

**EUROPEAN COMMUNITIES (REGISTRATION OF HOLDINGS AND IDENTIFICATION
OF
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, hereby make the following Regulations:—
(1) O.J. No. L355 of 5.12.92, p. 32.

REG 1

1. (1) These Regulations may be cited as the European Communities (Registration of Holdings and Identification of Animals) Regulations, 1996.
- (2) These Regulations shall come into operation—
 - (a) for the requirements regarding caprine and ovine animals, on the 8th day of January, 1996;
 - (b) for the requirements regarding porcine animals, on the first day of March, 1996.

REG 2

2. (1) In these Regulations—
 - "the Act" means the Diseases of Animals Act, 1966 (No. 6 of 1966);
 - "animal" means an animal of the caprine, ovine or porcine species (goats, pigs or sheep);
 - "animal identification number" means a number issued in respect of a species of animal on a registered holding pursuant to Regulation 7;
 - "authorised person" means—
 - (i) a person who stands for the time being appointed under Regulation 15, paragraph (1), 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;
 - "District Veterinary Office" means a district veterinary office of the Department of Agriculture, Food and Forestry;
 - "the Minister" means the Minister for Agriculture, Food and Forestry;
 - "registered holding" means a holding which has been registered by the Minister pursuant to Regulation 3;
 - "registered veterinary practitioner" means a person registered in the register established under the Veterinary Surgeons Act, 1931 (No. 36 of 1931);
 - "third country" means a country which is not a member of the European Communities;
 - "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 has, unless the contrary intention appears, the meaning in these Regulations that it has in the Council Directive.
- (3) (a) In these Regulations a reference to a Regulation is to

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

(b) In these Regulations a reference to a paragraph or subparagraph is to the paragraph or subparagraph of the provision in which the reference occurs, unless it is indicated that reference to some other provision is intended.

REG 3

3. (1) Any person who holds, keeps or handles an animal on any holding in the State shall apply to the Minister, in such form as may be specified by him, for registration of the holding as a registered holding.

(2) Any person who, after the date of coming into operation of these Regulations, holds, keeps or handles or proposes to hold, keep or handle on any holding in the State any animal shall apply to the Minister, in such form as may be specified by him, for registration of the holding as a registered holding.

(3) Where, in accordance with paragraph (1) or (2), a person is required to apply for registration of a holding, he shall apply for such registration at the District Veterinary Office for the area in which the holding is situated.

(4) The Minister shall register any holding specified in an application for registration unless he is satisfied that such application is not a bona fide application or that the holding has been previously registered by him.

REG 4

4. No person shall have in his possession or under his control on any holding in the State any animal unless the holding has been registered by the Minister as a registered holding.

REG 5

5. Where in relation to any holding which is a registered holding—

(a) there is a change in the person holding, keeping or handling the animals on the holding, or

(b) there is a change (whether by way of an increase or decrease) in the species of animal to which these Regulations apply which are held, kept or handled on the holding, or

(c) all animals on the holding are slaughtered, sold or otherwise disposed of,

the person who applied for registration in accordance with Regulation 3, paragraph (1) or (2), or, in the case referred to in subparagraph (a) of this Regulation, the new person holding, keeping or handling the animals on the holding, shall before or on the date of the change, supply the relevant District Veterinary Office with the same particulars as are required for registration as a registered holding in accordance with Regulation 3 and in such form as the Minister may specify.

REG 6

6. For the purposes of these Regulations—

(a) any person to whom a herd number has been allocated for the purposes of the Bovine Tuberculosis (Attestation of the State and General Provisions) Order, 1989 (S.I. No. 308 of 1989) shall be deemed to have applied for registration of the holding as a registered holding and the herd number so issued shall be deemed to be an animal identification number for animals of the caprine or ovine species on the holding of that person to which the herd number relates;

(b) any person to whom a number has been allocated for the purposes of the following Schemes operated by the Minister, that is to say, the Sheep Headage Payments Scheme in Disadvantaged Areas and the EU Ewe Premium Scheme, shall be deemed to have applied for registration of the holding as a registered holding and the number so issued shall be deemed to be an animal identification number for animals of the caprine or ovine species on the holding of that person to which the number relates;

