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STATUTORY INSTRUMENTS

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**1998 No. 871**

**The Cattle Identification Regulations 1998**

**PART I**

**INTRODUCTION**

**Title and commencement**

1. These Regulations may be cited as the Cattle Identification Regulations 1998 and shall come into force on 15th April 1998.

**Interpretation and extent**

2.—(1) In these Regulations—

“appropriate Minister” means, in relation to England, the Minister of Agriculture, Fisheries and Food, and in relation to Scotland or to Wales, the Secretary of State;

“calf passport” means a document in such form as may be approved by the appropriate Minister in accordance with Article 6.2 of Commission Regulation (EC) No. 2629/97 (laying down detailed rules for the implementation of Council Regulation (EC) No. 820/97 as regards eartags, holding registers and passports in the framework of the system for the identification and registration of bovine animals<sup>(1)</sup>) for the purposes of moving calves under 28 days old;

“cattle” means bovine animals including the species *bison bison* and *bubalus bubalis*;

“cattle passport” means a document containing the information set out in Article 6.1 of Commission Regulation (EC) No. 2629/97 issued by the appropriate Minister and includes a calf passport;

“cattle tagging Orders” means—

- (a) the Bovine Animals (Records, Identification and Movement) Order 1995<sup>(2)</sup>;
- (b) the Bovine Animals (Identification, Marking and Breeding Records) Order 1990<sup>(3)</sup>;
- (c) the Tuberculosis (England and Wales) Order 1984<sup>(4)</sup>; and
- (d) the Tuberculosis (Scotland) Order 1984<sup>(5)</sup>;

“the Council Regulation” means Council Regulation (EC) No. 820/97 (establishing a system for the identification and registration of bovine animals and regarding the labelling of beef and beef products<sup>(6)</sup>);

“holding” means any establishment, construction or, in the case of an open-air farm, any place in Great Britain in which cattle are held, kept or handled;

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(1) OJ No. L354, 30.12.97, p. 19.

(2) S.I. 1995/12 to which there are amendments not relevant to these Regulations.

(3) S.I. 1990/1867 to which there are amendments not relevant to these Regulations.

(4) S.I. 1984/1943 to which there are amendments not relevant to these Regulations.

(5) S.I. 1984/2036 to which there are amendments not relevant to these Regulations.

(6) OJ No. L117, 7.5.97, p. 1.

“inspector” means a person appointed to be an inspector for the purposes of these Regulations by the appropriate Minister or a local authority;

“keeper” means any person responsible for animals, whether on a permanent or on a temporary basis, including during transportation or at a market;

“licensed slaughterhouse” means a slaughterhouse licensed under the Fresh Meat (Hygiene and Inspection) Regulations 1995(7);

“local authority” means—

- (a) in any part of England where there is, within the meaning of the Local Government Changes for England Regulations 1994(8), a unitary authority for that local government area, that authority;
- (b) in any part of England 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;
  - (iii) in each London borough (except in relation to imported animals) the council of that borough; or
  - (iv) in the City of London, and for all London boroughs in relation to imported animals, the Common Council;
- (c) in Scotland, a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994(9);
- (d) in Wales, a county or county borough;

“official veterinary surgeon” means an official veterinary surgeon designated under regulation 8 of the Fresh Meat (Hygiene and Inspection) Regulations 1995;

“valid”, in relation to a cattle passport, means a cattle passport which has been correctly completed and signed in the appropriate place by each keeper of the animal.

(2) These Regulations shall extend to Great Britain.

(3) Any approval, licence or notice issued under these Regulations, the Council Regulation or Commission Regulation (EC) No. 2629/97 shall be in writing, may be made subject to conditions and may be amended or revoked by notice in writing at any time.

## PART II

### EARTAGS

#### **Enforcement of Article 4 of the Council Regulation (eartags)**

3.—(1) The Minister of Agriculture, Fisheries and Food—

- (a) shall be the competent authority for the purposes of approving eartags for the purposes of Article 4.1 of the Council Regulation; and
- (b) on application from a manufacturer of approved eartags, shall allocate unique identification codes for the purposes of that Article, conforming with the provisions of paragraphs 1 and 2 of Article 1 of Commission Regulation (EC) No. 2629/97.

