
STATUTORY INSTRUMENTS

2009 No. 3219

**The Sheep and Goats (Records, Identification
and Movement) (England) Order 2009**

PART 12

Miscellaneous

Identification and recording of animals for export

33.—(1) A keeper must identify all animals consigned for export in accordance with Article 4(2) (a) and (b) and Article 9(3) of the Council Regulation.

(2) Once an animal identified before 31st December 2009 is consigned for export the keeper must record its individual identity in the holding register and may not export that animal until 30 days after its identity has been recorded.

Defence related to movement for emergency veterinary treatment

34. It is a defence for any person charged with an offence of contravening or failing to comply with any provision in this Order 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

35.—(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 devices, and record their numbers;
- (g) take with them ^{F1}... any people or things they consider necessary.

(2) A person required to do anything by an inspector acting under paragraph (1) must, unless they have reasonable cause, do so without delay and proof of any such reasonable cause lies on that person.

Textual Amendments

- F1** Words in art. 35(1)(g) omitted (31.12.2020) by virtue of [The Livestock \(Records, Identification and Movement\) \(England\) \(Amendment\) \(EU Exit\) Regulations 2018 \(S.I. 2018/1238\)](#), regs. 1, **3(4)**; 2020 c. 1, Sch. 5 para. 1(1)

Power to prohibit movement of animals

36.—(1) An inspector may, by serving notice on a keeper, prohibit the movement of sheep onto or from the holding specified in the notice, if they are 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 goats onto or from the holding specified in the notice, if they are 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.

False information

37. No person may furnish information which they know to be false or misleading to a person acting under this Order.

Alteration of identification marks

38. No person may alter, obliterate or deface the information on any identification mark 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) the previous Orders; or
- (d) Council Directive [92/102/EEC](#), in the case of an animal marked in [^{F2}a] member State in accordance with that Directive.

Textual Amendments

- F2** Word in art. 38(d) substituted (31.12.2020) by [The Livestock \(Records, Identification and Movement\) \(England\) \(Amendment\) \(EU Exit\) Regulations 2018 \(S.I. 2018/1238\)](#), regs. 1, **3(5)**; 2020 c. 1, Sch. 5 para. 1(1)

Offences by bodies corporate

39.—(1) If an offence against the Animal Health Act 1981 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 their 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 their functions of management as if they 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.

Offences by partnerships and unincorporated associations

40.—(1) Proceedings for an offence under this Order alleged to have been committed by a partnership or an unincorporated association may be brought in the name of the partnership or association.

(2) For the purposes of such proceedings—

- (a) rules of court relating to the service of documents are to have effect as if the partnership or association were a body corporate;
- (b) section 33 of the Criminal Justice Act 1925(1) and Schedule 3 to the Magistrates’ Courts Act 1980(2) apply in relation to the partnership or associations as they apply in relation to a body corporate.

(3) A fine imposed on a partnership or association on its conviction for an offence under this Order is to be paid out of the funds of the partnership or association.

(4) Where an offence under this Order committed by a partnership is proved to have been committed with the consent or connivance of, or be attributable to any neglect on the part of, a partner, that partner (as well as the partnership) is guilty of the offence and is liable to be proceeded against and punished accordingly.

For these purposes, “partner” includes a person purporting to act as a partner.

(5) Where an offence under this Order committed by an unincorporated association is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, an officer of the association, that officer (as well as the association) is guilty of the offence and is liable to be proceeded against and punished accordingly.

For these purposes, “officer” means an officer of the association or a member of its governing body or a person purporting to act in such a capacity.

Enforcement

41.—(1) This Order is 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.

(1) 1925 c. 86. Subsections (1) and (2) of section 33 were repealed by the Magistrates Courts Act 1952 (c. 55), section 132 and Schedule 6; subsection (3) was amended by the Courts Act 1971 (c. 23), section 56(1) and Schedule 8, part II, paragraph 19; subsection (4) was amended by the Courts Act 2003 (c. 39), section 109(1) and (3), Schedule 8, paragraph 71 and Schedule 10, and by the Magistrates’ Courts Act 1980 (c. 43), section 154 and Schedule 7, paragraph 5; subsection (5) was repealed by the Magistrates’ Courts Act 1952, section 132, Schedule 6.

