
STATUTORY INSTRUMENTS

2007 No.

ANIMALS, ENGLAND

ANIMAL HEALTH

**The Sheep and Goats (Records, Identification and Movement)
(England) Order 2007**

Made - - - - *[] December 2007*

Coming into force - - *[] January 2008*

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The Secretary of State makes the following Order in exercise of powers conferred by sections 1, 8(1), and 83(2) of the Animal Health Act 1981(a) and now vested in him(b).

PART 1

Introduction

Title, application and commencement

1. This Order—

- (a) may be cited as the Sheep and Goats (Records, Identification and Movement) (England) Order 2007;
- (b) applies in England; and
- (c) comes into force on [] January 2008].

Interpretation

2.—(1) In this Order—

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- (a) 1981 c.22. to which there are amendments not relevant to this Order.
(b) Functions conferred under the 1981 Act on “the Minister” and “the Ministers” are now exercisable by the Secretary of State. Functions of “the Ministers” were transferred, so far as exercisable by the Secretaries of State for Scotland and Wales, to the Minister of Agriculture, Fisheries and Food by the Transfer of Functions (Agriculture and Food) Order 1999 (SI 1999/3141). Functions of the Minister of Agriculture, Fisheries and Food were then further transferred to the Secretary of State by the Ministry of Agriculture, Fisheries and Food (Dissolution) Order 2002 (S.I. 2002/794).

“animal” means any animal of the ovine or caprine species;

“assembly centre” means any holding(a), collection centre or market at which sheep or goats originating from different holdings are grouped together to form consignments of animals intended for export or which is used in the course of export;

“Council Directive 92/102/EEC” means Council Directive 92/102/EEC on the identification and registration of animals(b);

“the Council Regulation” means Council Regulation (EC) No. 21/2004 establishing a system for the identification and registration of ovine and caprine animals and amending Regulation (EC) No. 1782/2003 and Directives 92/102/EEC and 64/432/EEC(c);

“export” means sending to another member State or a third country;

“flockmark” means the number allocated by the Secretary of State in respect of a flock of sheep on a holding;

“herdmark” means the number allocated by the Secretary of State in respect of a herd of goats on a holding;

“holding of origin” means the holding on which an animal was present immediately before moving to an assembly centre or, where an animal is consigned for export other than through an assembly centre, the holding on which an animal is present immediately prior to export;

“identification code” means the code set out on a means of identification as required under this Order;

“identification tag” means an eartag approved by the Secretary of State in accordance with article 11 bearing the information set out in article 5(5);

“inspector” means a person appointed to be an inspector for the purposes of this Order by the Secretary of State or a local authority;

“local authority” means—

(a) where there is, within the meaning of Local Government Changes for England Regulations 1994(d), a unitary authority for a local government area, that authority;

(a) where there is not a unitary authority—

(i) in a metropolitan district, the council of that district;

(ii) in a non-metropolitan county, the council of that county; or

(iii) in each London borough, the council of that borough;

(iv) in the city of London, the Common Council;

“market operator” means a person responsible for managing the reception or the sale of animals in a market or a duly authorised representative of such a person;

“means of identification” means an identification tag or a tattoo;

“movement document” means the movement document required by Article 6 of the Council Regulation;

“the previous Orders” means—

(b) the Sheep and Goats (Records, Identification and Movement) (England) Order 2005(e);

(c) the Sheep and Goats Identification and Movement (Interim Measures) (England) (No.2) Order 2002(f);

(a) “Holding” is defined in the Council Regulation as meaning “any establishment, any structure, or in the case of free-range farming, any environment, in which animals are held, reared or handled on a permanent or temporary basis, except veterinary practices or clinics”.

(b) OJ No L 355, 5.12.92, p.32.

(c) OJ No. L 5, 9.1.04, p. 8 to which there are amendments not relevant to this Order.

(d) S.I. 1994/867 to which there are amendments not relevant to this Order.

(e) S.I. 2005/3100, amended by S.I 2006/2987.

(f) S.I. 2002/2153, amended by S.I. 2003/29, S.I 2003/502 and S.I. 2003/1728.