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(7) S.I. 1995/539 to which there are amendments not relevant to these Regulations.

(8) S.I. 1994/867.

(9) 1994 c. 39.

(2) The person responsible for identifying cattle by means of an eartag applied to each ear in accordance with Article 4.1 of the Council Regulation shall be the keeper.

(3) In accordance with Article 4.2 of the Council Regulation the keeper shall apply the eartags to the animal—

(a) in the case of a dairy herd, within 36 hours of the birth of the animal;

(b) in the case of any other herd—

(i) within 30 days of the birth of an animal born before 1st January 2000, or

(ii) within 20 days of the birth of an animal born on or after 1st January 2000.

(4) Any person who fails to comply with the requirement in Article 4.1 of the Council Regulation to apply an eartag within the period specified in paragraph (3) above shall be guilty of an offence.

### **Form of eartags**

4.—(1) Eartags applied under these Regulations shall be approved by the Minister of Agriculture, Fisheries and Food.

(2) In accordance with paragraphs 1 and 2 of Article 1 of Commission Regulation (EC) No. 2629/97, both eartags shall bear the logo specified in Schedule 1 to these Regulations, the letters “UK” and the unique number allocated by the Minister of Agriculture, Fisheries and Food (and, in the case of a two-piece eartag, both pieces of the eartag shall bear the logo).

(3) The power in Article 4 of Commission Regulation (EC) No. 2629/97 (a power to choose other material or model for the second eartag) may be exercised by the Minister of Agriculture, Fisheries and Food.

### **Movement from a holding**

5.—(1) Subject to paragraph (2) below, any person who moves an animal from a holding in breach of the third paragraph of Article 4.2 of the Council Regulation shall be guilty of an offence.

(2) In the case of an animal at a market which must be tagged in accordance with Article 4 of the Council Regulation and which is not so tagged, an inspector may issue a licence to the keeper permitting the animal to be moved from the market to a holding specified in the licence; and any person who moves an animal in breach of the licence or any condition of the licence shall be guilty of an offence.

### **Replacement eartags**

6.—(1) The appropriate Minister shall be the competent authority for the purposes of Article 4.5 of the Council Regulations, and any person who either removes or replaces an eartag (or an eartag attached under the cattle tagging Orders) without permission in contravention of that Article or Article 4.4 of the Council Regulation shall be guilty of an offence.

(2) If a keeper of cattle (other than the operator of a slaughterhouse) discovers that an eartag applied under these Regulations has become illegible or has been lost, he shall, within 28 days of the discovery, replace it with an eartag of the same type and bearing the same number, and failure to do so shall be an offence.

(3) If a keeper of cattle discovers that an eartag applied under the provisions of the cattle tagging Orders has become illegible or has been lost, he shall, within 28 days of the discovery, either re-tag it with another single tag, or shall re-tag it with double tags in accordance with these Regulations, and any person failing to do so shall be guilty of an offence.

(4) If an animal brought in from another member State, Northern Ireland, the Isle of Man or the Channel Islands tagged in accordance with the Council Regulation loses an eartag the keepers shall, within 28 days of the discovery, re-tag it either—

(a) using a replacement tag from the place where it was originally tagged and using the same number, or

(b) using two new eartags approved by the Minister of Agriculture, Fisheries and Food, and any person failing to do so shall be guilty of an offence.

### **Eartags missing at a slaughterhouse**

7.—(1) If the operator of a slaughterhouse discovers that an animal which should have been tagged in accordance with these Regulations has only one eartag he may, under the authority of a licence granted by the appropriate Minister, slaughter the animal for human consumption without replacing the relevant eartag but may not otherwise slaughter the animal for human consumption.

(2) If the operator of a slaughterhouse discovers that an animal which should have been tagged in accordance with these Regulations has no eartags, he shall not slaughter it for human consumption but may return it to the previous keeper under the authority of a licence granted by the appropriate Minister.

(3) If the operator of a slaughterhouse discovers that an animal which should have been tagged under one of the cattle tagging Orders does not have an eartag he shall not slaughter it for human consumption except under the authority of a licence granted by the appropriate Minister.