(2) 1980 c. 43. Sub-paragraph 2(a) was amended by the Criminal Procedure and Investigations Act 1996 (c. 25), section 47, Schedule 1, paragraph 13, and was repealed by the Criminal Justice Act 2003 (c. 44), sections 41 and 332, Schedule 3, part 2, paragraph 51, sub-paragraphs (1), (13)(a) and Schedule 37, part 4 (with effect from a date to be appointed); paragraph 5 was repealed by the Criminal Justice Act 1991 (c. 53), sections 25(2) and 101(2) and Schedule 13; paragraph 6 was amended by the Criminal Justice Act 2003, section 41, Schedule 3, part 2, paragraph 51, sub-paragraphs (1) and (13)(b) (with effect from a date to be appointed).

[^{F3}(3) Where the Secretary of State makes a direction under paragraph (2), the Secretary of State may delegate to the Director of Public Prosecutions functions in relation to the prosecution of an offence under section 73 of the Animal Health Act 1981 relating to this Order.]

Textual Amendments

F3 Art. 41(3) added (24.12.2012) by [The Agriculture, Animals, Environment and Food etc. \(Miscellaneous Amendments\) Order 2012 \(S.I. 2012/2897\)](#), arts. 1(1), **32**

Revocations

42. The Sheep and Goats (Records, Identification and Movement) (England) Order 2007(3) is revoked.

[^{F4}Review of this Order

43.—[^{F5}(1) The Secretary of State must from time to time—]

- (a) carry out a review of this Order;
- (b) set out the conclusions of the review in a report; and
- (c) publish the report.

[^{F6}(1A) In carrying out the review the Secretary of State must, so far as reasonable, have regard to the powers and mechanisms available in other Member States to enable the provisions of the Council Regulation to be implemented.]

(2) The report must in particular—

- (a) set out the objectives intended to be achieved by the regulatory system established by this Order;
- (b) assess the extent to which those objectives have been achieved; and
- (c) assess whether those objectives remain appropriate and, if so, the extent to which they could be achieved with a system that imposes less regulation.

[^{F7}(3) The first report under this article must be published before the end of the period of five years beginning with 6th April 2014.]

[^{F8}(4) Reports under this article are afterwards to be published at intervals not exceeding five years.]]

Textual Amendments

F4 Art. 43 added (6.4.2014) by [The Sheep and Goats \(Records, Identification and Movement\) \(England\) \(Amendment\) Order 2014 \(S.I. 2014/331\)](#), arts. 1(b), **12**

F5 Words in art. 43(1) substituted (6.4.2016) by [The Sheep and Goats \(Records, Identification and Movement\) \(England\) \(Amendment\) Order 2016 \(S.I. 2016/76\)](#), arts. 1(b), **2(3)(a)**

F6 Art. 43(1A) inserted (6.4.2016) by [The Sheep and Goats \(Records, Identification and Movement\) \(England\) \(Amendment\) Order 2016 \(S.I. 2016/76\)](#), arts. 1(b), **2(3)(b)**

F7 Art. 43(3) substituted (6.4.2016) by [The Sheep and Goats \(Records, Identification and Movement\) \(England\) \(Amendment\) Order 2016 \(S.I. 2016/76\)](#), arts. 1(b), **2(3)(c)**

Changes to legislation: There are currently no known outstanding effects for the *The Sheep and Goats (Records, Identification and Movement) (England) Order 2009, PART 12*. (See end of Document for details)

F8 Art. 43(4) inserted (6.4.2016) by *The Sheep and Goats (Records, Identification and Movement) (England) (Amendment) Order 2016 (S.I. 2016/76)*, arts. 1(b), **2(3)(d)**

Changes to legislation:

There are currently no known outstanding effects for the The Sheep and Goats (Records, Identification and Movement) (England) Order 2009, PART 12.