- (d) the Sheep and Goats Identification and Movement (Interim Measures) (England) Order 2002(a);
- (e) the Sheep and Goats Identification (England) Order 2000(b);
- (f) the Sheep and Goats (Records, Identification and Movement) (Wales) Order 2006(c);
- (g) the Sheep and Goats Identification and Movement (Interim Measures) (Wales) (No.2) Order 2002(d);
- (h) the Sheep and Goats Identification and Movement (Interim Measures) (Wales) Order 2002(e);
- (i) the Sheep and Goats Identification and Movement (Interim Measures) (Wales) Regulations 2002(f);
- (j) the Sheep and Goats (Records, Identification and Movement) Order (Northern Ireland) 2005(g);
- (k) Identification and Movement of Sheep and Goats Order (Northern Ireland) 2004(h);
- (l) Identification and Movement of Sheep and Goats Order (Northern Ireland) 1997(i);
- (m) the Sheep and Goats (Identification and Traceability) (Scotland) Order 2006(j);
- (n) the Sheep and Goats Identification (Scotland) Regulations 2000(k); or
- (o) the Sheep and Goats Movement (Interim Measures) (Scotland) Order 2002(l);

“register” means the register required by Article 5 of the Council Regulation;

“replacement means of identification” means a replacement tag or replacement tattoo;

“replacement tag” means a red eartag approved by the Secretary of State in accordance with article 11 with a code comprising the following information, printed in the following order—

- (a) the letters “UK”;
- (b) the flockmark or herdmark of the flock or herd the animal is in when the identification tag is applied;
- (c) a unique number; and
- (d) the letter “R”;

“replacement tattoo” means a tattoo comprising the following information, printed in the following order—

- (a) the letters “UK”;
- (b) the flockmark or herdmark of the flock or herd the animal is in when the tattoo is applied;
- (c) a unique number; and
- (d) the letter “R”;

“slaughterhouse operator” means a person carrying on the business of a slaughterhouse or the duly authorised representative of such a person;

“unique number” means a number that is unique to an animal in a flock or herd and contain no more than 6 digits.

- (a) S.I. 2002/240, amended by S.I. 2002/764 and S.I. 2002/1349.
- (b) S.I. 2000/2027, amended by S.I. 2001/281.
- (c) S.I. 2006/1036 (W. 106) amended by S.I. 2006/2926 (W. 261).
- (d) S.I. 2002/2302 (W. 227), amended by S.I. 2003/167 (W.27), S.I. 2003/946 (W. 127) and S.I. 2003/1966 (W.211).
- (e) S.I. 2002/1357 (W. 133).
- (f) S.I. 2002/274 (W.30), amended by S.I. 2002/811 (W.91).
- (g) S.R. 2005/535 amended by S.R. 2006/508.
- (h) S.R. (NI) 2004 No. 491.
- (i) S.R. (NI) 1997 No.173, amended by S.R. (NI) 1998 No. 393.
- (j) S.S.I 2006/73 amended by S.S.I 2006/594.
- (k) S.S.I 2000/418, amended by S.S.I 2002/531 and S.S.I 2002/39.
- (l) S.S.I 2002/38, amended by S.S.I 2002/221.

(2) Expressions not defined in paragraph (1) which are used in this Order and which are also used in the Council Regulation have the same meaning in this Order as they have in the Council Regulation.

Competent authority

3. The Secretary of State is the competent authority for the purposes of the Council Regulation.

Authorisations

4. Any authorisations or approvals issued under this Order or the Council Regulation must be in writing, may be made subject to conditions and may be amended, suspended or revoked by notice in writing at any time.

PART 2

Identification of animals

Identification of animals not identified before the [] January 2008

5.—(1) This article applies to—

- (a) animals born before [] January 2008 which are not identified and are on their holding of birth; and
- (b) animals born on or after [] January 2008.

(2) Every keeper^(a) must comply with Article 4(1) (first paragraph) and Article 4(2)(a) and (b) of the Council Regulation and this article.