(4) If any person slaughters an animal contrary to the provisions of this regulation the operator of the slaughterhouse shall be guilty of an offence.

(5) Without prejudice to paragraph (4) above, if an animal without either eartag is slaughtered in contravention of this regulation the operator of the slaughterhouse shall identify the carcass as an animal by-product in accordance with the Animal By-Products (Identification) Regulations 1995<sup>(10)</sup> and dispose of it in accordance with the Animal By-Products Order 1992<sup>(11)</sup> unless the official veterinary surgeon is satisfied as to the identity of the animal and serves a notice on the operator allowing it to be used for human consumption.

### **Intra-Community trade**

8. No person shall consign an animal for intra-Community trade unless it is tagged in each ear with an eartag approved by the Minister of Agriculture, Fisheries and Food in accordance with Article 4.1 of the Council Regulation or, if it complies with the conditions for the derogations set out in that paragraph relating to animals born before 1st January 1998, it is tagged in accordance with the cattle tagging Orders, and any person who does so shall be guilty of an offence.

### **Imports from third countries**

9.—(1) Any person who fails to apply eartags to an animal imported from a third country within 20 days of the animal passing the checks specified in Council Directive 91/496/EEC (laying down the principles governing the organisation of veterinary checks on animals entering the Community<sup>(12)</sup>), and in any event before leaving the holding of destination, as specified in Article 4.3 of the Council Regulation, shall be guilty of an offence.

(2) It shall be a defence for any person charged under this regulation to prove that—

(a) when the animal was imported, the holding of destination was a slaughterhouse, and

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<sup>(10)</sup> S.I. 1995/614 as amended by S.I. 1997/2073.

<sup>(11)</sup> S.I. 1992/3303 as amended by S.I. 1996/827 and S.I. 1997/2894.

<sup>(12)</sup> OJ No. L268, 24.9.1991, p. 56 as last amended by the Act of Accession of Austria, Finland and Sweden.

- (b) the animal was slaughtered within 20 days of undergoing the checks on importation.

#### **Alteration and storage of eartags**

**10.**—(1) No person shall alter, obliterate or deface the information on an eartag approved under Article 4.1 of the Council Regulation or on an eartag attached under the cattle tagging Orders, and any person who does so shall be guilty of an offence.

(2) Any person who has in his possession unused eartags issued for the purposes of these Regulations shall keep them in a secure place, and failure to do so shall be an offence.

#### **Transitional provisions relating to eartags**

**11.**—(1) In accordance with paragraphs 1 and 2 of Article 1 of Commission Regulation (EC) No. 2628/97 (laying down detailed rules for the implementation of Council Regulation (EC) No. 820/97 as regards transitional provisions for the start-up period of the system for the identification and registration of bovine animals<sup>(13)</sup>) a keeper may, until 1st January 2000, mark cattle using eartags approved under the Bovine Animals (Records, Identification and Movement) Order 1995 provided that he does so in accordance with this regulation; and any person who makes use of those transitional provisions other than in accordance with this regulation shall be guilty of an offence.

(2) Where an animal is tagged in accordance with this regulation—

- (a) it shall be tagged in each ear;
- (b) both tags shall be marked with the same number;
- (c) at least one of the eartags shall have been purchased before 1st January 1998;
- (d) at least one of the tags shall comply with the requirements in Article 3 of Commission Regulation (EC) No. 2629/97;
- (e) eartags used in accordance with this regulation must have been approved by the Minister of Agriculture, Fisheries and Food at the time of purchase.

## **PART III**

### **CATTLE PASSPORTS**

#### **Application and interpretation**

**12.**—(1) This Part shall apply in relation to cattle born in Great Britain after the coming into force of these Regulations, and to cattle brought into Great Britain on or after that date.

(2) Any cattle passport issued under the provision of these Regulations shall remain the property of the appropriate Minister and shall be produced or surrendered to an officer of the appropriate Minister or the local authority on demand; and failure to produce or surrender a cattle passport shall be an offence.

#### **Application for a cattle passport**

**13.**—(1) Any keeper of cattle shall, subject to the provision of regulation 15 below on calf passports, apply for a cattle passport for all cattle born in Great Britain within the following period—

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<sup>(13)</sup> OJ No. L354, 30.12.97, p. 17.

