
WELSH STATUTORY INSTRUMENTS

2000 No. 3339 (W. 217)

ANIMALS, WALES

The Cattle (Identification of Older Animals) (Wales) Regulations 2000

Made - - - - - *19th December 2000*

Coming into force - - - - - *25th December 2000*

The National Assembly for Wales, being designated⁽¹⁾ for the purposes of section 2(2) of the European Communities Act 1972⁽²⁾ in relation to the common agricultural policy of the European Community, in exercise of the powers conferred on it by the said 2(2), makes the following Regulations:

Title, application and commencement

1. The Regulations may be cited as the Cattle (Identification of Older Animals) (Wales) Regulations 2000; they apply to Wales and shall come into force on 25th December 2000.

Interpretation

2. In these Regulations —

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

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

“identity” (“*dull adnabod*”) means, in relation to cattle, the ear tag or tattoo number given in accordance with —

- (a) the Bovine Animals (Records, Identification and Movement) Order 1995⁽³⁾,
- (b) the Bovine Animals (Identification, Marking and Breeding Records) Order 1990⁽⁴⁾,
- (c) the Tuberculosis (England and Wales) Order 1984⁽⁵⁾,

(1) S.I.1999/2788.

(2) 1972 c. 68.

(3) S.I. 1995/12.

(4) S.I. 1990/1867 as amended by S.I. 1993/503.

(5) S.I. 1984/1943.

- (d) (for animals in Wales which were identified in Scotland) the Tuberculosis (Scotland) Order 1984⁽⁶⁾, or
- (e) (for animals identified under any of those instruments and re-identified under the Cattle Identification Regulations 1998⁽⁷⁾) the Cattle Identification Regulations 1998.

“inspector” (“*arolygydd*”) means a person appointed to be an inspector for the purposes of these Regulations by the National Assembly or by a local authority;

“keeper” (“*ceidwad*”) means any person responsible for animals, whether on a permanent or on a temporary basis, including during transportation or at a market but does not include any person who is only a keeper because he is transporting the animals;

“local authority” (“*awdurdod lleol*”) means in respect of a county or a county borough, the council of that county or county borough;

“National Assembly” (“*Cynulliad Cenedlaethol*”) means the National Assembly for Wales;

“Regulation (EC) No. 1760/2000” (“*Rheoliad (EC) Rhif 1760/2000*”) means Regulation (EC) No. 1760/2000 of the European Parliament and of the Council establishing a system for the identification and registration of bovine animals and regarding the labelling of beef and beef products and repealing Council Regulation (EC) No. 820/97⁽⁸⁾.

Competent authority

3. The National Assembly shall be the competent authority to whom reports shall be made in accordance with the second indent of Article 7.1 of Regulation (EC) No. 1760/2000 for cattle to which these Regulations apply.

Address for notification

4.—(1) All notifications to the National Assembly under these Regulations sent by post using a movement card shall be sent to the address printed on that movement card.

(2) Any other notification shall be sent to —

The British Cattle Movement Service Curwen Road Workington Cumbria CA14 2DD.

Registration of cattle born before 1st July 1996

5.—(1) Any person who is a keeper of cattle which were born before 1st July 1996 and which are not already registered with the National Assembly on a voluntary basis shall register them with the National Assembly before 29th January 2001.

(2) Registration shall be by filling in a form approved by the National Assembly for the purpose with the following information for each such animal:

- (a) its identity;
- (b) its sex;
- (c) its date of birth (if the exact date of birth is not known, the approximate date if known);
- (d) its breed;
- (e) country of origin, if known.

and sending it by post to the British Cattle Movement Service at the address in regulation 4.

⁽⁶⁾ S.I. 1984/2063.

⁽⁷⁾ S.I. 1998/871 as amended by S.I. 1998/1796, S.I. 1998/2969, and S.I. 1999/1339

⁽⁸⁾ OJ No. L204, 11.8.2000, p.1.

(3) The National Assembly shall issue movement cards and a registration certificate in relation to each such animal.

(4) The keeper shall keep the registration certificate until he or she sells the animal or until the animal dies or is slaughtered. If he or she sells the animal he or she shall give the registration certificate to the buyer. If the animal dies or is slaughtered, the keeper at the time of death or slaughter shall send the registration certificate to the National Assembly in accordance with regulation 9 below.

Notification of location of cattle not previously registered with the National Assembly

6.—(1) The keeper of all cattle issued with passports without movement cards and which have not subsequently been issued with movement cards by the National Assembly shall, before 29th January 2001, notify the National Assembly of the holding on which they are kept, using a form approved by the National Assembly.

(2) The National Assembly shall issue movement cards in relation to each animal notified in accordance with paragraph 1 of this regulation.

Movement of cattle born before 28th September 1998

7.—(1) This regulation shall apply in relation to all cattle born before 28th September 1998 which have been issued with movement cards by the National Assembly.

(2) The notification of movement of cattle to which this regulation applies (in accordance with the second indent of Article 7.1 of Regulation (EC) No. 1760/2000) shall be by the keeper —

- (a) affixing to one of the movement cards issued by the National Assembly in relation to that animal a bar code label identifying the keeper's holding and provided for the purpose by the National Assembly (unless it is not practicable to do so, in which case the person notifying the movement shall write on the movement card the holding number, the address of the holding and the name of the keeper);
- (b) indicating on the movement card whether the movement is on or off a holding (or, in the case of a market operator, indicating on the movement card that the animal has moved through the market);
- (c) entering the date of the movement on the movement card;
- (d) signing it; and
- (e) posting it to the National Assembly within 7 days of the movement.