(c) any person to whom a number has been allocated for the purposes of the following Scheme operated by the Minister, that is to say, the Goat Headage Scheme in Disadvantaged Areas, shall be deemed to have applied for registration of the holding as a registered holding and the number so issued shall be deemed to be an animal identification number for animals of the caprine species on the holding of that person to which the number relates;

(d) any person to whom a pig holding number has been allocated by the Minister under the Scheme for the Identification of Pigs shall be deemed to have applied for registration of the holding as a registered holding and the pig holding number so issued shall be deemed to be an animal identification number for animals of the porcine species on the holding of that person to which the pig holding number relates.

REG 7

7. Without prejudice to Regulation 6, the Minister may issue or cause to be issued to each registered holding an animal identification number or, where more than one species of animal to which these Regulations apply are held, kept or handled on the holding, animal identification numbers which vary according to the species of animal held, kept or handled on the holding.

REG 8

8. (1) A person shall not move, nor cause nor permit to be moved, an animal from a holding unless at the time of such movement—

(a) the holding is a registered holding, and

(b) (i) the animal has attached to its left ear an ear-tag of a type which stands approved for the time being by the Minister in accordance with Regulation 9 and which bears the animal identification number issued to that holding, where appropriate, for

the species of animal concerned, or

(ii) the animal is marked by means of a tattoo or identified in such a manner as may be approved for the time being by the Minister for the species of animal concerned.

(2) The provisions of subparagraph (1) (b) shall not apply to an animal which has already been and continues to be tagged, marked or identified in accordance with paragraph (1) in relation to a previous movement from a registered holding on which such animal happened to be.

(3) Notwithstanding the provisions of paragraph (2), the Minister may, in the case of animals of the porcine species, at the time of registration of a holding as a registered holding in accordance with Regulation 3 or subsequently, require such animals to be tagged, marked or identified in accordance with paragraph (1), although they have already been and continue to be tagged, marked or identified in accordance with paragraph (1) in relation to a previous movement from a registered holding on which such animals happened to be.

REG 9

9. (1) An ear-tag required to be used by Regulation 8, paragraph (1), shall be—

(a) of a pattern and colour approved by the Minister,

(b) manufactured by an approved manufacturer in accordance with Regulation 11,

(c) such that when attached to the ear of the animal, it becomes effectively closed,

(d) such that, if any letters or numbers of the animal identification number borne by the ear-tag are altered (whether by addition, deletion, variation or otherwise) the alteration is evident as such,

(e) made of rigid, durable material,

(f) clearly legible,

(g) incapable of re-use, and

(h) capable of remaining on the animal without interfering with its well-being.

(2) Methods of marking by means of a tattoo or identification may be approved by the Minister for the purposes of Regulation 8, paragraph (1), where he is satisfied that—

(a) they are suitable for the purposes of the Council Directive, and

(b) the application of the mark would not interfere with the well-being of the animal.

(3) The Minister may, when approving an ear-tag in accordance with paragraph (1) or a method of marking or identification for the purposes of Regulation 8, paragraph (1) limit its approval to certain species of animal only.

(4) The Minister shall, as soon as may be after approval has been granted in accordance with paragraph (1) or (2) or following the withdrawal of approval from a manufacturer in accordance with Regulation 11, paragraph (3), cause to be published in *Iris Oifigiúil* notice of such approval or withdrawal of approval, as the case may be, which shall include where appropriate, in the case of an approval, the species of animal to which the approval has been

limited by virtue of paragraph (3).

(5) No person (other than an authorised person or a registered veterinary practitioner authorised by the Minister so to do) shall remove an ear-tag attached to a live animal for the purposes of these Regulations without the consent in writing of the Minister.

(6) Where an ear-tag is removed from a live animal in accordance with paragraph (5) or an ear-tag which has been lost is replaced on a live animal, the person who is obliged to keep records in respect of that animal in accordance with Regulation 12 shall record full details of such removal or replacement, as the case may be, in the records required to be kept in accordance with that Regulation.

