
 STATUTORY INSTRUMENTS

1989 No. 879

ANIMALS

ANIMAL HEALTH

 The Movement of Animals (Records) (Amendment)
 Order 1989

Made - - - - - *23rd May 1989*

Coming into force *1st September 1989*

The Minister of Agriculture, Fisheries and Food, the Secretary of State for Scotland and the Secretary of State for Wales, acting jointly, in exercise of the powers conferred on them by sections 1, 72 and 86(1) of the Animal Health Act 1981^(a) and of all other powers enabling them in that behalf, hereby make the following Order:

Title and commencement

1. This Order may be cited as the Movement of Animals (Records) (Amendment) Order 1989 and shall come into force on 1st September 1989.

2. The Movement of Animals (Records) Order 1960^(b) shall be amended as follows—

(a) in article 2 (interpretation)—

(i) in paragraph (1)

— at the end of the definition of “animal” there shall be added the words “or a deer”, and

— after the definition of “bovine animal” there shall be inserted the following definition—

“deer” means a deer of any species; and

(ii) for paragraph (3) there shall be substituted the following paragraph—

“(3) The references to an ear-mark or an ear-tag in the Schedule to this Order shall, in the case of bovine animals, be taken as a reference to any mark or other means of identification applied for the purposes of article 16(1) of the Tuberculosis (England and Wales) Order 1984^(c) or, in the case of deer to any mark or other means of identification applied for the purposes of article 13(1) or (2) of the Tuberculosis (Deer) Order 1989^(d).”;

(b) in article 3(1) (records of movements of animals)—

(i) in the proviso, after the words “bovine animals” there shall be inserted the words “or deer”, and

(ii) at the end of the proviso there shall be added the words “or by the word “deer” (as the case may be).”;

(c) after article 3 there shall be inserted the following article—

“3A.—(1) Any person who sells any deer by private treaty and any person who conducts a sale of any deer by auction shall make a record of—

^(a) 1981 c.22; section 86(1) contains a definition of “the Ministers” relevant to the exercise of the statutory powers under which the Order is made.

^(b) S.I. 1960/105, amended by S.I. 1961/1493.

^(c) S.I. 1984/1943.

^(d) S.I. 1989/878.

- (a) the identification number of the deer;
- (b) the date of the sale of the deer;
- (c) the name and address of the vendor and purchaser of the deer; and
- (d) where the deer was sold at a market, the number of the pen (if any) in which the deer was kept while at the market.

(2) In paragraph (1)(a) above the reference to an identification number shall be taken as a reference to any mark or other means of identification applied for the purposes of article 13(1) or (2) of the Tuberculosis (Deer) Order 1989.”;

(d) for article 4 there shall be substituted the following article—

“4.—(1) Every entry in a record required to be made by a person under this Order shall be made by him in ink or indelible pencil within 36 hours of the completion of the movement of the animal, or, as the case may be, of the sale of the deer to which such record relates.

(2) Every record required to be made by a person under this Order shall be retained by him for—

- (a) in the case of a record relating to a bovine animal or a deer, a period of 3 years; or
- (b) in the case of a record relating to any other animal, a period of 12 months

from the date of the completion of the movement or, as the case may be, of the sale of any deer to which such record relates;

(3) Any person who is for the time being in charge of any record required to be made under this Order shall, on demand made by an inspector at any reasonable time during that period, produce such records and allow a copy thereof or an extract therefrom to be taken.

(4) A local authority may supply forms of record for the purposes of this Order to any person in the district of the local authority.”;

(e) after article 5 there shall be inserted the following article—

“Offences

5A. Any person who, without lawful authority or excuse, proof of which shall lie on him,—

- (a) makes an entry in a record for the purposes of this Order which he knows to be false in a material particular; or
- (b) for those purposes recklessly makes an entry in a record which is false in a material particular,

commits an offence against the Animal Health Act 1981.”; and

(f) in the Schedule (form of movement records), in the heading of columns 2, 3, 4 and 5, after the words “bovine animal” there shall be inserted the words “or deer”.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 23rd May 1989.



John MacGregor
Minister of Agriculture, Fisheries and Food

17th May 1989

Sanderson of Bowden
Minister of State, Scottish Office

18th May 1989

Peter Walker
Secretary of State for Wales

EXPLANATORY NOTE

(This note is not part of the Order)

This Order further amends the Movement of Animals (Records) Order 1960 ("the 1960 Order") by—

- (a) extending the requirements of the 1960 Order relating to movement records so that they apply to the movement of deer as well as to the movement of bovine animals, sheep, goats and pigs (article 2(a) and (f));
- (b) requiring any person who sells any deer by private treaty and any person who conducts a sale of any deer by auction to make a record of certain specified particulars and to keep that record for a period of 3 years from the date of the sale (article 2(c) and (d)); and
- (c) providing that the making of a false entry in a record kept for the purposes of the 1960 Order is to be an offence against the Animal Health Act 1981 (article 2(e)).