(3) If an animal to which this regulation applies is transferred to a new keeper, the previous keeper shall give all unused movement cards relating to that animal to the new keeper.

(4) No person shall move cattle on to or off a holding on or after 29th January 2001 unless he or she notifies the National Assembly of the movement on a movement card as specified in paragraph (2) above.

Electronic notification of movement

8.—(1) The National Assembly may authorise any person to notify movement by electronic means rather than by post.

(2) An authorisation under this regulation —

- (a) shall be in writing, may be made subject to conditions and may be amended, suspended or revoked by notice in writing at any time; and
- (b) shall specify the format in which the data shall be transmitted and the method of transmission.

(3) Notification by electronic means shall be made within the period specified for postal notification.

(4) The National Assembly shall maintain a register of persons authorised under this regulation which shall be available to any person on request.

(5) The National Assembly may make a reasonable charge for the provision of information from the register kept under this regulation.

Notification of death

9. In the case of cattle born before 1st July 1996 the notification of death in accordance with the second indent of Article 7.1 of Regulation (EC) No. 1760/2000 shall be by the keeper noting the death and the holding on which the animal died on the registration certificate issued by the National Assembly for that animal and sending it to the British Cattle Movement Service within 7 days of the death.

Powers of Inspectors

10.—(1) An inspector, on producing, if required to do so, some duly authenticated document showing his or her authority, shall 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, 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 Regulation (EC) No. 1760/2000, 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 the matters covered in these Regulations;
- (d) have access to, and inspect and check the operation of, any computer and any associated apparatus 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 or apparatus to afford him or her such assistance as he or she may reasonably require;
- (e) where records are kept by means of a computer, require the records to be produced in a form in which they may be taken away; and
- (f) take with him or her a representative of the European Commission acting for the purposes of Title I of Regulation (EC) No. 1760/2000 or any other person he or she considers necessary for the enforcement of these Regulations.

Powers to restrict movements

11.—(1) If there is a breach of these Regulations, in accordance with the second paragraph of Article 22.1 of Regulation (EC) No. 1760/2000, an officer of the National Assembly may serve a notice on a keeper of cattle to which these Regulations relate and which are on a holding, restricting the movement of cattle to or from the holding if he or she is satisfied that this is necessary for the proper enforcement of Article 7.1, second indent of that Regulation.

(2) If there is a breach of these Regulations, the National Assembly shall be the veterinary authority and the competent authority for the purposes of Article 1.2 of Commission Regulation (EC) No. 494/98 (laying down detailed rules for the implementation of Council Regulation (EC)

No. 820/97 as regards the application of minimum administrative sanctions in the framework of the system for the identification and registration of bovine animals)(9).

Obstruction

12.—(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 or her for the purposes of his or her functions under these Regulations, or fail to comply with any notice served on him or her under these Regulations; or
- (c) furnish to any person acting in the execution of these Regulations any information which he or she knows to be false or misleading.

and 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 or her.

Offences by bodies corporate

13.—(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 or she 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 this regulation, “director” in relation to a body corporate whose affairs are managed by its members, means a member of the body corporate.

Offences and penalties

14.—(1) A person contravening regulation 12(1)(a) or (b) above shall be guilty of an offence and 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 contravening any other provision of these Regulations shall be guilty of an offence and 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

15. These Regulations shall be enforced by the National Assembly or the local authority.

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

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(10)

19th December 2000

D. Elis Thomas
The Presiding Officer of the National Assembly

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which apply to Wales, implement the provisions of Council Regulation (EC) No. 1760/2000 in relation to older cattle.

They require cattle born before 1st July 1996 (which is when the first cattle passports were issued) which are not already registered with the National Assembly for Wales on a voluntary basis to be registered before 29th January 2001 (regulation 5).

They require the keepers of cattle to notify the National Assembly of the location of cattle not previously registered with the National Assembly (regulation 6).

They provide for the issue of movement cards to cattle born before 28th September 1998 (which is when the passports with movement cards were first issued) and require notification to the National Assembly when these animals are moved. They also provide for the use of electronic notification of movement as an alternative to notification using movement cards, and for a register of approved users of electronic notification (regulations 7 and 8).

They make provision for the notification of the death of cattle born before 1st July 1996 (regulation 9).

They make provision for powers of inspectors (regulation 10) and provide for an officer of the National Assembly to impose movement restrictions for cattle to which the Regulations relate (regulation 11).

They make it an offence to obstruct inspectors (regulations 12 and 14(1)). Failure to comply with other obligations created by the Regulations is an offence punishable as specified in regulation 14(2). Specific provision is made in regulation 13 for offences committed by corporate bodies.

They are enforced by the National Assembly or local authorities (regulation 15).

The database and the register of approved users of electronic mail are maintained on behalf of the National Assembly for Wales by—

The British Cattle Movement Service Curwen Road Workington Cumbria CA14 2DD

A regulatory appraisal has been prepared in accordance with section 65 of the Government of Wales Act 1998 and the Standing Orders of the National Assembly for Wales. Copies can be obtained from the National Assembly for Wales, Agriculture Policy Division, Cathays Park, Cardiff, CF10 3NQ.