(3) For the purpose of Article 4(1) of the Council Regulation, the time limits for identifying an animal are—

- (a) 9 months from the date of birth, in the case of an animal kept in extensive or free range farming conditions; or
- (b) 6 months from the date of birth, in the case of any other animal.

(4) An eartag applied as the first or second means of identification may be any colour other than red.

(5) The identification code for the purposes of Section A.2 of the Annex to the Council Regulation must be—

- (a) the letters “UK”;
- (b) the flockmark or herdmark of the flock or herd into which the animal is born; and
- (c) a unique number

and must be identical on the first and second means of identification.

Identification of animals intended for slaughter

6.—(1) The alternative identification method in Article 4(3) of the Council Regulation and Section A.7 of the Annex of that Regulation applies and animals intended for slaughter within the UK within 12 months of birth may be identified using a single identification tag.

(2) The identification code for the purposes of Section A.7 of the Annex to the Council Regulation must be the same as that set out in article 5(5).

(3) Any animal identified by the means of identification referred to in paragraph (1) (“the first identification tag”), must be identified with a second means of identification in accordance with paragraphs (4) to (6) where it —

(a) “keeper” is defined in the Council Regulation as meaning “any natural or legal person with responsibility for animals, even temporarily, except veterinary practices or clinics”.

- (a) is not slaughtered before the age of 12 months; or
 - (b) is consigned for export.
- (4) The second means of identification must be either—
- (a) an additional identification tag or, unless the animal is destined for export, a tattoo, with the same identification code as on the first identification tag; or
 - (b) two additional identification tags or, unless the animal is destined for export, an identification tag and a tattoo which bear—
 - (i) the letters “UK”;
 - (ii) the flockmark or herdmark of the flock or herd where the additional means of identification are applied; and
 - (iii) a unique number.
- (5) Where two additional means of identification are applied the keeper—
- (a) must not remove or deface the first identification tag;
 - (b) must record the addition of the new means of identification in columns 1, 2 and 3 of section 2 of the register together with the full identification code on the additional means of identification in column 4 and the full identification code on the original means of identification in column 5 of the register.
- (6) In the case of animals consigned for export the keeper must apply the second means of identification before the animal leaves the holding of origin.

Identification of animals identified before [] January 2008

- 7.—(1) This article applies to animals identified before [] January 2008.
- (2) Only the first means of identification, as set out in Article 4(2)(a) of the Council Regulation, is required for animals identified with a unique number before [] January 2008.
- (3) A keeper must re-tag animals identified before [] January 2008, but without a unique number, before moving the animals from a holding so that they bear two means of identification which —
- (a) in the case of an animal which is on its holding of birth, must be in accordance with the provisions in Article 4 (2)(a) and (b) of the Council Regulation; or
 - (b) in the case of an animal which is not on its holding of birth, must be two replacement tags, in which case the keeper must record the addition of the new means of identification in columns 1, 2 and 3 of the register together with the full identification code on the replacement tags in column 4 together with the full identification code on the existing means of identification in column 5 of the register.

Identification of animals not identified before the [] January 2008 which are not on their holding of birth

8. The keeper must identify unidentified animals which are no longer on their holding of birth with two replacement tags before the animals leave a holding.

Identification of animals for export

- 9.—(1) A keeper must identify all animals for export by the first and second means of identification as set out in Article 4(2)(a) and (b) of the Council Regulation or article 6(4)(b), except the second means of identification must be an identification tag and may not be a tattoo.
- (2) Where an animal for export has been re-tagged in accordance with article 16(1) to (6) and as a consequence bears two means of identification containing different unique numbers, the keeper must apply a third tag—
- (a) containing the same identification code, including the unique number, as one of the existing identification tags;

- (b) which is a replacement tag if it is matching an existing tag that is a replacement tag; and
 - (c) before the animal leaves the holding of origin.
- (3) No person may consign an animal for export where it has been—
- (a) re-tagged in accordance with article 7(3)(b), article 16(2)(b)(ii), 16(5)(b) or 16(6)(b), or tagged in accordance with article 8 and as a consequence is identified by two replacement means of identification; or
 - (b) re-tagged in accordance with article 16(10)(a) or 11(a) and as a consequence is identified by one replacement means of identification.