REG 10

10. The Minister shall not—

(a) refuse to approve an ear-tag or a method of identification or marking by means of a tattoo under Regulation 9,

(b) refuse to approve or withdraw approval from a manufacturer under Regulation 11, or

(c) attach a condition to an approval under Regulation 11, paragraph (4), or vary or revoke such a condition, without—

(i) notifying the holder of, or applicant for, the approval of his intention to refuse the application, withdraw the approval, or attach, vary or revoke the condition, as the case may be,

(ii) specifying his reasons for the refusal, withdrawal or the attaching, varying or revocation of the condition, or

(iii) affording the holder of, or applicant for, the approval an opportunity of making representations or having representations made on his behalf to the Minister in relation to the proposed refusal, withdrawal, or the attaching, varying or revocation of the condition, as the case may be, within 14 days of the receipt by that person of the notification referred to in subparagraph (i) and having regard to any such representations.

REG 11

11. (1) The Minister shall grant approval to a manufacturer of ear-tags for the purposes of Regulation 8 in accordance with the provisions of this Regulation.

(2) Approval shall not be granted by the Minister to a manufacturer where he is satisfied that the conditions of approval laid down in accordance with paragraph (4) will not be complied with.

(3) Approval granted to a manufacturer in accordance with paragraph (1) shall be withdrawn by the Minister where he is satisfied that the conditions of approval laid down in accordance with paragraph (4) have not been or are not being complied with.

(4) The Minister may attach such conditions to the approval of manufacturers in accordance with paragraph (1) or vary or revoke such conditions, in respect of—

(i) the keeping of records in a specified form, and

(ii) the distribution, storage and handling of ear-tags in a specified manner,

as he may deem necessary for the purposes of the Council Directive.

(5) Records kept pursuant to paragraph (4) shall—
(a) be kept for a period of three years following the end of the year to which the record relates, and
(b) be produced to, and made available for inspection by, an authorised person on a request being made in that behalf by such person.

REG 12

12. (1) A person who holds, keeps or handles animals on a holding shall, in the case of the movement of an animal onto or out of the holding, keep a record in writing of—

- (a) the date on which the animal was moved onto or out of the holding,
- (b) the address of the place from or to which the movement took place and the name of the occupier of such place,
- (c) the animal identification number or other identification mark attached to or borne by the animal for the purposes of Regulation 8, and
- (d) the name of the vendor or purchaser (if any) concerned.

(2) A person who holds, keeps or handles animals of the ovine or caprine species on a holding shall keep, in addition to the records required by paragraph (1), an up-to-date record of the number of live female animals of such species on the holding which are over twelve months of age or which have given birth on the holding.

(3) A person by whom records are kept pursuant to this Regulation shall keep the records for a period of three years following the end of the year to which the record relates.

(4) The Minister may specify the format in which records required to be kept by this Regulation shall be kept and, where he does so, records shall be kept in the format so specified.

REG 13

13. (1) Any person who holds, keeps or handles animals on a holding—

- (a) where any such animals are moved from the holding, or
 - (b) where animals are moved from a market to the holding other than following their purchase at that market,
- shall—

(i) ensure that the animals are accompanied, during such movement, by a document in writing which states—

- (I) the address of the holding or market of origin,
 - (II) the address of the premises to which they are being moved,
- and

(III) the animal identification numbers or other identification marks attached to or borne by the animals for the purposes of Regulation 8; and

- (ii) (I) where the animals are moved to a market or collection centre, supply the operator of the market or collection centre, or
 - (II) where the animals are sold directly to a purchaser, supply the purchaser thereof,
- at the time of movement or as soon as possible thereafter, with the document which has accompanied the animals in accordance with subparagraph (i).

(2) The Minister may specify the format of the document referred to in paragraph (1) and, where he does so, it shall be a requirement of this Regulation to ensure that the animals are accompanied during movement with the document, and to supply the document, in the format so specified.

