmark"), once the information in paragraph (1) has been provided.

(3) A keeper must notify the National Assembly of any change or addition to the information in paragraph (1) within one month of the change or addition.

(4) Paragraph (1) does not apply to a keeper who has already notified the National Assembly.

(5) Any notification required under this article must be in writing.

Movement records

5. - (1) A keeper must record each movement of a pig on or off his or her holding within 36 hours of the movement.

(2) The record must be in the form set out in the Schedule.

(3) If the movement is for any purpose referred to in articles 19 or 20 the keeper must also record the unique individual identification number.

Slaughterhouse records

6. - (1) An occupier of a slaughterhouse must, in addition to the requirements of article 5, record the details of any pig brought to the slaughterhouse that is not -

- (a) marked in accordance with article 14, in the case of a pig over 12 months old;
- (b) marked in accordance with article 18 in the case of a pig 12 months old or less; and
- (c) accompanied by the document required by article 21.

(2) The details to be recorded must be kept separately from the information required by article 5 and must include -

- (a) the name of the keeper of the pig; and

- (b) the holding from which the pig was sent to slaughter.

Sale records at an auction

7. - (1) At a market where pigs are sold by auction the occupier of the market must, for each lot of pigs, record -

- (a) the information in the Schedule;
- (b) the name of the seller and buyer; and
- (c) the number of the pen in which each lot was held.

(2) The record must be made within 36 hours of the sale.

Record of number of pigs on a holding

8. At least once a year the keeper must record the maximum number of pigs normally present on the holding.

Records retention

9. - (1) Any person required by this Order to make records must keep them for at least 6 years from the end of the year in which the entry was made.

(2) Records may be in written or electronic form.

PART 3

IDENTIFICATION MARKS

Identification mark

10. - (1) An identification mark is -

- (a) an eartag stamped or printed with the letters "UK" followed by the herdmark; or
- (b) a tattoo of the herdmark that is legible for the life of the pig.

(2) For the purposes of articles 19 and 20 the herdmark in paragraph (1) must be followed by a unique individual identification number allotted to the pig by the keeper.

Requirements for eartags

11. An eartag must be -

- (a) easy to read throughout the pig's lifetime;
- (b) made of either metal or plastic or a combination of metal and plastic;
- (c) tamper-resistant;
- (d) incapable of re-use;

(e) sufficiently heat-resistant that neither the eartag nor the information printed or stamped on it can be damaged by the processing of the carcase following slaughter;

(f) of a design that will remain attached to the pig without being harmful to it.

Slapmark

12. A slapmark is a tattoo of the herdmark which is applied on each front shoulder area of the pig.

Additional marking

13. Nothing in this Order prevents a keeper from marking the pig with any other information, or adding further information to the identification mark, provided that this marking does not affect the ability to read the identification mark or the slapmark.

PART 4

GENERAL IDENTIFICATION REQUIREMENTS

Identification of pigs over 12 months moved off a holding

14. No person may move a pig over 12 months old off a holding unless it is marked with -

(a) an identification mark; or

(b) a slapmark that is legible throughout the life of the pig and throughout the processing of its carcase.

Identification of pigs under 12 months moved off a holding

15. - (1) No person may move a pig 12 months old or less off a holding unless it is identified in accordance with article 14 or with a temporary mark.

(2) A temporary mark must -

(a) either by itself or by reference to a document accompanying the pig during the movement, enable the holding from which the pig was last moved to be identified; and

(b) last until the pig reaches its destination.

Identification of pigs moved on to a holding from outside the European Union

16. - (1) Any person importing a pig from outside the European Union must apply an eartag or a tattoo to the pig containing the following information, in the following order -

(a) the letters "UK";

- (b) the herdmark of the herd into which the imported pig is introduced;
- (c) any other information, if the keeper wishes to apply such information;
and
- (d) the letter "F".

(2) The eartag or tattoo must be applied to the pig within 30 days of its arrival at the holding of destination, and in any event, before it is moved from that holding.

PART 5

ADDITIONAL IDENTIFICATION REQUIREMENTS

Additional identification requirements

17. The identification requirements for the movements specified in articles 18 to 20 apply in addition to the requirements in Part 4.