Identification of animals imported from third countries

10.—(1) A keeper must comply with Article 4(4) of the Council Regulation and this article.

(2) For the purposes of Article 4(4) (first paragraph) of the Council Regulation, the period for identifying an animal is 14 days.

(3) The means of identification for animals imported from a third country must be the same as that set out in Article 4(2)(a) and (b) of the Council Regulation and the identification code for the purposes of Section A.2 of the Annex is—

- (a) the letters “UK”;
- (b) the flockmark or herdmark of the flock or herd into which the animal is imported;
- (c) a unique number.

(4) Where an animal is imported from a third country and re-identified according to this article, the keeper must record the addition of the new means of identification in columns 1, 2 and 3 of section 2 of the register together with the full identification code on the new means of identification in column 4 and the full code on the method of identification applied in the third country in column 5 of the register.

PART 3

Identification tags

Approval of identification tags

11. The Secretary of State must approve eartags for the purposes of this Order(a).

Additional tags and tags with additional information

12.—(1) At the request of a keeper, a manufacturer of identification tags may add supplementary information to an identification tag or replacement tag provided that—

- (a) the supplementary information is distinct from the identification code; and
- (b) the identification code remains legible and clearly distinguishable at all times.

(2) A keeper may apply an additional tag to an animal provided any additional tag does not contain the letters “UK” or bear a flockmark or herdmark, other than for the purpose of complying with the Council Regulation or this Order, unless authorised to do so by the Secretary of State.

Red eartags

13. No person may attach a red eartag to any animal, other than a replacement tag.

(a) The Secretary of State is also responsible for approving eartags for the purposes of Annex A.3 and A.7 of the Council Regulation.

PART 4

Removal or replacement of means of identification

Removal or replacement of means of identification

14.—(1) No person may remove or replace the original identification of an animal originating in another member State in contravention of Article 4(5) of the Council Regulation.

(2) No person may contravene or fail to comply with Article 4(6)(first paragraph) of the Council Regulation, unless in accordance with article 16.

(3) A keeper must replace a lost or illegible means of identification, whether in accordance with article 15 or 16, as soon as possible after the original means of identification is removed or discovered to be lost or illegible, but in any event—

- (a) no later than 28 days after it was removed or discovered to be lost or illegible, and
- (b) before the animal is moved from the holding.

(4) It is a defence for any person charged with contravening or failing to comply with Article 4(5) or 4(6) of the Council Regulation to prove that—

- (a) a means of identification was removed to prevent unnecessary pain to an animal; and
- (b) a replacement means of identification bearing the same identification code was applied to the animal as soon as possible.

Replacement of the means of identification with an identical code

15. Where a keeper replaces a lost or illegible means of identification with a means of identification with an identical identification code he must record the replacement in columns 1, 2 and 3 of section 2 of the register.

Replacement of the means of identification with a different code

16.—(1) A keeper may, as an alternative to the provisions in article 15, replace a lost or illegible means of identification with a means of identification bearing a different identification code to the original means of identification, provided the objective of traceability is not compromised.

(2) Where one means of identification from a double-identified animal becomes lost or illegible and one legible means of identification remains the keeper must —

- (a) if the animal is on its holding of birth —
 - (i) replace a lost or illegible means of identification with another means of identification, whereby at least one means of identification must be an identification tag; and
 - (ii) record the replacement in columns 1,2 and 3 of section 2 of the register; or
- (b) if the animal is no longer on its holding of birth—
 - (i) replace a lost or illegible means of identification with a replacement means of identification, whereby at least one means of identification must be an identification tag or replacement tag; and
 - (ii) record the replacement in columns 1, 2 and 3 of section 2 of the register together with the full identification code on the replacement means of identification in column 4 and the full identification code on the remaining means of identification in column 5 of the register.

(3) Paragraphs (4) to (6) apply where both means of identification on a double-identified animal become lost or illegible.

