

S.I. No. 655 of 2003

National Beef Assurance Scheme Act 2000 (Animal Movement) Regulations 2003

I, Joe Walsh, Minister for Agriculture and Food, in exercise of the powers conferred on me by Sections 19 and 21 (4) of the National Beef Assurance Scheme Act 2000 (No. 2 of 2000) and Section 3 of the European Communities Act 1972 (No. 27 of 1972) for the purpose of giving effect to Articles 7(1) and (3) of Regulation (EC) No 1760/2000⁽¹⁾ of the European Parliament and the Council hereby make the following Regulations:

1. These Regulations shall be known as the National Beef Assurance Scheme Act 2000 (Animal Movement) Regulations 2003.

2. (1) In these Regulations:

“certificate of CMMS compliance” means the document set out in Schedule 1;

“dealer” means a person approved and registered under the Diseases of Animals Acts 1966 to 2001 (Approval and Registration of Dealers and Dealers Premises) Order 2001 (S.I. No. 79 of 2001);

“Principal Act” means the National Beef Assurance Scheme Act 2001;

(2) A word or expression that is used in these Regulations and is also used in the Principal Act has, unless the contrary intention appears, the same meaning in these Regulations as it has in the Principal Act.

(3) A reference to a Regulation is to a Regulation of these Regulations, unless it is indicated that a reference to some other provision is intended.

3. (1) Subject to Regulation 4 and with the exception of movements (a) to or from a mart and (b) directly to a slaughter plant or an export assembly centre, a keeper shall prior to the movement of an animal from the holding or premises on which it is situated submit an application to the Minister to establish that the animal has a legitimate current status in conformity with CMMS. The Minister shall cause to issue a certificate of CMMS compliance in the format set out in Schedule 1 in respect of an animal complying with CMMS. The certificate of CMMS compliance shall be valid for the time period specified thereon.

(2) Subject to paragraph (1), a keeper shall not move

(a) an animal from the holding or premises on which it is situated unless it is accompanied by a valid certificate of CMMS compliance, or

⁽¹⁾ O.J. No. L204 of 11.8.2000

- (b) an animal into his or her holding or premises unless it is accompanied by a valid certificate of CMMS compliance

4. Notwithstanding Regulation 3, the requirement for a certificate of CMMS compliance shall not apply to

- (a) the movement of an animal direct from the holding or premises on which it is situated into a holding or premises to replace for suckling purposes an animal that was stillborn or died within 7 days of birth. The animal shall be moved into the holding or premises within 2 days of the occurrence of the stillbirth or death of the animal it is replacing,
- (b) the movement of an animal from the holding or premises on which it is situated to and from an Agricultural Show, and
- (c) the onward movement of an animal by a dealer in accordance with the Diseases of Animals Act 1966 (Control on Supply of Animals) Order 2002 (S.I. No. 189 of 2002) provided that the movement occurs within the validity period of the certificate of CMMS compliance under which he or she took possession of the animal.

5. (1) A keeper, other than a transporter of animals, shall notify to the Minister all movements of animals to and from the holding or premises and all deaths on the holding or premises together with the dates of these events within a period of seven days of the event occurring.

(2) The movement of an animal under Regulation 3(1) shall be notified to the Minister by the keeper in possession of the animal when the animal is moving out of the holding on which it was kept and by the keeper taking possession of the animal in the holding into which it is moving on the CMMS notification section of the certificate of CMMS compliance set out in Schedule 1 within a period of seven days of the event occurring.

(3) The movement of an animal under Regulation 4(a) shall be notified to the Minister by the keeper in possession of the animal when the animal is moving out of the holding on which it was kept and by the keeper taking possession of the animal in the holding into which it is moving in accordance with the format set out in Schedule 2 within seven days of the event occurring.

(4) The movement of an animal under Regulation 4(c) shall be notified to the Minister by the dealer moving the animal and the keeper taking possession of the animal in the holding or premises into which it is moving in accordance with the format set out in Schedule 3 within seven days of the event occurring.

6. The Minister shall specify the format of the death of an animal notification and of the movement of an animal notification, other than the movements referred to in Regulation 5(2) to (4), to be submitted by keepers and it shall be a requirement of this Regulation to notify the movement or death in the format so specified within seven days of the event occurring.

7. A keeper shall not provide false information in relation to the movement of an animal.
8. A keeper shall supply the competent authority, upon request, with all information concerning the origin, identification and, where appropriate, the destination of animals that he or she has owned, kept or transported, traded or otherwise handled or slaughtered.
9. For the purpose of complying with the requirements of these Regulations, a keeper shall be in the possession of an official identification number assigned by the Minister.
10. (1) A person who fails to comply with the provisions of these Regulations is guilty of an offence.
- (2) An offence under these Regulations may be prosecuted by the Minister.
11. The European Communities (Supply of Information on the Origin, Identification and Destination of Bovine Animals) Regulations 1999 (S.I. No. 258 of 1999) and the Diseases of Animals Act, 1966 (Restriction on Movement of Cattle) Order 2001 (S.I. No. 383 of 2001) are revoked.

Given under my Official Seal,
2 December 2003.

Joe Walsh

Minister for Agriculture and Food.

EXPLANATORY NOTE

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

This Regulation provides for the notification of animal movements and the death of an animal to the animal identification and traceability system database (CMMS). The Regulation also provides for the issue of a certificate of CMMS compliance prior to certain movements.

Schedule 1: Copy of CMMS compliance certificate

Schedule 2: Copy of NBAS 31F form (for reporting the farm to farm movement of an emergency replacement calf)

Schedule 3: Copy of NBAS 31G form (for reporting the move-on of animals from a Registered Dealers premises)