- (a) if the animal is born before 1st October 1998, 28 days from the date that the animal must be tagged under these Regulations;
- (b) if the animal is born on or after 1st October 1998 but before 1st January 2000, 15 days from the date that the animal must be tagged under these Regulations;
- (c) if the animal is born on or after 1st January 2000, 7 days from the date that the animal must be tagged under these Regulations.

(2) An application for a cattle passport shall be made in writing to the appropriate Minister and shall be in such form as the appropriate Minister shall reasonably approve.

(3) Any keeper of cattle who fails to apply for a cattle passport in accordance with this regulation shall be guilty of an offence.

(4) If a person applies for a cattle passport outside the time limits specified in these Regulations, the cattle passport shall not be granted unless in the opinion of the appropriate Minister it is reasonable to grant it taking into account all the circumstances of the case.

### **Movement of animals**

**14.**—(1) In accordance with Article 6.2 of the Council Regulation, and subject to regulation 15 below, any person who moves cattle born after the coming into force of these Regulations on to or off any holding commits an offence unless the animal is accompanied by a cattle passport which—

- (a) has been issued under Article 6 of the Council Regulation, and
- (b) is signed in the appropriate place in accordance with Article 6.1 of Commission Regulation (EC) No. 2629/97 and contains the information specified in that Article.

(2) An officer of the appropriate Minister may at any time issue a licence for cattle to be moved without a cattle passport if he is satisfied that it is necessary to do so and that it is not practicable to obtain one.

### **Movement of calves under 28 days without a cattle passport**

**15.**—(1) The appropriate Minister shall be the competent authority for the purposes of Article 6.2 of Commission Regulation (EC) No. 2629/97.

(2) In accordance with Article 6.2 of Commission Regulation (EC) No. 2629/97, the requirement for a cattle passport shall not apply in the case of calves under four weeks of age provided that the provisions of that paragraph are complied with.

### **Imported cattle and cattle from Northern Ireland, the Isle of Man or the Channel Islands**

**16.**—(1) In the case of cattle imported from outside the European Union or brought in from Northern Ireland, the Isle of Man or the Channel Islands, the animal may not be moved from the holding of destination without a cattle passport, and any person doing so shall be guilty of an offence.

(2) In the case of cattle imported from outside the European Union the keeper of the cattle shall apply to the appropriate Minister for a cattle passport within 15 days from the date that the animal must be tagged in accordance with the first paragraph of Article 4.3 of the Council Regulation, and failure to do so shall be an offence.

(3) In the case of cattle brought in from Northern Ireland, the Isle of Man or the Channel Islands, the keeper at the holding of destination shall apply for a cattle passport to the appropriate Minister within 15 days of the animal arriving at the holding, and failure to do so shall be an offence.

- (4) It shall be a defence for any person charged under this regulation to prove that—
  - (a) when the animal was imported, the holding of destination was a slaughterhouse, and
  - (b) the animal was slaughtered within the time limit for applying for a cattle passport.

### **Cattle from another member State**

17.—(1) If cattle are brought in from another member State, the keeper shall, within 15 days of arrival at the holding of destination, surrender the cattle passport (if any) accompanying the animal to the appropriate Minister and apply to him for a cattle passport under these Regulations and failure to do so shall be an offence.

(2) It shall be a defence for any person charged under this regulation to prove that—

- (a) when the animal was imported, the holding of destination was a slaughterhouse, and
- (b) the animal was slaughtered within the time limit for applying for a cattle passport,

but in this case the keeper shall give any cattle passport accompanying the animal to the official veterinary surgeon or his representative at the time of slaughter, and failure to do so shall be an offence.

### **Completion of cattle passports when cattle are moved**

18.—(1) When cattle are moved off a holding, the keeper shall ensure that the cattle passport is marked with the date of movement and is signed in the appropriate place by him.