(4) If the animal is on its holding of birth the keeper must —

- (a) replace the lost or illegible means of identification with two new identification tags or an identification tag and a tattoo; and

- (b) record the replacement in columns 1, 2 and 3 of section 2 of the register.
- (5) If the original flockmark or herdmark of the animal is known and the animal is not on its holding of birth, the keeper must—
- (a) replace the lost or illegible means of identification with two replacement tags or a replacement tag and a replacement tattoo; and
 - (b) record the replacement in columns 1, 2 and 3 of section 2 of the register together with the full identification code on the replacement means of identification in column 4 and the full identification code of the means of identification applied at the holding of birth of the animal, if known, or if not the full identification code on a replacement means of identification in column 5.
- (6) If the original flockmark or herdmark is not known, the keeper must—
- (a) replace the lost or illegible means of identification with two replacement tags or a replacement tag and a replacement tattoo; and
 - (b) record the replacement in columns 1, 2 and 3 of section 2 of the register.
- (7) Paragraphs (8) to (11) apply where the means of identification on a single-identified animal becomes lost or illegible.
- (8) A new or replacement means of identification must be an identification tag and not a tattoo, if a keeper is replacing a lost or illegible tag on an animal born after 9th July 2005
- (9) If the animal is on its holding of birth, the keeper must—
- (a) replace the lost or illegible means of identification with a new means of identification; and
 - (b) record the replacement in columns 1, 2 and 3 of section 2 of the register.
- (10) If the original herdmark or flockmark is known and the animal is not on its holding of birth, the keeper must—
- (a) replace the lost or illegible means of identification with a replacement means of identification; and
 - (b) record the replacement in columns 1, 2 and 3 of section 2 of the register together with the full identification code on the replacement means of identification in column 4 and the full identification code on the original means of identification in column 5 of the register.
- (11) if the original flockmark or herdmark is not known, the keeper must—
- (a) replace the lost or illegible means of identification with a replacement means of identification; and
 - (b) record the replacement in columns 1, 2 and 3 of section 2 of the register.
- (12) In this article and article 20;
- (a) “single-identified animal” means an animal identified with only one means of identification under previous Orders, article 6 or similar provisions to those contained in article 6 within provisions that give effect to the Council Regulation in Scotland, Wales or Northern Ireland ;
 - (b) “double-identified animal” means an animal identified with two means of identification under this Order or any provision that gives effect to the Council Regulation in Scotland, Wales or Northern Ireland or under the previous Orders.

Replacement of eartags lost at markets

17.—(1) The requirements of articles 15 and 16 to replace a means of identification do not apply to a market operator or slaughterhouse operator.

(2) If a means of identification is removed, lost or discovered to be illegible while an animal is at a market, the keeper who purchases the animal at the market must apply a replacement in accordance with the provisions of articles 14 and either 15 or 16.

Loss of means of identification applied in a third country

18. Where an animal is imported from a third country and re-tagged in accordance with Article 4(4) of the Council Regulation, the keeper is not required to replace a means of identification applied in the third country if it subsequently becomes lost or illegible.

Alteration of identification tags

19. No person may alter, obliterate or deface the information on any means of identification attached to an animal under—

- (a) the Council Regulation;
- (b) this Order or any provision that gives effect to the Council Regulation in Scotland, Wales or Northern Ireland;
- (c) any of the previous Orders; or
- (d) Council Directive 92/102/EEC, in the case of an animal marked in another member State in accordance with that Directive.

PART 5

Holding registers

Holding register

20.—(1) Every keeper, other than a transporter, must comply with Article 5(1), (3) and (5) of the Council Regulation.

(2) When an animal is moved on to or from its holding, the keeper must record the information required by Section B of the Annex to the Council Regulation and in addition to that information record the number of animals moved.

(3) The information referred to in paragraph (2) in respect of animals moving on to a holding must be recorded by the keeper by entering it in section 3 of the register.

(4) The information referred to in paragraph (2) in respect of animals moving from a holding must be recorded by the keeper by—

- (a) entering it in section 3 of the register; or
- (b) retaining a duplicate or a certified copy of the movement document and keeping such duplicate or copy with the register.

