

EUROPEAN COMMUNITIES (REGISTRATION OF BOVINE ANIMALS) REGULATIONS 1996

I, Ivan Yates, Minister for Agriculture, Food and Forestry, in exercise of the powers conferred on me by section 3 of the European Communities Act, 1972 (No. 27 of 1972) and for the purpose of giving effect to Council Directive No. 92/102/EEC (1) of 27 November 1992 and Council Regulation (EEC) No. 3508/92 (2) of 27 November 1992, as last amended by Council Regulation (EEC) No. 3235/94 (3) of 20 December 1994, insofar as they relate to the registration and recording of bovine animals, hereby make the following Regulations:

(1) O.J. No. L355 of 5.12.1992, p. 32.

(2) O.J. No. L355 of 5.12.1992, p. 1.

(3) O.J. No. L338 of 28.12.1994, p. 16.

REG 1

1. (1) These Regulations may be cited as the European Communities (Registration of Bovine Animals) Regulations, 1996.

(2) These Regulations shall come into operation on the 15th day of April, 1996.

REG 2

2. (1) In these Regulations—

"the 1989 Order" means the Bovine Tuberculosis (Attestation of the State and General Provisions) Order, 1989 (S.I. No. 308 of 1989);

"the 1996 Order" means the Bovine Tuberculosis (Attestation of the State and General Provisions) Order, 1996 (S.I. No. 103 of 1996);

"the Act" means the Diseases of Animals Act, 1966 (No. 6 of 1966);

"animal" means a bovine animal;

"approved ear-tag" has the meaning assigned to it by the 1989 Order;

"authorised person" means—

(i) a person who stands appointed for the time being under Regulation 6, or

(ii) an authorised person or inspector within the meaning of the Act, including any person authorised to exercise the powers of an authorised person under section 25, paragraph (3), of the Act;

"the Council Directive" means Council Directive No. 92/102/EEC of 27 November 1992;

"the Council Regulation" means Council Regulation (EEC) No. 3508/92 of 27 November 1992, as last amended by Council Regulation (EEC) No. 3235/94 of 20 December 1994;

"herd" has the meaning assigned to it by the 1989 Order;

"herdowner" has the meaning assigned to it by the 1989 Order;

"the Minister" means the Minister for Agriculture, Food and Forestry;

"vehicle" means any form of road transport conveyance used for the movement of animals and includes a trailer.

(2) A word or expression that is used in these Regulations and is also used in the Council Directive or the Council Regulation has, unless the contrary intention appears, the meaning in these Regulations that it has in the Council Directive or the Council Regulation.

(3) In these Regulations—

(a) a reference to a Regulation is to a Regulation of these Regulations, unless it appears that reference to some other enactment is intended;

(b) a reference to a paragraph is to the paragraph of the provision in which the reference occurs, unless it is indicated that reference to some other provision is intended;

(c) a reference to a Schedule is to a Schedule to these Regulations.

REG 3

3. (1) Any herd-owner to whom ear-tags have been issued for the purposes of the identification of animals under the 1996 Order shall, within seven days from the date on which an animal is identified by the attachment of ear-tags pursuant to that Order or, in any event, before it is moved from the holding—

(a) state in writing on the form specified in the First Schedule issued in accordance with paragraph (2) which bears in the box entitled "Tag No." the country code, herd identifier and individual number borne by the ear-tags attached by the herd-owner to the animal concerned pursuant to the 1996 Order-

(i) the sex of the animal,

(ii) the date of birth of the animal,

(iii) the breed code of the dam of the animal in accordance with the list of breed codes set out in the Second Schedule,

(iv) the ear-tag number on the approved ear-tag attached to the dam for the purposes of the 1989 Order or, as the case may be, on the ear-tags attached to the dam in accordance with the 1996 Order, and

(v) the breed code of the sire of the animal in accordance with the list set out in the Second Schedule;

(b) sign the form at the place indicated therefor and enter the date on which the form is completed; and

(c) return the form by post to the Minister at the address indicated thereon.

(2) The Minister may, for the purposes of these Regulations, the Council Directive and the Council Regulation, issue or cause to be issued to herd-owners forms in the format specified in the First Schedule for the purposes of registration of the birth of animals in their herds.

REG 4

4. (1) Every herd-owner shall keep a register of—

(a) the particulars, as specified in the Third Schedule, of each animal present in the herd, and

(b) the number of animals present in the herd.

(2) Records kept pursuant to paragraph (1) shall be kept in such a manner as shall ensure that entries are made in a chronological order and are readily legible.