(2) When cattle are moved on to a holding other than a slaughterhouse, the keeper (or, in the case of a market, the operator of the market) shall ensure that the cattle passport is marked with—

- (a) the date of movement on to the holding,
- (b) the official County, Parish and Holding number (and Herd number if there is one) of the holding, and
- (c) the name, address and signature of the keeper (or, in the case of a market, the operator of the market);

within 36 hours of the arrival of the animal on the holding and in any event before it is moved off the holding.

(3) When cattle are moved on to a licensed slaughterhouse, the operator shall—

- (a) record on the passport that the animal has been slaughtered, and the date of slaughter;
- (b) mark the passport with the name and address of the slaughterhouse;
- (c) sign it, and
- (d) give it to the official veterinary surgeon or his representative forthwith.

(4) Any person who fails to complete a cattle passport in accordance with this regulation shall be guilty of an offence.

### **Markets**

19. The operator of a market shall ensure that no cattle are accepted into the market for sale, or are sold at a market, unless accompanied by a valid cattle passport; and if any such cattle are accepted for sale or are sold, the operator of the market shall be guilty of an offence.

### **Slaughterhouses and private kills**

20.—(1) The operator of a licensed slaughterhouse shall ensure that only cattle accompanied by a valid cattle passport are slaughtered for human consumption at the slaughterhouse.

(2) On arrival at a licensed slaughterhouse, the keeper of the animals shall give the cattle passport for each animal to the operator of the slaughterhouse.

(3) If an animal arrives at a licensed slaughterhouse without a valid cattle passport or with the wrong cattle passport, it shall not be moved from the slaughterhouse except under the authority of a licence granted by the official veterinary surgeon or his representative.

(4) If an animal without a valid cattle passport is slaughtered in a licensed slaughterhouse, the operator of the slaughterhouse shall identify the carcass as an animal by-product in accordance with the Animal By-Products (Identification) Regulations 1995 and dispose of it in accordance with the Animal By-Products Order 1992. However, if the cattle passport is not valid only because it has not been signed by the last keeper, the carcass may be sent for human consumption if the keeper or his agent signs the cattle passport within 7 days of slaughter.

(5) No person shall slaughter an animal for human consumption outside a licensed slaughterhouse unless the animal has a valid cattle passport.

(6) Any person who fails to comply with any provision of this regulation shall be guilty of an offence.

### **Retention of cattle passports**

**21.**—(1) A keeper of cattle shall produce the cattle passport for each animal if requested to do so by an inspector, unless the passport is, at the time of the request, in the possession of the appropriate Minister.

(2) Whenever cattle are transported, the keeper shall give the cattle passport duly completed to the transporter and the transporter shall ensure that each animal is accompanied throughout its journey by its cattle passport, except that, if the transporter is not the owner of the animals, it shall be a defence for him to prove that he had no reason to believe that the animals were not accompanied by valid cattle passports.

(3) When cattle are sold, the seller shall give each animal's cattle passport duly completed to the buyer (or, if sold through a market, he shall give it to the market operator, who shall then give it to the buyer).

(4) Any person who fails to comply with any provision of this regulation shall be guilty of an offence.

### **Lost cattle passports**

**22.**—(1) If a cattle passport is lost, stolen or destroyed, the keeper of the animal to which it relates shall notify the appropriate Minister in writing within 14 days of becoming aware of the fact.

(2) In the event of notification under paragraph (1), a replacement cattle passport may be provided by the appropriate Minister if the keeper so requests.

(3) The appropriate Minister shall only provide a replacement cattle passport if he is satisfied that he can accurately reconstruct the movements of the animal since birth or importation.

(4) If a cattle passport has been lost, stolen or destroyed and the appropriate Minister has not provided a replacement, or is unable to provide a replacement because he cannot satisfy himself in accordance with the preceding paragraph, the animal to which it relates shall not be moved off a holding except (under the authority of a licence granted by the appropriate Minister) to a knacker's yard or hunt kennel.

(5) If a person who has obtained a replacement cattle passport subsequently finds the original cattle passport, he shall notify the appropriate Minister within 7 days and enclose with the notification the original cattle passport.

(6) Any person who fails to comply with any provision of this regulation shall be guilty of an offence.