(5) When an animal is moved from one location on a holding to another location on the holding, if those locations are not contiguous, the keeper must also enter in section 3 of the register—

- (a) a description of the locations to and from which the animal is moved;
- (b) the date of the movement; and
- (c) the number of animals moved.

(6) Where an animal is consigned for export the keeper at the holding of origin must, in addition to the information referred to in paragraph (2), record the unique number of that animal when recording its movement on to and off the holding of origin, by the methods set out in paragraphs (3) and (4) (a) or (b) respectively.

(7) For the purposes of Article 5(3) of the Council Regulation, the register must be in the form set out in Schedule 1.

(8) The keeper must complete the register—

- (a) in the case of the movement of an animal on to or from a holding or from one location on a holding to another, within 36 hours of the movement;
- (b) in the case of the replacement of a means of identification, within 36 hours of the replacement.

(9) Where a keeper moves his animals to another holding but continues to be the keeper, the keeper does not have to keep the register on that holding but must be able to produce it within a reasonable amount of time to the Secretary of State upon request.

(10) For the purposes of Article 5(3) of the Council Regulation, the period for which the register, including the duplicate or certified copies of the movement documents if kept in accordance with paragraph (4)(b), must be available is 3 years from when the last entry was made.

PART 6

Movement documents

Movement document

21.—(1) A keeper must comply with Article 6(1) of the Council Regulation and complete the movement document in accordance with this article.

(2) A keeper must comply with Article 6(3) of the Council Regulation and for the purposes of that article the minimum period for which the keeper at the holding of destination must keep the movement document is 3 years from the date of the movement of an animal on to his holding.

(3) The movement document must—

- (a) be in the form set out in Schedule 2;
- (b) be completed in full by the appropriate keeper as specified in that form; and
- (c) in addition to containing the information required by Section C of the Annex to the Council Regulation, be completed by the keeper with the information in Schedule 2, including the number of animals moved.

(4) A market operator may complete an electronically generated movement document in a form other than that set out in Schedule 2, provided that it—

- (a) contains the information in Section C of the Annex to the Council Regulation and paragraph 3(c) of this article;
- (b) contains a reference to this Order at the head of the document; and
- (c) is printed and signed by the market operator.

Supply of movement document

22.—(1) In the case of an animal moved to another holding—

- (a) upon the animal's arrival at that other holding, the transporter must give the movement document to the keeper at that holding; and
- (b) the keeper at that holding must send a copy of the movement document to the local authority within 3 days of the animal arriving at the holding.

(2) In the case of an animal moved from a holding to a port for consignment outside Great Britain, the keeper at that holding must send a copy of the movement document to the local authority within 3 days of the animal leaving the holding.

PART 7

Central database

Inventory of animals

23.—(1) For the purpose of Article 7(2) of the Council Regulation, a keeper who keeps animals permanently must make an inventory of the number of animals on his holding as at the 1st December each year.

(2) A keeper must provide the result of the annual inventory to the Secretary of State by 31 December each year.

Supply of information

24.—(1) On receiving notification under Article 8(2) of the Council Regulation that a person has become the keeper on a holding, the Secretary of State must, subject to paragraph (2), allocate a flockmark in respect of each flock of sheep on the holding and a herdmark in respect of each herd of goats on the holding.

(2) When the holding is a slaughterhouse or a market, the Secretary of State must allocate a flockmark or herdmark only where he deems it appropriate to do so.

(3) The keeper must notify the Secretary of State in writing of any change in the information specified in Article 8(2)(a) of the Council Regulation within thirty days of such change.

PART 8

Markets

Markets

25.—(1) A market operator must ensure that all animals are divided into lots of one or more animals immediately upon their arrival at the market and that a lot number is allocated to each lot.

(2) No person may buy an animal at a market unless he buys all the other animals in the lot to which that animal belongs and moves the entire lot from the market to the same holding.

(3) No person may sell an animal at a market unless he also sells all the other animals in the lot to the same buyer.

(4) A market operator may not receive an animal onto a market unless —

- (a) it is identified in accordance with Part 2; and
- (b) it is accompanied by a movement document which is completed in accordance with Part 6.