Movement of pigs 12 months old or less to a slaughterhouse

18. - (1) No person may move a pig 12 months old or less off a holding to a slaughterhouse or slaughter market unless it is marked with -

- (a) an identification mark; or
- (b) a slapmark that is legible throughout the life of the pig and throughout the processing of its carcase.

(2) In this article, slaughter market means a market for the sale of pigs intended for immediate slaughter.

Movements of pigs to shows, exhibitions and for breeding purposes

19. No person may move a pig off a holding -

- (a) to a show or exhibition; or
- (b) for breeding purposes with the intention of returning the pig to the holding from which it was moved

unless it is marked with an identification mark that includes a unique individual identification number in accordance with article 10(2).

Movement of pigs for export

20. - (1) No person may move a pig off a holding for the purposes of intra-Community trade or export unless it is marked with an identification mark that includes -

- (a) an unique individual identification number in accordance with article 10(2); and

(b) the letters "UK" before the herdmark.

(2) Paragraph (1) applies whether the identification mark is an eartag or a tattoo.

PART 6

REGULATION OF MOVEMENTS

Movement of pigs

21. - (1) Any person transporting pigs must carry a document, signed by the keeper which specifies -

- (a) the address, including postcode and CPH number of the holdings from, and to which, the pigs are being moved;
- (b) the date the movement is taking place;
- (c) the number of pigs that the document covers;
- (d) the identification mark of each of the pigs moved; and
- (e) in the case of a movement from a market, the lot numbers of the pigs being moved.

(2) Any person transporting a pig must give the document referred to in paragraph (1) to the keeper at the holding of destination who must retain it for at least 6 months.

(3) The keeper at the holding of destination must, within 3 days of the arrival of a pig, send a copy of the document referred to in paragraph (1) to the local authority.

(4) The keeper of a pig being moved outside Wales must send a copy of the document referred to in paragraph (1) to the local authority for the consigning holding.

Walking licences for pet pigs

22. - (1) A keeper of a pet pig may apply to the Secretary of State for a licence (a "walking licence") allowing the keeper to move the pig without complying with articles 5 and 21.

(2) The person moving the pig under this licence must carry a copy of it throughout the movement.

Approved holdings

23. - (1) An approved holding is a holding that the National Assembly may approve for the purposes of movements of pigs intended for breeding or growing.

(2) The approval must specify which holdings pigs may be moved from and which holdings they may be moved on to.

(3) A movement of a pig between holdings approved under this article does not trigger the standstill period in the Disease Control (Wales) Order 2003[2].

PART 7

MISCELLANEOUS

Removal of an identification mark

24. No person may, unless authorised by the National Assembly, remove an identification mark applied or attached under this Order.

Replacement of an identification mark

25. - (1) No person may, unless authorised by the National Assembly, replace an identification mark applied or attached under this Order unless it has -

- (a) become illegible;
- (b) been removed for welfare reasons; or
- (c) been lost.

(2) Any person replacing an identification mark must either -

- (a) apply an identical identification mark; or
- (b) apply a new identification mark and cross-refer the new identification mark with the original identification mark in the record kept under article 5.

Production of documents and records

26. An inspector may require any record made under this Order to be produced on demand and a copy or printout of it to be made.

Enforcement

27. - (1) This Order is to be enforced by the local authority.

(2) The National Assembly or the Secretary of State may direct, in relation to cases of a particular description or any particular case, that an enforcement duty imposed on a local authority under this Order is to be discharged by the National Assembly or the Secretary of State (as the case may be) and not by the local authority.

Revocations

28. - (1) The following are revoked -

- (a) the Pigs (Records, Identification and Movement) (Interim Measures) (Wales) (No.2) Order 2002[3];
- (b) the Pigs (Records, Identification and Movement) (Interim Measures) (Wales) (No. 2) (Amendment) Order 2003[4]

(c) the Pigs (Records, Identification and Movement) (Interim Measures) (Wales) (No. 2) (Amendment) (No.2) Order 2003[5].