### **Change of eartag number**

23. In the event of an animal born on or after 1st July 1996 and before the coming into force of these Regulations being re-tagged with a different eartag number, or an animal from another member State being re-tagged in accordance with regulation 6(4)(b) above, the keeper shall, within 14 days of the new eartag being attached and in any event before the animal is moved off the holding, notify the appropriate Minister of the new eartag number and return the old cattle passport with an application for a new cattle passport to be issued with the new eartag number, and failure to do so shall be an offence.

### **Fees**

24.—(1) Any person applying for a replacement cattle passport shall pay to the appropriate Minister at the time of application a fee of £50.

(2) The fee shall be forfeited if the applicant withdraws the application or the appropriate Minister is unable to obtain sufficient information to issue a replacement passport.

### **Movement of cattle outside Great Britain**

25.—(1) Where cattle are exported to third countries the keeper shall return all the cattle passports to the appropriate Minister in accordance with Article 6.5 of the Council Regulation; and any person who fails to do so within 7 days of the export shall be guilty of an offence.

(2) Where cattle are transported outside Great Britain to a destination within the European Union the transporter shall ensure that each animal is accompanied by its passport, and any person who fails to do so shall be guilty of an offence.

### **Animal deaths or lost or stolen animals**

26.—(1) If an animal with a cattle passport dies (other than in the circumstances set out in the following regulation), the keeper shall send the cattle passport to the appropriate Minister within 7 days in accordance with Article 6.4 of the Council Regulation and any person who fails to do so shall be guilty of an offence.

(2) If an animal with a cattle passport is lost or stolen, the keeper shall send the cattle passport to the appropriate Minister within 7 days of becoming aware of the fact, and any person who fails to do so shall be guilty of an offence.

### **Return of the cattle passport from slaughterhouses etc.**

27.—(1) Following slaughter, the operator of a licensed slaughterhouse shall immediately give the cattle passport for each animal slaughtered to the official veterinary surgeon or his representative, together with notification of the fact that the animal has been slaughtered.

(2) If an animal is slaughtered other than in a licensed slaughterhouse and the carcase is then sent to a licensed slaughterhouse to be dressed for human consumption—

- (a) the keeper shall send the cattle passport with the carcase to the slaughterhouse;
- (b) the operator of the slaughterhouse shall not accept the carcase unless it is accompanied by the cattle passport; and
- (c) the operator shall give the cattle passport to the official veterinary surgeon or his representative together with notification that he has accepted the animal for dressing for human consumption.

(3) If an animal is slaughtered for human consumption other than in a licensed slaughterhouse and is not sent to a licensed slaughterhouse for dressing for human consumption, or is killed other

than for human consumption and not taken to a knacker's yard or hunt kennel, the keeper of the animal at the time of slaughter or killing shall send the cattle passport to the appropriate Minister within 7 days.

(4) If an animal dies on a holding or is killed other than for human consumption and is taken to a knacker's yard or hunt kennel, then the person collecting the carcase shall either—

- (a) send the passport (if it has one) to the appropriate Minister within 21 days of collection, giving the address of the holding of collection and indicating that the animal has died or has been killed; or
- (b) if the animal did not have a passport, notify the appropriate Minister within 21 days of collection of the ear tag number of the animal and the address and holding of collection.

(4) Any person who fails to comply with any provision of this regulation shall be guilty of an offence.

### **Alterations**

**28.** No person shall alter or deface any information entered, either by the appropriate Minister or by an earlier keeper of the animal, on to a cattle passport before it came into his possession and any person who fails to comply with this regulation shall be guilty of an offence.

## **PART IV RECORDS**

### **Records**

**29.**—(1) Any person who contravenes or fails to comply with any of the following provisions of the Council Regulation and, in the case of a register, fails to complete and keep that register in accordance with this regulation, shall be guilty of an offence—

- (a) Article 7.1, first indent (keeping of a register);
- (b) Article 7.3 (provision of information);
- (c) Article 7.4 (production and retention of the register).

(2) The Minister of Agriculture, Fisheries and Food shall be the competent authority for the purposes of Article 7 of the Council Regulation.