PART 9

Animals brought into England

Receipt of animals from another member State

26. No person may receive an animal from another member State unless it is identified in accordance with —

- (a) the Council Regulation, in the case of an animal born after 9th July 2005; or
- (b) Council Directive 92/102/EEC, in the case of an animal born on or before 9th July 2005.

Receipt of animals from Scotland, Wales or Northern Ireland

27. No person may receive an animal from Scotland, Wales or Northern Ireland unless it is identified, tagged and accompanied by a movement document in accordance with—

- (a) in the case of an animal born after 9th July 2005, the Council Regulation, including any derogation exercised under the Council Regulation; or
- (b) in the case of an animal born on or before 9th July 2005 any of the previous Orders and any additional requirements imposed in legislation enforcing the Council Regulation.

PART 10

Miscellaneous

Defence related to movement for emergency veterinary treatment

28. It is a defence for any person charged with contravening or failing to comply with any provision in this Order or the Council Regulation relating to the movement of an animal from a holding without attaching or applying the required means of identification to prove that the animal was moved from the holding for the purposes of emergency veterinary treatment.

Powers of inspectors

29.—(1) An inspector may, for any purpose relating to the enforcement of this Order—

- (a) collect, pen and mark any animal and require a keeper to arrange for the collection, penning, marking and securing of any animal;
- (b) require the keeper to produce or copy any document or record;
- (c) remove and retain any document or record;
- (d) have access to, and check the operation of, any computer and any associated apparatus or material which is or has been used in connection with records;
- (e) where a record is kept by means of a computer, require the record to be produced in a form which may be taken away;
- (f) require the production of any unused identification tags, and record their numbers;
- (g) take with him a representative of the European Commission acting for the purposes of Article 12 of the Council Regulation, or any people or things he considers necessary.

(2) A person required to do anything by an inspector acting under paragraph (1) must, unless he had reasonable cause, do so without delay.

Power to prohibit movement of animals

30.—(1) An inspector may, by serving notice on a keeper, prohibit the movement of a flock of sheep to or from the holding specified in the notice, if he is satisfied that the prohibition is necessary for the proper enforcement of this Order in relation to that flock.

(2) An inspector may, by serving notice on a keeper, prohibit the movement of a herd of goats to or from the holding specified in the notice, if he is satisfied that the prohibition is necessary for the proper enforcement of this Order in relation to that herd.

(3) A notice served under this article may be amended or revoked by further notice at any time.

(4) A person required to do anything by a notice served by an inspector under this article must, unless he has reasonable cause, do so without delay.

False information

31. No person may furnish information which he knows to be false or misleading to a person acting under this Order.

Offences by bodies corporate

32.—(1) If an offence against this Order committed by a body corporate is shown—

- (a) to have been committed with the consent or connivance of an officer; or
- (b) to be attributable to any neglect on his part,
the officer as well as the body corporate is guilty of the offence and liable to be proceeded against and punished accordingly.

(2) If the affairs of a body corporate are managed by its members, paragraph (1) applies in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body.

(3) “Officer”, in relation to a body corporate, means a director, member of the committee of management, chief executive, manager, secretary or other similar officer of the body, or a person purporting to act in any such capacity.

Enforcement

33.—(1) This Order must be enforced by the local authority.

(2) 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 by this Order must be discharged by the Secretary of State and not by the local authority.

Revocations

34. The following are revoked—

- (1) the Sheep and Goats (Records, Identification and Movement) (England) Order 2005(a); and
- (2) the Sheep and Goats (Records, Identification and Movement) (England) (Amendment) Order 2006(b).

[] December 2007

Department for Environment, Food and Rural Affairs

(a) S.I 2005/3100 amended by S.I 2006/2987.
(b) S.I 2006/2987.