(3) Where an entry is required to be made in the register provided for in this Regulation due to the birth, death, purchase or sale of an animal, such entry shall be made—

(a) in the case of the birth of an animal, within a period of

seven days following the date on which the animal is identified pursuant to the 1996 Order,

(b) in the case of the death, purchase or sale of an animal, within a period of seven days following the date of such death, purchase or sale.

(4) The Minister may specify the format of the register required to be kept by this Regulation and, where he does so, it shall be a requirement of this Regulation to keep the register in the format so specified.

(5) Registers kept pursuant to this Regulation shall be kept for a period of seven years following the end of the year in which the entries in the registers are made.

REG 5

5. (1) An authorised person may, for the purposes of these Regulations, the Council Directive and the Council Regulation

(a) at all reasonable times, enter any premises or place, and any vehicle, wagon, vessel, aircraft or other means of transport, where he reasonably suspects that there are or have been any animals or that any records or registers required by these Regulations are kept,

(b) there examine and inspect any animal found there, and carry out such other examinations or inspections as he reasonably considers necessary or expedient for the purposes of such functions,

(c) require any person at the premises or place or on or in the means of transport and the owner or person in charge thereof and any person employed in connection therewith to give to him such information and to produce to him such books, documents, registers or records, including any registers or records required to be kept by these Regulations, within the power or procurement of the person as he may reasonably require for the purposes of such functions,

(d) take up and retain, where required for the purposes of his functions, any such books, documents, registers or records.

(2) A person shall not obstruct or otherwise interfere with an authorised person in the performance of his functions under these Regulations or, in purported compliance with a requirement under paragraph (1)(c), give information to an authorised person that he knows to be false or misleading in a material respect.

REG 6

6. (1) The Minister may appoint in writing such and so many persons as he thinks fit to be authorised persons for the purposes of these Regulations.

(2) An authorised person, when exercising any power conferred on him by these Regulations, shall, if so requested by any person affected, produce evidence in writing of his appointment as an authorised person under these Regulations or as an inspector or authorised person under the Act.

REG 7

7. A person shall not, in purported compliance with Regulations 3, 4 or 5, include in any form, book, document, register or record a particular which he knows to be false or does not know to be true or recklessly include in such a form, book, document, register or record a particular which is false or which he does not know to be true.

REG 8

8. (1) A person who contravenes a provision of these Regulations shall be guilty of an offence.
(2) A person guilty of an offence under these Regulations shall be liable on summary conviction to a fine not exceeding £1,000 or to imprisonment for a term not exceeding twelve months or to both.
(3) Where an offence under these Regulations has been committed by a body corporate and is proved to have been so committed with the consent or connivance of or to be attributable to any neglect on the part of a person, being a director, manager, secretary or other officer of the body corporate or a person who was purporting to act in any such capacity, that person, as well as the body corporate, shall be guilty of an offence and shall be liable to be proceeded against as if he were guilty of the first-mentioned offence.

REG 9

9. An offence under these Regulations may be prosecuted by the Minister.

FIRST SCHEDULE

National Calf Birth Registration Form Tag No. Sex of calf: Male Female
Date of Birth of Calf |___|___|___|___|___|___|(Please tick one box) Day Month Year Breed of Dam* |___|___|___| Dam Eartag No.: Breed of Sire* |___|___| A.I Code: *Select Breed code only from Official List (If known) Declaration of Owner of Herd where the calf was born I hereby declare the details given by me in all sections of this Registration Form and on the Administrative Document/Cattle Identity Card below to be true and accurate: Signature: _____ Date: _____

SECOND SCHEDULE

Breed Code Angus AA Belgian Blue BB Charolais CH Friesian FR Hereford HRL Limousin LMS Shorthorn SHS Simmental SLOther beef breed OBOther dairy

breed OD

In the case of a cross-bred dam, the letter "X" must be inserted after the relevant breed code.

THIRD SCHEDULE

1. The ear-tag number of the animal.
2. The date of birth of the animal.
3. The sex of the animal.
4. The breed of the animal.
5. The date of purchase, death or sale of the animal.
6. In the case of the sale of the animal, the name of purchaser or mart where sold.

GIVEN under my Official Seal, this 11th day of April, 1996.

Ivan Yates,

Minister for Agriculture, Food and Forestry.

EXPLANATORY NOTE

These Regulations implement Council Directive 92/102/EEC and Council Regulation (EEC) 3508/92 insofar as they relate to the registration and recording of bovine animals. The Regulations require herdowners to register the births of all bovine animals in their herds within a period of seven days from the date of identification. They also require all herdowners to keep registers of the cattle present in their herds.