(3) For the purposes of Article 7.4 of the Council Regulation, the register shall be substantially in the form set out in Schedule 2 to these Regulations, shall contain the information specified in Article 8 of Commission Regulation (EC) No. 2629/97 and shall be completed at the following times—

- (a) in the case of the movement of an animal on or off a holding, within 36 hours of the movement;
- (b) in the case of the birth of an animal in a dairy herd, within 7 days of the birth;
- (c) in the case of the birth of an animal otherwise than in a dairy herd, within 30 days of the birth;
- (d) in the case of the death of an animal, within 7 days of the death;
- (e) in the case of a replacement eartag where the animal was tagged under the cattle tagging Orders, within 36 hours of the replacement.

(4) In the case of an animal aged under 12 weeks being moved through a market, the market operator shall also keep a register of—

- (a) the name and address of the seller;

- (b) the name and address of the buyer;
  - (c) the eartag number of the animal;
  - (d) the date of the sale; and
  - (e) where the animal has been brought to a market within the previous 28 days, the address of that market and the date on which the calf was brought there,
- and shall keep such record for three years.

(5) For the purposes of Article 7.4 of the Council Regulation, the register under paragraph (3) above shall be kept for 10 years in the case of a farm and 3 years in any other case, in both cases from the end of the calendar year in which the last entry was made; and any record made under the Bovine Animals (Records, Identification and Movement) Order 1995, the Bovine Animals (Identification, Marking and Breeding Records) Order 1990 or the Movement of Animals (Records) Order 1960<sup>(14)</sup> shall be kept for the same period.

(6) In the case of an animal which is not eartagged, but is marked under the Bovine Animals (Identification, Marking and Breeding Records) Order 1990, the reference to an eartag in the form set out in Schedule 1 to these Regulations is to the mark applied under that Order.

## PART V

### GENERAL

#### **Powers of inspectors**

**30.**—(1) An inspector shall, on producing, if required to do so, some duly authenticated document showing his authority, have the right at all reasonable hours to enter any land or premises (other than domestic premises not being used in connection with these Regulations) for the purposes of ascertaining whether there is or has been any contravention of these Regulations; and in this regulation “premises” includes any place, installation, vehicle, ship, vessel, boat, craft, hovercraft or aircraft.

(2) An inspector shall have powers to carry out all checks and examinations necessary for the enforcement of Title I of the Council Regulation, Commission Regulation (EC) No. 2628/97 and Commission Regulation (EC) No. 2629/97 and in particular may—

- (a) collect, pen and inspect any cattle, and may require the keeper to arrange for the collection, penning and securing of cattle;
- (b) examine any records in whatever form, and take copies of those records;
- (c) remove and retain any documents and records relating to these Regulations;
- (d) have access to, and inspect and check the operation of, any computer and any associated apparatus or material which is or has been used in connection with records, and may require any person having charge of, or otherwise concerned with the operation of, the computer, apparatus or material to afford him such assistance as he may reasonably require;
- (e) where records are kept by means of a computer, may require the records to be produced in a form in which they may be taken away;
- (f) require production of any unused eartags and record their numbers; and
- (g) take with him a representative of the European Commission acting for the purposes of Title I of the Council Regulation or any other person he considers necessary for the enforcement of these Regulations.

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<sup>(14)</sup> S.I. 1960/105 to which there are amendments not relevant to these Regulations.

### **Powers to restrict movements**

**31.** In accordance with the second paragraph of Article 21 of the Council Regulation, an officer of the appropriate Minister may serve a notice on a keeper of animals on a holding restricting the movement of cattle from the holding if he is satisfied that this is necessary for the proper enforcement of that Regulation, Commission Regulation (EC) No. 2628/97 or Commission Regulation (EC) No. 2629/97; and any person who fails to comply with that notice shall be guilty of an offence.

### **Obstruction**

**32.—**(1) No person shall—

- (a) intentionally obstruct any person acting in the execution of these Regulations;
- (b) without reasonable cause, fail to give to any person acting in the execution of these Regulations any assistance or information which that person may reasonably require of him for the purposes of his functions under these Regulations, or fail to comply with any notice served on him under these Regulations; or
- (c) furnish to any person acting in the execution of these Regulations any information which he knows to be false or misleading;

any person who contravenes or fails to comply with this regulation shall be guilty of an offence.