SCHEDULE 1

Article 20(7)

HOLDING REGISTER

SECTION 1

Address of Holding
(including postcode)

Postcode

Holding Identifier
(CPH/LMU)

Flock/Herd Number

Species
(sheep or goats)

Sheep
 Goats
 Both

Type of Production

Meat
 Wool
 Dairy
 Breeding Stock
 Other

Name of Registered Keeper

Address of Keeper
(if different from above)

SECTION 2

RECORD OF REPLACEMENT OR ADDITIONAL MEANS OF IDENTIFICATION

1.	2.	3.	4.	5.	6.
Date of Replacement	Number of Replacements	UK or R tag?	New number a.	Previous number (if known) a.	Comments

a. See Keeper Guidance booklet for further information about when to record the new and previous number.

SCHEDULE 2

Article 21(3)(a)

**Movement Document under the Sheep and Goats (Records, Identification
and Movement (England) Order 2007**

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes provision for the administration and enforcement in England of Council Regulation (EC) No. 21/2004 (establishing a system for the identification and registration of ovine and caprine animals and amending Regulation (EC) No. 1782/2003 and Directives 92/102/EEC and 64/432/EEC). It repeals and replaces The Sheep and Goats (Records, Identification and Movement) (England) Order 2005, S.I. 2005/3100 (as amended by S.I. 2006/2987), changing the domestic identification requirements to reflect the fact that the UK will no longer take advantage of a derogation from the main double tagging regime under Council Regulation 21/2004.

Part 2 of the Order deals with the identification of animals. It requires the application of two means of identification to an animal identified or imported on or after [] January 2008 and intended for export (articles 5 and 9). It provides for animals that are not intended for export and intended for slaughter within 12 months of birth to be identified with a single identification tag (article 6). There are provisions for re-tagging if the animal survives beyond 12 months or is eventually consigned for export. Older animals which have been individually identified with a single tag before [] January 2008 can continue to be identified with a single tag and the use of S tags will no longer be required, whereas those which have been identified before the [] January 2008 but which are not individually identified or identified at all must be re-tagged with two identification tags bearing an individual identification code (articles 7 and 8). Provisions are also made regarding the identification requirements for animals imported from third countries (article 10).

Part 3 of the Order deals with identification tags (the term “identification tag” is defined in article 2(1)) and provides that that the Secretary of State must approve identification tags (article 11) and that additional management information may be included on a means of identification if a keeper chooses (article 12).

Part 4 of the Order deals with the removal or replacement of means of identification. It prohibits the removal of identification tags unless necessary for welfare reasons (article 14) and the alteration of identification tags (article 19). It provides for the replacement of a means of identification that is lost, removed or illegible with either an identical means of identification (article 15) or a means of identification with a different code, in which case the keeper has obligations to record this in the register so as not to compromise the objective of traceability (article 16). The provisions of article 15 and 16 do not apply to market operators or slaughterhouse operators.

Part 5 makes provision for every keeper to keep an up-to-date holding register, setting out the information which must be entered in the register and when (article 20 and schedule 1).

Part 6 makes provision for a movement document to accompany every animal when it moves between holdings (article 21 and schedule 2) and specifies when and to whom the document must be supplied (article 22).

Part 7 sets out the requirement for keepers to keep an annual inventory (article 23) and supply information to the Secretary of State about his holding (article 24) and the time limits for doing so.

Part 8 provides for the allocation of lot numbers to animals at a market and prohibits the buying or selling of animals unless all animals from a lot are bought or sold (article 25).

Part 9 makes provision for the identification requirements of animals brought into England from other member States or other countries in the United Kingdom (articles 26 and 27).

Part 10 contains miscellaneous and enforcement provisions. Article 28 sets out a defence to the failure to identify an animal correctly in the case of emergency veterinary treatment. Article 29 confers various powers to inspectors and article 30 enables inspectors to prohibit the movement of a flock of sheep or a herd of goats to or from a holding. Articles 31 and 32 relate to the provisions

of false or misleading information and to offences committed by bodies corporate. The Order is enforced by the local authority or the Secretary of State (article 33).

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 Impact Assessment has been prepared and placed in the library of each House of Parliament. Copies can be obtained from Terry Gurnhill, Department for Environment, Food and Rural Affairs, 1A Page Street, London SW1P 4PQ.