(2) The Pigs (Records, Identification and Movement) Order 1995[6] is revoked in relation to Wales only.

Signed on behalf of the National Assembly for Wales

D. Elis-Thomas
Presiding Officer of the National Assembly

30th March 2004

Ben Bradshaw
Parliamentary Under Secretary of State

Department for Environment, Food and Rural Affairs
30th March 2004

SCHEDULE

Article 5

"HOLDING MOVEMENT RECORD"

The Pigs (Records, Identification and Movement) (Wales) Order 2004

Name and address of person keeping the record

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<i>Date of movement</i>	<i>Identification mark slapmark or temporary mark</i>	<i>Number of pigs</i>	<i>Holding from which moved</i>	<i>Holding to which moved</i>

EXPLANATORY NOTE

(This note is not part of the Order)

This Order, which applies to Wales only, continues to implement Council Directive 92/102/EEC on the identification and registration of animals (OJ No

L 355, 5.12.92, p.0032) and revokes and replaces the Pigs (Records, Identification and Movement) (Interim Measures) (Wales) (No. 2) Order 2002. (S.I. 2002/2303 (W.228), as amended). It makes the following changes of substance -

- It removes the cessation provision so that the Order now has permanent effect (article 1).
- It amends the provisions relating to the identification of pigs so that -
 - before being moved off a holding, a pig over 12 months old must be marked with an identification mark or a slapmark (article 14) and a pig 12 months old or less must be marked in that way or with a temporary mark (article 15); and
 - a pig imported from outside the European Union must be identified at the destination of holding with an eartag or tattoo containing the letters "UK" followed by the herdmark and the letter "F" (article 16).

In addition to the above requirements, the Order provides that -

- a pig 12 months old or less being moved to a slaughterhouse or slaughter market must be marked with an identification mark or a slapmark (article 18);
- a pig being moved to a show, exhibition or for export and also for breeding, where it is intended that the pig shall be returned to the holding from which it was moved, must be marked with an identification mark that includes a unique individual identification number (articles 19 and 20).
- It adds article 6 requiring slaughterhouse occupiers to record details of pigs that have not been identified under this Order.
- It extends the period that records must be retained from 3 to 6 years (article 9).

Part 2 sets out record keeping requirements, including the requirement to keep movement records (article 5), sale records at an auction (article 7) and records of the number of pigs on a holding (article 8).

Part 3 defines identification marks (article 10) and slapmarks (article 12) and specifies the requirements for eartags (article 11). Part 6 regulates the movement of pigs (article 21) and pet pigs (article 22) and provides for the approval of holdings from which pigs may be moved without triggering the standstill period in the Disease Control (Wales) Order 2003 (S.I. 2003/1966 (W.211)) in the holding of destination (article 23).

Part 7 prohibits the removal and replacement of identification marks, except in certain circumstances (articles 24 and 25).

The Order is enforced by the local authority (article 27).

Breach of the Order is an offence under section 73 of the Animal Health Act 1981, punishable in accordance with section 75 of that Act.

A Regulatory Appraisal has been prepared for this Order and placed in the library of the National Assembly. Copies can be obtained from the Animal Health Division, Welsh Assembly Government, Cathays Park, Cardiff CF10 3NQ.

Notes:

[1] 1981 c. 22. Functions conferred under the 1981 Act on "the Ministers" (as defined in section 86 of that Act) were transferred, so far as exercisable by the Secretary of State for Wales, were transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672); Those functions, so far as exercisable by the Secretary of State for Scotland in relation to Wales, were transferred to the Minister of Agriculture, Fisheries and Food by the Transfer of Functions (Agriculture and Food) Order 1999 (S.I. 1999/3141) and were then further transferred to the Secretary of State by the Ministry of Agriculture, Fisheries and Food (Dissolution) Order 2002 (S.I. 2002/794).[back](#)

[2] S.I. 2003/1966 (W.211).[back](#)

[3] S.I. 2002/2303 (W. 228).[back](#)

[4] S.I. 2003/170 (W.30).[back](#)

[5] S.I. 2003/2763 (W.268).[back](#)

[6] S.I. 1995/11.[back](#)

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