(2) Nothing in paragraph (1)(b) above shall be construed as requiring any person to answer any question or give any information if to do so might incriminate him.

### **Offences by bodies corporate**

**33.—**(1) Where a body corporate is guilty of an offence under these Regulations, and that offence is proved to have been committed with the consent or connivance of, or to have been attributable to any neglect on the part of—

- (a) any director, manager, secretary or other similar officer of the body corporate; or
- (b) any person who was purporting to act in any such capacity;

he, as well as the body corporate, shall be guilty of the offence and be liable to be proceeded against and punished accordingly.

(2) For the purposes of paragraph (1) above, “director” in relation to a body corporate whose affairs are managed by its members, means a member of the body corporate.

(3) Where an offence under these Regulations is committed by a Scottish partnership and is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, a partner, he as well as the partnership shall be guilty of the offence and be liable to be proceeded against and punished accordingly.

### **Penalties**

**34.—**(1) A person guilty of an offence under regulation 32(1)(a) or (b) above shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale or to imprisonment for a term not exceeding three months or to both.

(2) A person guilty of any other offence under these Regulations shall be liable—

- (a) on summary conviction, to a fine not exceeding the statutory maximum or to imprisonment not exceeding three months or to both;
- (b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years or to both.

## Enforcement

- 35.** These Regulations shall be enforced by the local authority or—
- (a) in England, by the Minister of Agriculture, Fisheries and Food;
  - (b) in Wales, by the Secretary of State for Wales;
  - (c) in Scotland, by the Secretary of State for Scotland.

## Revocations and savings

**36.**—(1) The provisions in Schedule 3 to these Regulations are revoked to the extent specified in the third column of that Schedule.

(2) The requirements under the Cattle Passports Order 1996<sup>(15)</sup> for animals born after 1st July 1996 relating to cattle passports shall continue to apply after the coming into force of these Regulations as if they were requirements under these Regulations.

(3) The following paragraph is substituted for paragraph (2)(b) of regulation 4 of the Suckler Cow Premium Regulations 1993<sup>(16)</sup>—

- “(b) retain for such period any records which he has kept under—
- (i) article 3(1) of the Movement of Animals (Records) Order 1960 and article 9(1) of the Bovine Animals (Identification, Marking and Breeding Records) Order 1990;
  - (ii) article 5(1) of the Bovine Animals (Records, Identification and Movement) Order 1995;
  - (iii) article 7.4 of Council Regulation (EC) No. 820/97 (establishing a system for the identification and registration of bovine animals and regarding the labelling of beef and beef products) and the Cattle Identification (Enforcement) Regulations 1997; or
  - (iv) article 7.4 of Council Regulation (EC) No. 820/97 and the Cattle Identification Regulations 1998;

provided that the suckler cows for which an application for Community premium was made are clearly distinguished from other animals in such records.”

(4) The following paragraph is substituted for paragraph (2)(b) of regulation 13 of the Beef Special Premium Regulations 1996<sup>(17)</sup>—

- “(b) retain for such period any records which he has kept under—
- (i) article 3(1) of the Movement of Animals (Records) Order 1960 and article 9(1) of the Bovine Animals (Identification, Marking and Breeding Records) Order 1990;
  - (ii) article 5(1) of the Bovine Animals (Records, Identification and Movement) Order 1995;
  - (iii) article 7.4 of Council Regulation (EC) No. 820/97 (establishing a system for the identification and registration of bovine animals and regarding the labelling of beef and beef products) and the Cattle Identification (Enforcement) Regulations 1997; or
  - (iv) article 7.4 of Council Regulation (EC) No. 820/97 and the Cattle Identification Regulations 1998;

provided that the animals for which an application for Community premium has been made are clearly distinguished from other animals in such records.”

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<sup>(15)</sup> S.I. 1996/1686.

<sup>(16)</sup> S.I. 1993/1441.

<sup>(17)</sup> S.I. 1996/3241.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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17th March 1998

*Jeff Rooker*  
Minister of State Ministry of Agriculture,  
Fisheries and Food

19th March 1998

*Sewel*  
Parliamentary Under Secretary of State Scottish  
Office