(3) A person to whom documents are supplied pursuant to this Regulation shall keep such documents for a period of three years following the end of the year in which the documents were received.

REG 14

14. (1) Any person who purchases animals at a market shall—

(a) ensure that the animals are accompanied, while they are being moved from the market to the premises of destination, with a commercial document issued by the operator of the market which states—

(i) the date of purchase,

(ii) the name and address of the purchaser,

(iii) the number of animals purchased, and

(iv) the lot number, if any, relating to the purchase concerned;

and

(b) supply the owner or person in charge of the premises of destination with the commercial document referred to in subparagraph

(a).

(2) A person to whom documents are supplied pursuant to this Regulation shall keep such documents for a period of three years following the end of the year in which the documents were received.

REG 15

15 (1) The Minister may appoint in writing such and so many of his officers or other 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 16

16 (1) An authorised person or member of the Garda Síochána may, for the purposes of these Regulations and the Council Directive—

(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—

(i) animals to which these Regulations apply are being kept or transported, or

(ii) records required to be kept by these Regulations are being stored or transported,

(b) there examine and inspect any animal to which these Regulations apply,

(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 records kept pursuant to these Regulations and such other documents and records within the power or procurement of the person as he may reasonably require for the purposes of such functions,

(d) examine and take copies of, or of extracts from, any such records and documents as aforesaid, and

(e) seize and detain anything found there which he reasonably believes to be evidence of an offence under these Regulations.

(2) A person shall not, in purported compliance with a requirement under subparagraph (1) (c), give information to an authorised person or member of the Garda Síochána that he knows to be false or misleading in a material respect.

(3) A person shall not obstruct or impede an authorised person or member of the Garda Síochána in the due exercise of any of the functions of an authorised person or member under these Regulations.

REG 17

17. (1) Without prejudice to Regulation 8, an animal which has been imported into the State from a third country and which has passed the checks laid down in Council Directive 91/496/EEC(2), as amended, shall, at the latest within 30 days following the date of such import, be identified in accordance with the provisions of subparagraph (1) (b) of Regulation 8.

(2) Where an animal is imported in the circumstances provided for in paragraph (1), the requirements laid down in Regulation 12, paragraph (1), shall include the requirement to keep a record of the identification number or other marking attached to or borne by the animal concerned at the time of importation.

(3) The provisions of paragraph (1) shall not apply to an animal which is imported directly into the State for the purposes of slaughter, which is delivered directly following such importation to premises in which such slaughter may lawfully be carried out and which is actually slaughtered within 30 days following the date of such importation.

(2)O.J. No. L268 of 24.9.91, p. 56.

REG 18

18. A person shall not—

(a) in purported compliance with—

(i) Regulation 11 or 12, include in a record, or

(ii) Regulation 13, include in a document,

a particular which he knows to be false or does not know to be true or recklessly include in such a record or document, as the case may be, a particular which is false or which he does not know to be true,

(b) efface, obliterate or alter any ear-tag or marking attached or applied pursuant to these Regulations or attach or apply an ear-tag or marking which could be confused with any ear-tag or marking so attached or applied,

(c) have in his possession an animal bearing an ear-tag or to which a marking has been applied which could be confused with any ear-tag or marking attached or applied pursuant to these Regulations,
or

(d) have in his possession without lawful excuse, proof of which shall lie on him, an ear-tag bearing an animal identification number other than that issued to him pursuant to these Regulations.

REG 19

19. (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 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 20

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

GIVEN under my Official Seal, this 4th day of January, 1996.

IVAN YATES,
Minister for Agriculture, Food and
Forestry.

EXPLANATORY NOTE.

(This note is not part of the Instrument and does not purport to be a legal interpretation.)

These Regulations implement Council Directive 92/102/EEC of 27 November 1992 on the identification and registration of animals as far as animals of the caprine, ovine and porcine species are concerned.

The Regulations establish a system of registration of holdings on which such animals are held, kept or handled and require the animals to be identified when they are moved to or from such holdings and to be accompanied by a document during such movement.